

# MACEDONIA 2016 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. A unicameral parliament exercises legislative authority. The country held parliamentary elections in December and presidential elections in 2014. In its preliminary report on the December 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. Problems observed in the elections included voter intimidation, widespread pressure on civil servants, vote buying, coercion, and misuse of administrative resources.

Civilian authorities maintained effective control over the security forces.

The country continued to experience a political crisis sparked by the 2015 wiretapping scandal, when opposition party Social Democratic Union of Macedonia (SDSM) disclosed that the government's intelligence services intercepted communications without authorization, and publicly released excerpts of those communications allegedly revealing evidence of political interference in public administration and the media as well as high-level corruption. The controversial pardoning by President Gjorge Ivanov in April of 56 individuals connected to the wiretapping scandal sparked mass protests, dubbed the "colorful revolution," and vandalism of several government buildings and monuments. President Ivanov withdrew his pardons on June 6.

The most significant human rights problems stemmed from pervasive corruption and from the government's failure to respect fully the rule of law, including continuing efforts to restrict media freedom, interference in the judiciary and impeding the work of the Special Prosecutor's Office charged with investigating and prosecuting crimes relating to and arising from illegally intercepted communications, as well as the selective administration of justice. Political interference, inefficiency, favoritism toward well-placed persons, prolonged processes, violations of the right to public trial, and corruption characterized the judicial system.

Other human rights problems reported included: physical 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; restrictions on the ability of Roma to leave the country and to access constitutionally mandated healthcare services, particularly gynecological services; restrictions on access to asylum; decreased prevention and protection of victims of trafficking in persons; domestic violence against women and children; discrimination against persons with disabilities; institutional and societal discrimination against Roma and other ethnic minorities and against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and child labor, including forced begging.

The government took some limited steps to investigate, prosecute, and punish officials who committed violations, including police officials guilty of excessive force, but impunity continued to be a significant and widespread problem.

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

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but there were 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 38 complaints against police officers for use of excessive force. It took disciplinary action against two police officers for those offenses. From January through September, the Ombudsman's Office received 96 complaints against police for unlawful or excessive use of force, 10 of which were for torture and mistreatment while performing official duties.

In July, six of 37 suspects accused of participating in the May 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 suspects requested an indefinite postponement of the trial, claiming, “The 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. On July 20, former minister of interior Mitko Chavkov claimed that the Ministry of Interior investigated and tested the evidence several times, concluding there were no facts that supported claims of torture. As of year’s end, no police officers had been charged with torturing or abusing the defendants, despite repeated complaints and calls for action by defense counsel and the ombudsman. On December 26, the Ministry of the Interior announced it would investigate the allegations of abuse and the Skopje Public Prosecution Office confirmed an investigation was underway.

During the first six months of the year, the judiciary acted on 22 cases related to torture, out of which there were eight convictions--all resulting in probation, with none of the defendants serving prison sentences. The judiciary also tried 56 cases related to harassment and mistreatment while performing official duties, out of which there were 17 convictions--one resulting in a six-month prison sentence and 16 resulting in probation. The Basic Public Prosecution Office received 32 allegations of torture during this period but investigated and filed charges in only seven of them. Similarly, it received 138 complaints of harassment and mistreatment while performing official duties, investigating 30 of those allegations and filing charges in 22.

### **Prison and Detention Center Conditions**

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

Physical Conditions: The country had 14 penitentiaries--11 prisons and three juvenile correctional homes. Seven of the prisons also housed pretrial detainees. The prisons were designed to hold 2,036 adult inmates, 43 juveniles, and 450 pretrial detainees. As of October 3, the prison system held a total of 3,346

individuals--3,043 adult inmates, including women, 278 pretrial detainees, and 25 minors.

As of August, there were seven deaths reported in prisons and detention facilities. All of these individuals reportedly died of natural causes.

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

The ombudsman's annual report identified overcrowding in correctional institutions as a core problem that gave rise to many additional challenges. These secondary problems included inadequate housing conditions for inmates, insufficient and substandard health care, difficult conditions for personal and general hygiene in establishments, and poor sanitation. Insufficient staffing and inadequate training of prison guards and other personnel continued to be problems at all facilities.

Administration: Authorities considered recordkeeping at prisons adequate but not always timely. Prisoners and detainees could not submit complaints without fear of retribution.

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 Department for Enforcement of Sanctions received a total of 16 notifications of the use of force against inmates by prison police. In one case, the department found that the use of force was unjustified. The ombudsman also opened an investigation in a case of a child sent to the juvenile correctional house in Veles who had been raped by other inmates, following allegations that correctional authorities did not report the case and tried to cover it up.

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

The ombudsman regularly visited the country's prisons and investigated all credible allegations of problematic conditions, though on many occasions the ombudsman's staff were turned away because prison administrators were on vacation or on medical leave.

