

MACEDONIA 2017 HUMAN RIGHTS REPORT

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. The unicameral parliament exercises legislative authority. Parliamentary elections were last held in December 2016 and presidential elections in 2014. In its final report on the parliamentary elections, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observed that the elections were transparent, well administered, and orderly but took place "in an environment characterized by a lack of public trust in institutions and the political establishment" and failed to meet some important OSCE commitments for a democratic electoral process.

OSCE/ODIHR's final report on the 2014 presidential elections noted the elections respected citizens' fundamental freedoms, but that there was inadequate separation between party and state activities.

Civilian authorities maintained effective control over the security forces.

On May 31, the parliament elected a new government led by a previous opposition party, the Social Democratic Union of Macedonia (SDSM), thereby ending a months-long government formation process. On April 27, after a majority of parliament members elected Talat Xhaferi as speaker, protesters stormed the parliament, resulting in injuries to seven members. Media reported members of the Ministry of Interior aided the protesters and failed to uphold their duty to protect parliament members. The ministry punished officers for failing to carry out their duties, including by dismissing eight officers.

The most significant human rights issues included reports of torture by prison guards; interference with privacy; violence against journalists; lack of judicial independence; corruption; and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took some steps to investigate, prosecute, and punish officials who committed abuses, including police officials guilty of excessive force, but impunity continued to be a widespread problem. Between April 15 and September 15, the Special Prosecutor's Office, investigating allegations of corruption between 2008 and 2015, filed 18 indictments against 120 defendants, charged 168 criminal offenses, and opened seven investigations against 25 suspects. It also initiated 142

preliminary investigations into apparent criminal behavior relating to or arising from the content of illegally intercepted communications.

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

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

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

b. Disappearance

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

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

The law prohibits such practices, but there were reports that police abused detainees and prisoners and used excessive force. During the first six months of the year, the Ministry of Interior's Sector for Internal Control and Professional Standards Unit reported receiving 11 complaints against police officers for use of excessive force. It took disciplinary action against two officers for those offenses. From January through September, the Ombudsman's Office received nine complaints against police for unlawful or excessive use of force.

On October 12, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its December 2016 visit to the country. During the visit the CPT reported receiving a number of consistent allegations of deliberate physical mistreatment of inmates by prison officers at Idrizovo Prison, the country's largest penitentiary. The reported mistreatment consisted mainly of slaps, punches, kicks, and blows to various parts of the body and was reportedly used by prison staff as a disciplinary tool, as unofficial punishment for infractions, and as a reaction to inmate requests and complaints. The CPT also noted reports prison officers deliberately incited prisoners to mistreat convicted sex offenders and Romani individuals as well as allegations that prison officers themselves hit convicted sex offenders with batons (see Prison and Detention Center Conditions). The CPT also reported receiving a few allegations of mistreatment of inmates by officers at Stip Prison.

In its October 12 report, the CPT stated, “The violence at Idrizovo Prison is integrally linked to the endemic corruption that has pervaded the whole prison and implicates prison officers, including officers of all grades up to the most senior officers, and educators.” The report noted, “At Idrizovo Prison, every aspect of imprisonment is up for sale, from obtaining a place in a decent cell, to home leave, to medication, to mobile phones and drugs.” In one example of violence linked to corruption and payments to prison officers at Idrizovo Prison, prison officers severely beat an inmate in September 2016; the CPT confirmed the case was under investigation by the Skopje Public Prosecutor’s Office.

In July 2016, six of 37 defendants accused of participating in the 2015 armed clashes with police in Kumanovo that left 18 persons dead asked the court for medical assistance after claiming police brutality during their transport from detention facilities to the court. Lawyers for the defendants requested an indefinite postponement of the trial, claiming, “Torture of the defendants is evident and it has been happening from the first day they were arrested until the last hearing.” The court informed the suspects’ lawyers that a medical report confirmed the physical abuse of two defendants and recognized minor injuries. The former minister of interior, Mitko Chavkov, asserted an investigation into the claims found no evidence of torture and that no charges were filed against accused police and prison guards, despite repeated complaints and calls for action by defense counsel and the ombudsman. In December 2016 the Ministry of Interior announced it would reopen the investigation. As of September 1, there were 14 police officers and prison guards under investigation for the alleged abuses. In October the ombudsman confirmed allegations of torture perpetrated by Ministry of Interior employees in charge of transporting the defendants to court. An investigation continued into one defendant’s claim that a member of the “Tigers” police unit sexually assaulted him.

During the year the European Roma Rights Center, a human rights nongovernmental organization (NGO), alleged “institutional violence” was perpetrated against Romani individuals in prisons and that there were several cases of Romani individuals being mistreated in detention facilities, resulting in their deaths.

Prison and Detention Center Conditions

The country’s prisons and detention centers failed to meet international standards and in some cases, according to the CPT, conditions could be described as amounting to inhuman and degrading treatment. Endemic corruption, high rates of

overcrowding, mistreatment by prison guards, interprisoner violence, unsafe and unhygienic conditions, insufficient staffing, and inadequate training of guards and personnel remained serious problems, particularly at Idrizovo Prison, which held more than three-fifths of the country's prison population.

Physical Conditions: The country had 11 prisons and three juvenile correctional facilities; seven prisons also housed pretrial detainees. The prisons were designed to hold 2,036 adults, 43 juveniles, and 450 pretrial detainees. As of September 1, the system held 2,767 individuals--2,507 adults, 235 pretrial detainees, and 25 juveniles.

According to the Ombudsman's Office, poor conditions gave rise to what it called the "inhuman and degrading treatment of prisoners and detainees."

In addition to mistreatment of inmates at Idrizovo Prison by prison staff (see section 1.c.), the CPT reported that interprisoner violence remained a serious problem at the prison. In one reported case, newly arrived prisoners sentenced for sexual offenses were repeatedly subjected to punches and blows with hard objects (such as brooms) by groups of inmates. Prison staff reportedly did not take any measures to protect these prisoners, and there were allegations that prison officers deliberately incited prisoners to mistreat sex offenders. Some prisoners claimed they were beaten by other inmates because they were unable to pay off debts incurred while in prison.