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

The law prohibits arbitrary arrest and detention, but the government sometimes did not observe these prohibitions. Government statistics indicated that prosecutors requested detention orders in approximately 5 percent of all cases. Although it was within the confines of the law, detention was selectively applied to support the government's political goals and positions. Civil society activists claimed that courts indiscriminately granted almost all detention requests submitted by the Basic Public Prosecution Office, which they alleged the government influenced, particularly in high-profile cases involving government opponents, although those requests often failed to provide adequate justification as required by law.

There were notable examples of selective arrests and detentions during the "colorful revolution" protests, which began in response to President Ivanov's April 12 pardoning decision. At the start of the protests, police arrested participants for acts of vandalism and injuries to police. When counterprotests in the town of Bitola by supporters of the progovernment Civil Movement for the Defense of Macedonia (GDOM) resulted in similar acts of vandalism and injuries to police, there were no reports of arrests.

On April 13, police injured several individuals during arrests of 13 student supporters of the "colorful revolution." The arrested students were shuttled between police stations, faced delays in going before a prosecutor and a judge, and were denied medical assistance and access to attorneys for up to 12 hours beyond the legal 12-hour maximum. The police charged them with "participation in a mob that commits a criminal offense" for ransacking the president's public office in central Skopje, smashing windows, damaging works of art, and breaking and setting fire to office furniture. Of the 13 persons arrested, three were formally charged while 10 faced misdemeanor penalties. The three remained under house arrest while their trials were postponed several times due to delays in the government providing specific charges. In late May, the three pleaded guilty to causing approximately 522,000 denars (\$9,030) in damages and received suspended sentences.

Participants in GDOM's counterprotests damaged public property in Bitola and harassed journalists and police officers. No members of GDOM, however, were arrested. In Bitola, opposition SDSM municipal council member Blagojce Kotevski criticized a September report on public order that cited damage by "colorful revolution" supporters but not by GDOM. Kotevski criticized police for not responding to GDOM supporters damaging the SDSM party headquarters and party advertisements during the protests. He also noted that Dushko Ilievski, a supporter of the colorful revolution, was arrested for injuring a police officer, but no similar action was taken against GDOM members when an officer was injured during a GDOM protest.

Activists claimed that the government selectively arrested members of civil society organizations to intimidate them and discourage their participation in protests. In June authorities twice arrested Pavle Bogoevski, a former member of the civil society organization the Helsinki Committee for Human Rights in the Republic of Macedonia, for participating in colorful revolution activities. Bogoevski was first arrested on June 19 for attempting to display a banner critical of the government near where the ruling party, VMRO-DPMNE, was celebrating its anniversary. On June 27, he was again arrested following a protest for allegedly not producing his national identification card. Bogoevski was released shortly after each arrest and later charged with "participation in a mob that commits a criminal offense" for throwing paint on the Ministry of Culture building on April 18. Bogoevski's trial was postponed three times since its October 4 start date. Initially, it was postponed because the Basic Public Prosecution Office did not provide the exact amount of damages to the Ministry of Culture building. Bogoevski's attorney requested the second postponement on November 14 after being presented with a 378,000-denar (\$6,540) damage assessment prepared by experts at the Forensics Institute. The trial was scheduled to begin on December 21 but was postponed to January 30, 2017.

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

The army is responsible for external security and reports to the Ministry of Defense. The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Civilian authorities did not address gaps in oversight over law enforcement personnel, particularly in the Ministry of Interior's counterintelligence division, which, without legal authorization, allegedly intercepted the communications of more than 20,000 individuals over a multiyear period (see section 1.f.). Both the Ministry of Interior and the Ombudsman's Office received numerous complaints of unlawful or

excessive use of force while performing official duties (see section 1.c.). There were also reports of impunity involving the police forces. International observers, embassies, and local nongovernmental organizations (NGOs) cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

In addition to investigating alleged police mistreatment, the Interior Ministry's professional standards unit conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during the course of its investigations, but cannot take disciplinary measures, which require a ruling from a disciplinary commission. The unit also cannot impose more serious criminal sanctions, which require court action. During the first half of the year, the unit initiated disciplinary action against 110 police personnel and filed 10 criminal charges against Interior Ministry employees for criminal acts, including "abuse of official position," "deceit," and "mistreatment in performing a duty."