Prison authorities identified prison overcrowding as a core problem that gave rise to many secondary problems, including inadequate housing conditions for inmates, insufficient and substandard health care, difficult conditions for personal and general hygiene, and poor sanitation. Idrizovo Prison, which was built to hold 800 inmates but held more than 1,800, had especially bad conditions. In its October 12 report, the CPT noted sanitary annexes were in an "appalling state (filthy, foul-smelling, damaged, and leaking), many of the showers did not work and there was hardly any provision of hot water." At the time of the December 2016 visit, the CPT reported that heating was working only a few hours a day. Provision of health care at Idrizovo and Skopje Prisons was inadequate. The CPT also observed that many prisoners were suffering from insect bites and infections such as scabies.

Insufficient staffing and inadequate training of prison guards and other personnel continued to be problems at all facilities.

Administration: In its October 12 report, the CPT noted it found no functioning internal complaint system in the three establishments it visited, including Idrizovo Prison. In general the ombudsman found that correctional authorities' investigations into allegations of mistreatment and abuse of prisoners were ineffective. Most offenders continued to abuse with impunity and when criminal charges were filed, the cases were not handled promptly or efficiently. As of September the ombudsman received 157 complaints concerning treatment in correctional facilities and was investigating 44.

The Department for Enforcement of Sanctions received 14 notifications of the use of force against inmates by prison police. One case was under investigation at year's end.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. The government usually only granted independent humanitarian organizations, such as the country's Helsinki Committee for Human Rights, access to convicted prisoners upon the prisoners' requests.

The ombudsman regularly visited the country's prisons and investigated credible allegations of problematic conditions, although on some occasions prisons turned away the ombudsman's staff because prison administrators were on vacation or medical leave. The UN Subcommittee on the Prevention of Torture visited a variety of detention facilities in April. In a press release about the visit, it highlighted the under resourcing of the ombudsman's office as a critical deficiency in the prevention of torture in correctional facilities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The army is responsible for external security, and the president is the supreme commander of the Army. The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Civilian authorities have not yet addressed gaps in oversight over law enforcement

personnel, particularly in the Ministry of Interior's Department of Security and Counterintelligence (UBK), which, without legal authorization, allegedly intercepted the communications of more than 20,000 individuals over a multiyear period (see section 1.f.). On September 12, Minister of Interior Oliver Spasovski announced plans to reform the UBK and improve its reputation and professionalism. Planned reforms include a system designed to reduce the chances of abusing the legal wiretap authorities. The ombudsman received nine complaints of unlawful or excessive use of force while performing official duties. International observers, embassies, and local NGOs cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

Civilian authorities maintained effective control over the Army and the Ministry of Interior, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

The working group tasked with investigating the Ministry of Interior's role in the April 27 attack on the parliament found legal and operational shortcomings within the ministry stemming from improper political and criminal influence over officials, including police officers. In response to the election of the new speaker of the parliament on April 27, approximately 200 demonstrators broke through a police cordon, entered the parliament building, and attacked journalists and parliament members. A Ministry of Interior investigation into the events of April 27 concluded that certain employees usurped their official position and failed to adequately protect members of the parliament and journalists. As a result of the investigation, 180 police officers were questioned, eight were dismissed, 43 were suspended, and 70 disciplinary procedures remained in progress.

In addition to investigating alleged police mistreatment, the Ministry of Interior's Professional Standards Unit conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit cannot take disciplinary measures, which require a ruling from a disciplinary commission, nor can it impose more serious criminal sanctions, which require court action. During the first half of the year, the unit initiated disciplinary action against 175 police personnel and filed six criminal charges against ministry employees for criminal acts, including "abuse of official position," "deceit," and "mistreatment in performing a duty."

Arrest Procedures and Treatment of Detainees

The law requires that a judge issue warrants for arrest and detention of suspects based on evidence, and police generally followed this requirement. The law states 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. The selectivity and lack of transparency courts used when evaluating requests for pretrial detention or detention during trials were problematic. Government statistics indicated that prosecutors requested detention orders in 5 percent of all cases. The Skopje Criminal Court granted 80 percent of pretrial detention requests by the Public Prosecutor's Office and the Organized Crime and Corruption Prosecutor's Office. At the same time, the courts denied 89 percent of similar requests for detention and other precautionary measures submitted by the Special Prosecutor's Office. Over the previous year, courts also rejected additional requests from the Special Prosecutor's Office for precautionary measures, including house arrest and passport seizure. In some cases the court's denials allowed high-profile suspects to evade prosecution.

On June 30, the Special Prosecutor's Office requested a 30-day pretrial detention order for defendants in the "Target" and "Fortress II" cases, Goran Grujevski and Nikola Boshkovski. The Skopje Criminal Court denied the request on June 1. On June 17, the Skopje Appellate Court upheld the detention order pending a Supreme Court decision. On July 26, the Supreme Court upheld the appellate court's ruling and issued an international arrest warrant against the two, which the Ministry of Interior disseminated through Interpol channels. On October 19, Greek police detained the defendants in Thessaloniki for possession and use of false Bulgarian passports and identification documents. On November 8, Grujevski was tried in absentia in the Fortress II case and sentenced to 18 months in prison. As of December both individuals were awaiting extradition.

The courts sometimes failed to provide appropriate justification for prolonging, substituting, or terminating pretrial detention.

On May 12, the Supreme Court reversed the Skopje Criminal Court's detention order against Sead Kocan, which was originally requested by the Special Prosecutor's Office. Media reported Supreme Court president Jovo Vangelovski delayed signing and transmitting the detention order to the Ministry of Interior, allowing the defendant to flee. Kocan, along with three other businessmen, was suspected of falsifying documents in 2011 to win a tender of 17 million euros (\$20 million) from the state power company to extract coal from a mine near the city of Bitola.

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. Police reportedly called suspects and witnesses to police stations for "informative talks" without notifying them of their rights and without the presence of legal counsel. Authorities did not practice incommunicado detention but sometimes held suspects under house arrest.

Arbitrary Arrest: The ombudsman received two complaints of arbitrary arrest, and a number of high-profile cases from previous years have not been resolved due to continuous trial postponements.