### **Arrest Procedures and Treatment of Detainees**

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

In the majority of cases, the courts adhered to the law for pretrial detention procedures. The selectivity and lack of transparency courts used when evaluating requests for pretrial detention or detention during trials were problematic. According to court sources, between 2012 and 2016, the Basic Court Skopje I, the country's primary criminal court, granted 99 percent of pretrial detention requests by the Organized Crime and Corruption Prosecutor's Office. At the same time, the courts denied the majority of similar requests for detention and other precautionary measures submitted by the Special Prosecutor's Office. Only four of 23 pretrial detention requests by the Special Prosecutor's Office were granted. One of those requests was dropped following President Ivanov's controversial pardons on April 12, while the other three were reduced to house arrest, two of which were not

extended while the third was extended and later abolished on appeal. The courts also rejected 18 requests from the Special Prosecutor's Office for precautionary measures, including house arrest and passport seizure. In addition, the courts sometimes failed to provide appropriate justification for prolonging, substituting, or terminating pretrial detention.

There is an operating bail system. The law allows defendants to communicate with an attorney of their choice, but authorities did not always inform detainees properly of this right and did not always allow them to consult with an attorney prior to arraignment. Indigent detainees have the right to a state-provided attorney, and authorities generally respected this right. Judges usually granted permission for attorneys to visit their clients in detention. 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.

Between April and July, several leading members of the major antigovernment protests were charged with "participation in a mob that commits a criminal offense." Although their pretrial detention was set at eight days in accordance with the law, detention was extended in 30-day blocks for several suspects in those cases. For example, Zdravko Saveski and Vladimir Kunovski of the political party Levica ("Left") were arrested on April 25 after being summoned to the Prolet police station for questioning. Saveski and Kunovski were released from nearly two months of house arrest on June 10. According to prosecutors, Saveski and Kunovski were photographed on video vandalizing President Ivanov's public office in central Skopje on April 13. They were subsequently placed under house arrest. The court granted the defense attorneys' motion to lift their house arrest on June 10 and ordered Saveski and Kunovski to surrender their passports as precautionary measures to prevent risk of flight. On July 6, the court returned Saveski's and Kunovski's passports, but two months later the Ministry of Interior prevented Saveski from traveling abroad, claiming the Ministry had not received official court notification abolishing their travel ban. The court originally scheduled their trial for September 15, but the trial was postponed several times because the trial judge had not received the exact amount of damages they caused to the president's office. Their trials remained pending at year's end.

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, with judges 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 2015, the second greatest number of citizen complaints (19.3 percent of the total) received by the ombudsman concerned the judicial system. The report stated that 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 that court decisions were sometimes considerably delayed due to administrative deficiencies or judges exceeding the legally prescribed deadlines for issuing written judgments. Preliminary investigations by the Ombudsman’s Office revealed that the situation has worsened during the year.

In a report released in June 2015, the European Commission’s Senior Expert’s Group stated, “several sources” reported “that there is an atmosphere of pressure and insecurity within the judiciary. Many judges believed that promotion within the ranks of the judiciary was reserved for those whose decisions favor the political establishment.” The report also noted that, although there were strict rules regulating the assignment of cases to judges that were implemented through an electronic case management system, there was a perception that the rules were not always respected and that there were ways to circumvent the electronic system. In its annual enlargement progress report, the European Commission noted allegations of direct interference by judicial authorities in the use of the Automated Court Case Management Information System to assign judges to handle specific procedures initiated by the Special Prosecutor.

In one example of politicization of judicial appointments, in early September the Judicial Council selected 28 new judges, many of whom were seen as loyalists of the ruling party, VMRO-DPMNE to serve on the Supreme Court, the

Administrative Court, the Skopje, Bitola, and Stip Courts of Appeals, and several trial courts, including the two largest criminal and civil trial courts in Skopje. Legal experts and analysts claimed that VMRO-DPMNE loyalists dominated the Judicial Council and that the party politically influenced the appointments. Experts stated that the selection of ruling party loyalists so close to early parliamentary elections served both to shore up electoral support and to pack the courts should the Special Prosecutor's Office bring charges against party members. The Union of the Administrative and Court Services' Employees also stated that among those promoted by the Judicial Council were judges who intimidated union members during the May-July court service staff strike by threatening them with disciplinary fines or termination of employment. According to the union, this correlation created the perception that the judges' promotions were rewards for their service during the strike.

During the year, a number of judges publicly expressed concern that political manipulation of judicial appointments had become more blatant, especially in cases from the Special Prosecutor's Office. In late April, Basic Court Skopje I president judge Vladimir Panchevski appointed two new judges to the court's Organized Crime and Corruption Trial Department under what many political and legal analysts described as suspicious circumstances, as neither of them had sufficient time on the bench or judicial experience to justify their appointment. Both of these judges were assigned cases filed by the Special Prosecutor's Office, which unsuccessfully sought their recusal due to perceived conflicts of interest (see Section 4).

Intercepted communications released by the opposition SDSM party in February 2015 allegedly revealed inappropriate influence over the judiciary by the executive branch (see section 1.f.). Multiple recorded conversations concerned executive branch representatives influencing the judicial appointment process, and judges obtaining their positions through bribery. For example, Judge Lidija Tupanchevska Petrovska, one of the two judges assigned to try the first indictments filed by the Special Prosecutor's Office, was mentioned in one of the illegally wiretapped conversations as allegedly procuring her judicial appointment by purchasing expensive jewelry for Supreme Court president Lidija Nedelkova.