On November 28, the Criminal Court of Skopje ordered the arrest of 36 suspects for questioning in connection with investigations into the violent attacks in parliament on April 27. After initial questioning, the court ordered 21 individuals remanded to 30-day pretrial detention, including the former chief of public security and members of parliament (MPs). Due to their parliamentary immunity, the MPs were released pending a parliamentary decision on the immunity. On December 1, parliament lifted the immunity of the MPs at the court's request, citing the nature of the alleged crime; on December 5, the Skopje Criminal Court ordered 30-day detentions of three VMRO-DPMNE MPs and house arrest for the other three. Opposition party VMRO-DPMNE called the detentions politically motivated and its supporters protested on multiple occasions over the course of several weeks. On December 28, in response to a petition by 33 VMRO-DPMNE MPs asking the ombudsman to determine whether the rights of the MPs were violated, the ombudsman announced police had violated the rights to parliamentary immunity and presumption of innocence of the six MPs. He recommended that the Ministry of Interior open an investigation into the conduct of the officers involved and questioned whether the court had authority to issue an arrest warrant for

individuals with parliamentary immunity without their immunity being lifted beforehand. On December 29, the minister of interior stated, “during the detainment of the MPs, the police acted legally--upon an order issued by the court,” adding that he provided documentation on the case to the ombudsman. On December 27, the detentions of the MPs were renewed for another 30 days.

Detainees’ Ability to Challenge Lawfulness of Detention before a Court: 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

The constitution provides for “autonomous and independent” courts, supported by an independent and autonomous Judicial Council. The judiciary failed to demonstrate independence and impartiality, however, and judges were subject to political influence and corruption. The outcomes of many judicial actions appeared predetermined, particularly in cases where the defendants held views or took actions in opposition to the government. 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 annual report for 2016, the second greatest number of citizen complaints (577 or 15 percent) received by the ombudsman concerned the judicial system. As of September the ombudsman had received 363 complaints concerning the judicial system during the year. The ombudsman’s report stated citizens complained about long trials, bias, selective justice, and undue pressure on judges. A significant portion of court budgets reportedly went to paying damages for violations of citizens’ right to trial within a reasonable time. The report indicated court decisions were sometimes considerably delayed due to administrative deficiencies or judges exceeding the legally prescribed deadlines for issuing written judgments.

In a report released in 2015, the European Commission’s Senior Experts Group highlighted the “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.” The update to this report, released September 14, noted that within the judiciary, “many of the practices denounced in the 2015 report have continued.” The report specifically asserted,

“The control and misuse of the judicial system...to serve and promote political interests has not diminished by any significant respect.”

While there were strict rules regulating the assignment of cases to judges that were implemented through an electronic case management system, the European Commission’s Senior Experts Group’s September 14 report noted, “there are credible indications that this system has frequently been interfered with in order to ensure the allocation of sensitive files to particular judges.” In its 2016 annual enlargement progress report, the European Commission found allegations of direct interference by judicial authorities in the use of the Automated Court Case Management Information System (ACCMIS) to assign judges to handle specific procedures initiated by the special prosecutor. Initial findings of the government’s ACCMIS audit, released December 7, found the system had been manipulated, substantiating longstanding rumors of abuse. The Ministry of Justice indicated it would submit the results to the Judicial Council and Public Prosecutor for action.

On February 20, the president of the Skopje Criminal Court, Tatjana Mihajlova, transferred 20 (out of a total 67) judges presiding over high-level criminal cases to the misdemeanor and juvenile divisions of the court. Multiple members of the judiciary claimed the transfers were in retaliation for rulings favorable to the Special Prosecutor’s Office. Judges also alleged that Mihajlova and her successor, Stojance Ribarev, only assigned judges with a record of obstructing the special prosecutor to oversee the cases brought by the Special Prosecutor’s Office.

A 2015 report by the European Commission’s Senior Experts Group raised concerns about the fairness of the conviction of Zvonko Kostovski, a defendant in the “Coup” case. Kostovski, a counterintelligence officer in the Ministry of Interior, pleaded guilty to espionage and illegal interception of communications and was sentenced to three years’ imprisonment. Kostovski claimed he wiretapped compromising conversations for the opposition SDSM party leader, Zoran Zaev, in order to blackmail former prime minister Nikola Gruevski into including the SDSM in the government. 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. In October 2016 the Special Prosecutor’s Office requested an extraordinary Supreme Court review of Kostovski’s plea bargain. On July 12, the special prosecutor obtained the original copy of Kostovski’s plea bargain and appealed the plea before the Supreme Court, citing substantive procedural violations. As of December 1, the Supreme Court’s review was pending.

Trial Procedures

The constitution and law provide for the right to a fair trial, although political interference in the work and appointment of the judiciary frequently undermined this right.

In 2015 a law took effect that contains updated sentencing guidelines designed to address inconsistent sentencing among different courts. Legal analysts expressed concern that the law seriously hampered judicial discretion to decide sentences according to the facts in individual cases and provided too much power to prosecutors to influence sentences.

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 were generally open to the public. High-profile trials were subject to frequent delays. The ombudsman cited delayed court proceedings as a violation of citizens' rights and noted the number of complaints regarding delayed court proceedings increased during the year, compared with 2016.

Defense attorneys and human rights activists claimed that closing significant portions of high-profile trials to the public reduced transparency and contributed to declining public confidence in the courts, especially among the ethnic Albanian population. The defense in the "Monster" case and the Kumanovo trial, most of the proceedings of which were held behind closed doors, repeatedly raised such concerns.

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. Free assistance of an interpreter is provided. 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

On July 14, journalist Zoran Bozinovski was released from detention after 15 months in custody. In April 2016 Serbian authorities approved his extradition to Macedonia on an Interpol arrest warrant accusing him of criminal association,

espionage, and extortion amid allegations that he was part of a spy ring working for foreign governments. The Association of Journalists of Macedonia had called Bozinovski's arrest and detention "politically motivated and aimed at silencing journalists who had the courage to expose scandals about the authorities."

Bozinovski had reportedly moved to Serbia out of concern for his safety after posting articles critical of the former government, the VMRO-DPMNE party, and former prime minister Gruevski.

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

The ombudsman's 2016 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.

Property Restitution

The ability to apply for restitution of property confiscated during the Holocaust is limited to Macedonian citizens. Holocaust-era restitution is no longer a significant issue in the country, particularly after the 2000 Denationalization Law and 2007 compensation agreement.

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

The 2007 Compensation Agreement was between the government, the Holocaust Fund, and the Jewish Community and allowed for the payment of 21.1 million euros (\$25 million) between June 2009 and June 2018. To date 15.6 million euros (\$18.7 million) has been paid. One of its major results was the construction of the Holocaust Memorial Center of the Jews from Macedonia, which officially opened in 2011.

The government has no laws or mechanisms in place related to the resolution of Holocaust-era claims by foreign citizens.

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

The law prohibits such actions, although there were reports that the government failed to respect these prohibitions during the year.

The government continued to deal with the repercussions of revelations of a widespread, illegal wiretapping campaign allegedly carried out over multiple years inside the UBK headquarters. The campaign was first reported by the then opposition SDSM party in February 2015. In its September 14 report, the European Commission's Senior Experts Group stated, "Urgent measures to prevent illegal wiretapping have not been addressed" and noted that illegal interceptions may have continued after June 2015. According to the report, the UBK still holds a monopoly over interception of communications for both security purposes and criminal investigations, which interfered with the autonomy of police forces. The report also noted concerns remained regarding the lack of respect for basic human rights and data protection rules within the UBK. On October 31, the government established an expert working group to reform the system for legal interception, headed by deputy director of the UBK, Siljan Avramovski.

The European Commission's Senior Experts Group criticized the Directorate for Personal Data Protection, the agency responsible for overseeing the government's handling of personal information, for its delay in responding to the "apparent lack of data protection, the potential improper and uncontrolled registration of telephone numbers, as well as the invasion of the right to privacy through potentially unauthorized surveillance." In late 2016 the directorate performed four inspections of the UBK and initiated a control inspection on July 24 to measure implementation of the 11 recommendations it made during 2016 inspections. A compliance report published by the directorate on November 24 stated that the

Ministry of Interior fully complied with 10 recommendations and partially with one recommendation.

In May 2016 the ruling coalition passed, through an expedited procedure, amendments to the Law on the Protection of Privacy that prohibit the possession, processing, and publishing of any content, including wiretapped conversations, that violate the right to privacy with regard to personal or family life. The amendments, which entered into force in July, also prohibit the use of such materials in election campaigns or for other political purposes.

Lustration, the process of publicly identifying individuals who collaborated with the secret services during the communist era and prohibiting them from holding public office and receiving other government benefits, was discontinued during the year. On August 29, a report about the Lustration Commission's activities from 2009 to 2017 was submitted to the parliament. On September 13, the parliament terminated the commission without debate. The ECHR has ruled twice, most recently in April, that the country's lustration procedures violated the European Convention on Human Rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for members of the press, but government pressure on the media, impunity for perpetrators of violence against journalists and other members of media, and a media market divided along political party lines continued to be a problem.

The international human rights organization Freedom House characterized the media landscape as “not free” for the second year in a row. A 2016-17 Metamorphosis Foundation survey published August 10 found that only 5 percent of citizens claimed they fully trusted the media.

On April 28, six media organizations, including the European Center for Press and Media Freedom and the Association of Journalists of Macedonia (AJM), released a statement that expressed concerns about the rising trend in violence against journalists. Members of the national and international media community, including the AJM and the European Federation of Journalists, accused the previous government of failing to respect freedom of speech and the press and of taking no responsibility for the protection of journalists.

Freedom of Expression: The law prohibits speech that incites national, religious, or ethnic hatred and provides penalties for violations. Individuals may criticize the government publicly or privately. Although most government advertising was suspended in 2015, there were reports that the previous government attempted to impede media criticism during the year by directing political advertising purchases toward progovernment outlets prior to the formation of the new government in May.

Press and Media Freedom: A limited number of independent media voices actively expressed a variety of views without explicit restriction. Media outlets and reporting continued to be divided along political lines. Laws that restrict speech inciting national, religious, or ethnic hatred also cover print and broadcast media, publication of books, and online newspapers and journals.

Freedom House reported on February 2, “Many private outlets are owned by businesspeople who used their media holdings as tools to promote commercial interests or curry favor with the government.” According to the April edition of *AJM’s Summary of the Media Situation in Macedonia*, which evaluated the media landscape prior to the formation of the new government, both central and local government entities spent public funds on media. The Ministry of Information Society and Administration reportedly spent the greatest amount, mainly by subsidizing national television stations to produce local programming.

As the government was traditionally one of the largest purchasers of advertising in the country, many media outlets remained financially dependent on its spending and therefore subject to pressure to avoid criticizing it. In its 2015 enlargement progress report, the European Commission noted government advertising provided the largest single source of funding for media outlets and had a major influence on the media market at both the national and local level. There were credible reports that the former government abused its market power to influence media content.

On August 22, the government terminated all government-paid advertisements in commercial media, including broadcast, print, billboards and internet portals, with the exception of social media. This policy became mandatory for all state agencies and was encouraged for local governments as well.

On September 19, the parliament abolished the monthly public broadcasting fee of 190 denars (four dollars) paid by every household. The fee was used to help fund the public broadcaster, Macedonia Radio Television (MRTV). Under the new law,

MRTV will receive direct funding amounting to 0.5 percent of the annual state budget.

A September 14 report by the European Commission's Senior Experts Group noted journalists often failed to meet ethical standards. The group further reported there were allegations of self-censorship and selective reporting among some journalists, which resulted from corrupt practices and a lack of necessary professional skills. Media experts reported that intimidation, absence of good labor conditions for journalists, and financial instability of media companies made them vulnerable to government pressure and reliant on government advertising.

The OSCE observation mission's final report on the December 2016 elections noted concerns regarding the independence of public broadcaster MRTV and the Agency for Audio and Audiovisual Media Services, intimidation and threats against journalists, and the failure of media outlets to provide balanced and impartial coverage of the election.

Beginning August 7, the Agency for Audio and Audiovisual Media released reports on media coverage of the October local elections every 10 days during the campaign period. In a December 15 report summarizing its findings, the agency asserted that seven stations committed 14 violations of the electoral code, including exceeding the allowable time for paid political advertising, broadcasting an unsourced poll, and not providing balanced coverage in their daily news shows.

Violence and Harassment: Several journalists reported threats and intimidation directed against them, allegedly including by government officials.

In June the AJM released a report, *The Cases of Violations of Rights of Journalists and the Reactions of Institutions in Macedonia*. The report documented 14 incidents of violent behavior against journalists or damage to their property since the beginning of the year.

On June 7, unidentified individuals threatened the editor in chief of an Albanian language news website, Elida Zylbeari, after she published an article on alleged misconduct by Blerim Bexheti during his time as mayor of Saraj. An investigation into the case had not been completed by September. The AJM claimed the attack and harassment of Zylbeari was indicative of an environment in which aggression was used to silence journalists.

According to the AJM and the NGO Civicus, continued threats against critics of the former ruling party, VMRO-DPMNE, were reported during the year. On June 16, journalist Branko Trichkovski received a death threat online from actor Toni Mihajlovski. The actor told followers on Facebook he would kill Trichkovski “without blinking an eye.” Trichkovski previously suffered harassment and intimidation by activists affiliated with the former ruling party and individuals purportedly affiliated with the former ruling party accosted him at his home in March.

In addition to acts of violence and harassment, there were credible reports that journalists encountered other obstructions as they attempted to inform the public of breaking news events. For example, 21 journalists were threatened or barred from reporting, and six journalists were beaten while covering a demonstration that later resulted in the storming of the parliament building on April 27. Dimitar Tanurov, a reporter for the independent Meta news agency told the Committee to Protect Journalists that angry protesters threatened him and instructed him to stop taking pictures during the April 27 demonstration at the parliament. According to Tanurov, “when they saw my press card and the outlet I worked for, they called me a traitor, took my phone, and continued to beat and kick me while I was lying on the floor.”

On February 27 and March 10, unknown perpetrators attacked journalists reporting from “For a United Macedonia” protests.

Media watchdog groups stated the authorities did not properly investigate, charge, or convict perpetrators of violence against journalists. This created an overall environment of impunity.

Censorship or Content Restrictions: There were reports that the previous government pressured journalists into self-censorship. Journalists reported far greater official interference when covering topics sensitive to the previous 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.

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 the steep fines would promote further self-censorship. There were also claims the former government used the statute as a tool to target political opponents.

According to the AJM, as of November 23, there were approximately 39 defamation cases involving journalists, editors, and/or media managers or owners pending before the courts. Information about pending cases from previous years was incomplete.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were no official reports that the government monitored private online communications without appropriate legal authority. In the wake of the 2015 wiretapping scandal; however, there was widespread public sentiment that the government was monitoring internet traffic on a regular basis. This belief prompted many citizens to use messaging applications that offered end-to-end encryption, including Viber, WhatsApp, Facebook Messenger, Signal, and Telegram. The State Statistical Office estimated that 75 percent of households had access to the internet in the first quarter of the year, up from 69 percent in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for the freedom of peaceful assembly, and the government generally respected it.

On July 28, police detained four members of the political party Levica while they protested a public event in Skopje following a joint military exercise involving foreign forces. The NGO Civil released a video of the incident that showed a police officer issuing an order for the group to disperse and then detaining one party member after the group unfurled a banner that read, “Against war for profits.” The Ministry of Interior reported the individuals were briefly detained at the scene and then released without charges. An investigation by the Sector for Internal Control and the Professional Standards Unit continued at year’s end.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

Abuse of Migrants, Refugees, and Stateless Persons: According to the Ministry of Labor and Social Policy, as of September, 38 migrants were housed in transit centers located at the northern and southern border crossings with Serbia and Greece, respectively. In an April report, the Macedonian Young Lawyers Association estimated there were 350 displaced migrants in the country and that 200 were not housed in government-run facilities.

During the year the Helsinki Committee for Human Rights registered 11 hate crimes against migrants, which included beating, torture, and robbery. The committee also noted that, in response to calls for local referendums on migrant settlement, "The public debate was followed by a high amount of xenophobic hate speech towards refugees, identifying them with terrorists, calling for the prevention of their settlement in the country with offensive and humiliating messages. Several civic initiatives aimed at collecting signatures of citizens against migrants have been initiated, which have constantly encouraged and provoked hate speech."

Foreign Travel: The constitution provides for freedom of movement, and the government may only restrict it when necessary to protect national security, criminal investigations, or public health.

During the year the ombudsman and the Helsinki Committee for Human Rights received some complaints, especially from Romani individuals, that state authorities denied their freedom of movement solely based on their ethnic, racial, and/or religious profile, although the number of complaints was lower than in previous years.

On September 11, Basic Court Skopje II ruled that the Ministry of Interior violated two Romani families' right to equal treatment by imposing a travel restriction on their national identity cards. The court awarded the defendants 200,000 denars (\$3,800) in damages.

Internally Displaced Persons (IDPs)

The government reported that 183 persons remained displaced from the 2001 internal conflict, 27 of whom lived in collective centers and 156 with host families.

Protection of Refugees

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 Helsinki Committee for Human Rights estimated 69 migrants applied for asylum in the first nine months of the year. Numerous cases of individuals who were not allowed to submit an application for asylum, even after expressly stating their intention to do so, were reported, however. As of September 7, 19 asylum applications were in process, zero migrants had been granted asylum, and four had been granted subsidiary protection. The government continued rejecting most asylum applications, mainly on the grounds that the applicant posed a threat to national security.

Asylum seekers from countries with active conflicts, such as Libya and Yemen, were reportedly denied entry. UNHCR stated that these “push-backs” violated the 1951 Refugee Convention as well as Protocol 4 to the European Convention on Human Rights. 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.

Safe Country of Origin/Transit: The law contains a broad definition of “safe third country” that includes any member state of the EU, NATO, or the European Free

Trade Area, effectively precluding any migrant entering the country by land from countries other than Kosovo and Serbia from seeking asylum.

Durable Solutions: As of October, 98 individuals from the 1999 conflict in Kosovo had returned to Kosovo. 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 530 refugees who had applied for integration into the country.

Temporary Protection: The government provides subsidiary protection to individuals who may not qualify as refugees and provided it to 377 persons during the year through November.

Stateless Persons

Some habitual residents were legally stateless, in spite of fulfilling one or more criteria for citizenship. As of July 2016, UNHCR reported there were 585 persons in the country under its statelessness mandate, primarily Roma who lacked civil registration and documentation. Children born in the country to stateless persons are considered nationals and have access to birth registration and certification.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The December 2016 election for seats in the parliament had a record high turnout and only minor confirmed irregularities. According to the OSCE/ODIHR report, although the State Election Commission struggled with election preparations, election day was generally well administered and orderly. While ODIHR found that fundamental freedoms were generally respected and candidates were able to campaign freely, it noted that the elections took place “in an environment characterized by a lack of public trust in institutions and the political establishment, and allegations of voter coercion.” According to ODIHR, the elections failed to meet some important OSCE commitments for a democratic electoral process, including voter intimidation, widespread pressure on civil

servants, vote buying, coercion, and misuse of administrative resources. Municipal elections were held on October 15, with a second round on October 29. According to the OSCE/ODHIR preliminary report, the elections took place in a competitive environment, voter's fundamental freedoms were respected, and the elections "contributed to strengthening confidence in the democratic process." Problems observed during the pre-election period included credible allegations of vote buying, voter pressure, and isolated cases of violence. OSCE/ODHIR found that despite organizational challenges, election day generally proceeded in an orderly fashion.

Political Parties and Political Participation: There are few restrictions on forming or joining political parties, which are subject to the same laws as ordinary citizens. While membership in a political party is not mandatory, there is an active patronage system in the country through which parties confer special benefits and advantages to their members. The opposition VMRO-DPMNE party accused the government of continuing these practices, alleging that educational and professional qualifications prescribed by law for public administration positions were not followed. On July 6, Spase Gligorov was appointed to lead the nonpartisan Agency for Administration after his resignation from the SDSM Executive Committee. The appointment of Ivan Barbov as acting director of the University Clinic of Neurology in Skopje was also considered controversial. Barbov was convicted and given a suspended sentence in 2012 for participating in a group that charged patients for illegal insurance papers that granted disability pensions. Multiple sources alleged, however, that some defendants in the case were subjects of politically motivated prosecutions by the former VMRO-DPMNE government. Legal analysts noted that in some high profile cases, if there was the risk of an acquittal due to weak or insufficient evidence, judges would issue guilty verdicts with suspended sentences. This was reportedly done to avoid negative publicity and prevent defendants from suing for damages stemming from unjust detention cases.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate. The law requires gender diversity in each political party's candidate list for parliamentary and municipal elections. No more than two-thirds of a party's candidates may be the same gender. As of September 28, 41 of the 120 members of the parliament were women, and four women served as ministers in the president's 25-member cabinet. Men dominated leadership ranks in political parties. Of the 208 candidates for mayoral positions in the October 15 elections,

only 12 were women. Six women won mayoral contests on October 15, four of whom were incumbents.

Ethnic Albanians and other ethnic minorities continued to complain of inequitable representation within government and discriminatory practices that excluded 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; there were reports that officials engaged in corruption with impunity. NGOs stated the government's dominant role in the economy created opportunities for corruption. The government was the country's largest employer; some analysts estimated it employed as many as 180,000 persons, despite official statistics showing public sector employment of approximately 128,000.

Corruption: On March 30, the Macedonian Center for International Cooperation released its biennial report, which asserted that the State Commission for the Prevention of Corruption had lost the confidence of citizens and failed to fulfil its monitoring and control responsibilities. In 2016 the center found corruption had increased since 2014 and that acceptance of corruption remained high among the public. During the year 30.5 percent of 1,000 respondents to a survey conducted by the organization reported they were asked for a bribe, up 4.9 percent from 2014. Similarly, 29.2 percent of respondents offered or gave a bribe, up 7.7 percent from 2014. Corruption varied along ethnic lines, with 83.3 percent of ethnic Albanians reportedly experiencing pressure to pay a bribe and 80.5 percent paying a bribe, compared with 40.6 percent and 35.5 percent, respectively, of ethnic Macedonian respondents.

According to Transparency International's annual Global Corruption Barometer released in November 2016, 12 percent of survey respondents reported having to pay bribes to obtain public services to which they were legally entitled. All respondents believed powerful, influential, and rich individuals exerted too strong an influence over politics.

During the first three months of the year, the State Commission for the Prevention of Corruption opened 16 cases on the misuse of public funds. During the year the Organized Crime and Corruption Prosecutor's Office investigated 25 suspects on corruption-related charges, filed one indictment, and obtained convictions against four defendants. The crimes included misuse of official position and authority,

money laundering or laundering of other criminal proceeds, receiving bribes, and accepting rewards for unlawful influence. As of September 15, the Skopje Basic Prosecution office had two parliament members under investigation for violating rules set forth by the State Commission for the Prevention of Corruption.

Between April 15 and September 15, the Special Prosecutor's Office filed 18 indictments against 120 defendants, charged 168 criminal offenses, and opened seven investigations against 25 suspects. It also initiated 142 preliminary investigations into apparent criminal behavior relating to or arising from the content of illegally intercepted communications between 2008 and 2015. In its June 30 filings, the Special Prosecutor's Office recommended detention of 18 of those charged, including former prime minister Gruevski. The Skopje Basic Court denied the request to detain Gruevski (see section 1.d.).

Since the creation of the Special Prosecutor's Office in 2015, the VMRO-DPMNE party repeatedly obstructed the work of the office and publicly criticized Special Prosecutor Katica Janeva, claiming she was incompetent and a politically biased tool of the SDSM party. The judiciary played a role in hindering the effectiveness of the Special Prosecutor's Office.

On November 1, police arrested the former mayor of the Skopje municipality of Gorce Petrov, Sokol Mitrevski, and nine other suspects for misuse of office. The charges were related to the alleged issuance of illegal construction licenses and land concessions. The arrest followed investigations of five other VMRO-DPMNE mayors or former mayors on various corruption-related charges.

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 disclosure declarations on the website of the State Commission for the Prevention of Corruption. The commission also received and checked 1,460 conflict of interest statements submitted by public officials.

Over the summer, media reported on the financial disclosure declarations of new government officials, especially Deputy Prime Minister Kocho Angjushev, a businessman who reported a net worth of 27 to 28 million euros (\$32 million to \$33 million) on his disclosure statement. After his appointment Angjushev did not divest from his holding company, Feroinvest, but he did step down as its managing director. The Feroinvest Group owned businesses in the metalworking and renewable energy sectors. On September 19, Angjushev announced his companies

would no longer bid on government tenders while he was in office after ELEM, the state-owned power generation company, cancelled a tender that Feroinvest was the frontrunner to win.

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

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

In December 2016 tax authorities opened inspections of 20 civil society organizations. The Public Revenue Office targeted NGOs that had been critical of the VMRO-DPMNE-led government's policies. The Public Revenue Office conducted the audits in the weeks following the December 2016 elections, which coincided with previous prime minister and VMRO-DPMNE leader Nikola Gruevski's call for the "de-Soros-ization" of the country. It was later revealed that 42 individual members of the opposition who had openly criticized the previous government were also subject to audits and investigations. Critics of the audits, including the ombudsman, called them a "witch hunt." European Parliament special rapporteur Ivo Vagjl also expressed concern about the audits, noting "radical and unjustified public attacks on civil society organizations and foreign representatives by politicians and media," in his January 23 report.

On February 3, the Public Prosecution for Organized Crime and Corruption began conducting separate preliminary investigations of 13 NGOs already under investigation by the Public Revenue Office. Between February 27 and March 7, representatives from the Ministry of Interior visited the 13 organizations under investigation. On November 17, the minister of interior announced the public prosecution's investigations were completed and that it found no wrongdoing with the exception of one charge for small-scale tax evasion. As of year's end, the Public Revenue Office had not yet formally closed its investigations.

The United Nations or Other International Bodies: The government worked with several organizations under the umbrella of the United Nations, including UNICEF, the UN Development Program, and UNHCR as well as other

international organizations focusing on financial, health, migration and refugee, and security issues.

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 or give the ombudsman control over his budget.

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 antidiscrimination law. The commission does not have the power to punish offenders. Unlike the ombudsman, the commission reviewed complaints from both the public and private sectors. Citizens not satisfied with the outcome 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

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. Police and judicial officials were reluctant to prosecute spousal rape and domestic violence. As of September the ombudsman's office had not received any complaints of inadequate action by police or the judicial system in the investigation or prosecution of domestic violence cases.

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

Sexual Harassment: The law prohibits sexual harassment in the workplace 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.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women have the same legal status as men. In some 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 orphans found in the country to acquire citizenship, unless authorities discover before they reach the age of 18 that their parents were foreigners. The government automatically registers the births of all children in hospitals and medical institutions, and the law requires that parents register the births of all children, including those born at home, at magistrate offices within 15 days of birth. Some Romani families delayed the registration of newborns, making it difficult for them to access educational, medical, and other benefits later in life because they lacked proper identity documents.

Child Abuse: Child abuse was a problem in some areas. The government operated a hotline for domestic violence, including child abuse.

Early and Forced Marriage: The minimum legal age for marriage is 18. A court may issue a marriage license to persons between the ages of 16 and 18 if it finds them mentally and physically fit for marriage. Early and forced marriage occurred occasionally in the Romani community and, to a much lesser extent, in some Albanian communities.

Sexual Exploitation of Children: The law prohibits all forms of commercial sexual exploitation of children. The penalty for the commercial sexual exploitation of children is 10 to 15 years in prison. The law prohibits child pornography and provides penalties of five to 15 years in prison for violations. 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 traffickers and sex offenders that provided their photographs, conviction records, and residential

addresses. Offenders could ask authorities to remove them from the register 10 years after they completed their sentence, provided they did not commit a new offense.

Displaced Children: According to the Ministry of Labor and Social Policy, there were 78 displaced children of different ethnicities registered as of June. An October 2016 report from the Ombudsman's Office estimated 236 children lived without shelter. With international support the ministry operated two day-centers for street children. The government maintained a transit shelter for street children, but its small size limited its effectiveness in providing social services.

Institutionalized Children: Advocates and the ombudsman reported a lack of accountability for child neglect and abuse in orphanages, shelters, and detention centers. In June 2016 the Ombudsman's Office presented a report on the Tetovo Juvenile Penitentiary, describing inhuman living and sanitary conditions in the facility, disturbing treatment practices in the penitentiary wards, and a lack of medical care. According to the ombudsman, physiological and sanitary needs were unmet; there was no permanent doctor on staff; and hepatitis was spread through sexual intercourse among the boys, some of whom had been victims of sexual abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community estimated that 200 to 250 Jews lived in the country. There were some instances of anti-Semitic speech on social media and the Jewish community reported flyers with anti-Semitic content were thrown in the yard of its headquarters.

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, 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. The commission was located in an office sometimes inaccessible to persons with physical disabilities.

A separate law regulates a special government fund for stimulating employment of persons with disabilities. The Employment 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 workstations to provide reasonable accommodation for persons with disabilities. The law requires persons with physical or mental disabilities to obtain approval from a government medical commission to serve in supervisory positions in the private and public sectors.

The law establishes accessibility standards for new buildings; existing public structures were to be made accessible for persons with disabilities by the end of 2015. NGOs reported many public buildings did not comply with the law. Although all buses purchased since 2013 by the government for Skopje were accessible to persons with physical disabilities, public transportation remained largely inaccessible in other regions. The Ministry of Transport and Communications continued a multiyear 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 separate 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. According to the ombudsman’s annual report, ethnic minorities,

with the exception of Serbs and Vlachs, were underrepresented in the civil service and other state institutions, including the military, police, intelligence services, courts, national bank, customs service, and public enterprises.

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

Ethnic Albanians continued to criticize unequal representation in government ministries and public enterprises. The country's police academy continued to fall short of the number of minority trainees needed to comply with the constitution, which stipulates that the administration reflect the ethnic composition of the state. Ethnic Albanians alleged the government designed the testing process in the academy unfairly to deny access to minority groups. In particular, ethnic Albanians complained of cultural biases in the tests. Ethnic Albanian and other minority representation within the civilian administration of the Ministry of Defense remained low. Some elite units of the police and the military had almost no representation of ethnic minorities.

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 services and benefits. The Ministry of Health and the NGO Hera, in partnership with UNICEF, sponsored the Roma Health Mediators Program to provide health, social, and early childhood development services in seven municipalities with high Romani populations.

Ethnic Turks complained of discrimination.

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

The constitution and law prohibit discrimination based on sexual orientation and gender identity. Sexual acts between members of the same sex are legal.

The LGBTI community remained marginalized and activists supporting LGBTI rights reported incidents of societal prejudice, including hate speech, physical assaults and other violence, failure of police to arrest perpetrators of attacks, and a

failure of the government to condemn or combat discrimination against the LGBTI community. Five cases of hate crimes against transgender individuals were reported during the year. According to the NGO Subversive Front, as of September 1, the Skopje Public Prosecutor's Office had not processed 39 pending cases involving hate speech targeting members of the LGBTI community.

According to NGOs, there was a lack of will among political parties to address the problem of violence and discrimination against LGBTI individuals. Government representatives were typically absent from public discussions on LGBTI issues. An informal LGBTI interparliamentarian group was established in June, when the prime minister issued a statement on LGBTI inclusion.

In June the new government supported Pride Week and, for the first time, the minister of culture spoke at a pride event. On January 1, a memorandum of cooperation on information sharing between the LGBTI Support Center and the Ombudsman's Office came into force.

On September 22, the Administrative Court adopted a decision that requires the Ministry of Justice to correct a transgender person's entry in the birth registry upon request. The decision also compels the Ministry of Interior to issue a new national identification number to the applicant within three days of the correction.

As a result of complaints from LGBTI organizations and with support from the ombudsman, the Ministry of Education withdrew a number of textbooks found to be discriminatory on the basis of gender and family status. The state universities of Cyril and Methodius and Kliment Ohridski did not comply with the directive, and discriminatory texts were still in use at these institutions as of October.

HIV and AIDS Social Stigma

There were isolated reports of discrimination against persons with HIV/AIDS in the health-care sector.

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 federated unions to register with the Ministry of Labor and Social Policy and with the State Central Registry. Union leaders reported occasions when the ministry would extend the registration process for a new union for months without explanation.

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

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

In February, in response to a 2017 International Labor Organization’s Committee of Experts report, the Ministry of Education amended the law to prohibit the replacement of striking workers to comply with the request.

Unions, with the exception of a few branch unions, were generally not independent from the influence of government officials, political parties, and employers-- particularly those that had close ties with the previous governing coalition.

On August 14, Zhivko Mitrevski stepped down as head of the Federation of Labor Unions. The federation had dismissed Mitrevski in November 2016 after he suspended four labor unions that had accused him of abusing his office, misusing funds, and interfering in union operations. Despite the federation’s election of Darko Dimovski as acting president, former minister of labor and social policy Ibrahim Ibrahimi reinstated Mitrevski. In May the Supreme Court ruled that Dimovski should be registered as president.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the government largely enforced applicable laws. The law prescribes imprisonment, which apply to violations of forced labor or for the destruction or removal of identification documents, passports, or other travel documents. There were instances in which women and children were subjected to forced labor, such as peddling small items in restaurants and bars. Some Romani children were forced to beg, often by relatives (see section 7.c.).

Also see the Department of State's annual *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 Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. The government made efforts to enforce the law in the formal economy but did not do so effectively in the informal economy. Police and the Labor Ministry, through centers for social work, shared responsibility for enforcing laws on child trafficking, including forced begging. The law mandates a prison sentence for persons who buy, sell, keep, or take minors for the purpose of exploitation. If enforced, the penalties would be sufficient to deter violations.

Although child labor was not prevalent in the country, there were reports that individuals in the informal economy employed child labor. The most common examples included 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. 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 of Labor and Social Policy funded two day-care centers that provided education, medical, and psychological services to children who were forced to beg

on the street. The Labor Ministry also cofunded a day-care center operated by an NGO in the Skopje suburb of Shuto Orizari.

Children were subjected to commercial sexual exploitation, one of the worst forms 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, religion, age, national origin, language, or social status. The law does not address discrimination based on HIV or other communicable disease status. The government did not always enforce the laws effectively. Civil activists complained that the State Commission for Protection against Discrimination was not doing its work and was merely an employment hub for individuals close to the previous governing party.

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 and private companies (see section 6, National/Racial/Ethnic Minorities). Despite government efforts and legal changes for mandatory inclusion in the primary and high education, the Romani community continued to live in segregated groups without proper health and social protection. Data from the State Employment Office showed that due to the low participation in the education system, particularly higher education, Roma generally had difficulties finding a job in the formal economy. Women's wages lagged behind those of men, and few women occupied management positions. Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

On September 19, the parliament approved a bill to increase the national minimum wage from 10,080 denars (\$193) per month to 12,000 denars (\$231). This change also applied to workers in the textile and leather industries, where the previous minimum wage was 8,080 denars (\$155) per month. As of June, according to official statistics, the average monthly net wage was 22,808 denars (\$439). In October the State Statistical Office estimated that 21.8 percent of the population

lived at or under the poverty line. The poverty threshold was measured as a monthly income of 14,500 denars (\$279) for a family of four.

Although the government set occupational safety and health standards for employers, those standards were not enforced in the informal sector, which accounted for an estimated 22 percent of the economy.

Labor inspectors have the authority to press misdemeanor charges against an employer who violates labor laws and to close an establishment until the employer corrects the violations. In cases of repeated violations, owners can be fined. The total number of inspectors was considered adequate to investigate violations of labor law and penalties were sufficient to deter violations. In practice, inspections were not adequate to ensure compliance due, in part, to an inadequate regional distribution of inspectors.

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

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

There were on average 40 workplace fatalities per year, but no data on the specific causes of workplace deaths or injuries was available for the year.