The June 2015 report of the European Commission's Senior Experts Group raised concerns about the fairness of the conviction of Zvonko Kostovski, a defendant in the so-called "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 opposition SDSM party leader Zoran Zaev in order to blackmail former prime minister Nikola Gruevski into including 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, the Special Prosecutor's Office requested an extraordinary review by the Supreme Court into Kostovski's plea bargain. The Supreme Court ruling was pending at year's end.

### **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 July 2015, a new law took effect that contains updated sentencing guidelines designed to address inconsistent sentencing among different courts. During the year, legal analysts expressed concern that the new law seriously hampered judicial discretion to decide sentences according to the facts in individual cases and provided too much power to the 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. Although trials were generally open to the public, they were subject to frequent delays.

The law grants defendants and their attorneys access to government-held evidence. In some cases, however, defense attorneys alleged they did not receive the prosecution's evidence in a timely manner, hampering their ability to defend their clients. The lawyer for multiple suspects in the "Kumanovo trial," a highly public and controversial case stemming from a shootout in May 2015 that left 10 armed men and eight police officers dead, publicly complained that he has not been provided access to critical evidence held by the prosecution.

Defense attorneys and human rights activists claimed that closing significant portions of high-profile trials to the public to protect the confidentiality of certain categories of witnesses and of evidence obtained via court-ordered wiretaps reduced transparency and contributed to declining public confidence in the courts, especially among the ethnic Albanian population. The defense in the Kumanovo trial, most of which was 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. Defendants may question witnesses and present evidence on their own behalf. Authorities may not compel defendants to testify or confess guilt. Both the prosecution and defendants have the right to appeal verdicts.

### **Political Prisoners and Detainees**

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

On April 12, Serbian authorities arrested controversial journalist Zoran Bozinovski and 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 a foreign government. Bozinovski had reportedly moved to Serbia out of concern for his safety after posting articles critical of the government, the VMRO-DPMNE ruling party, and former prime minister Nikola Gruevski. In 2013 Serbian authorities had arrested and released him.

On July 18, the Public Prosecutor for Organized Crime and Corruption filed a new indictment against Bozinovski. His scheduled trial was subsequently postponed after the presiding judge asked to be replaced. On September 14, Bozinovski began a hunger strike, refusing food and water; he was reported to be receiving intravenous treatments twice a day. Bozinovski's defense counsel and the ombudsman stated they did not learn about the hunger strike until September 22. He reportedly told his defense counsel that he was protesting the six-month delay of his trial and that he was prepared to die in jail. On September 28, Bozinovski ended his hunger strike when the court announced his trial would continue on October 19. The Association of Journalists in Macedonia (AJM) and the European Federation of Journalists called for his release. Bozinovski's trial began on November 10 and was still in progress at year's end.

In November a court suspended indefinitely the so-called "coup" case trial, which stemmed from the unauthorized intercepted communications recorded by the government's intelligence services between 2008 and 2015. Judge Ljubinka Bashevka, chair of the five-member judicial panel overseeing trial, cited the failure of two newly appointed jurors to secure mandatory security clearances. In the case, opposition leader Zoran Zaev and four other defendants were charged

with espionage and violence against state officials in connection with the illegal wiretapping scandal. The trial has been postponed multiple times, including when the court decided not to summon former prime minister and current VMRO-DPMNE party leader Nikola Gruevski to the trial, despite the fact he was the sole witness against Zaev.

### **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 the perpetrator of the alleged violation. Individuals also may appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for appealing excessive judicial delays to the Supreme Court. The government generally complied with civil decisions of domestic courts. Individuals may appeal cases involving alleged state violations of the European Convention on Human Rights to the European Court of Human Rights in Strasbourg after exhausting all domestic legal options.

The ombudsman's 2015 annual report noted continuing problems regarding the right to trial in a reasonable time. According to the report, protracted civil and administrative court cases, as well as insufficient civil enforcement practices, resulted in violations of citizens' rights.

### **f. Arbitrary 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 headquarters of the Administration for Security and Counterintelligence that was first reported by opposition SDSM in February 2015. In its June 2015 report, the European Commission's Senior Experts' Group described as "worrying" the failure of the Directorate for Personal Data Protection, the agency responsible for overseeing the government's handling of personal information, to be more actively engaged in investigating the illegal wiretapping scandal. Specifically, the group criticized the directorate's idleness 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 May the ruling coalition passed, via 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 violates the right to privacy with regard to personal or family life. The amendments, scheduled to enter into force in July 2017, 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--remained a point of political contention. In August 2015, the parliament adopted a law terminating lustration and preventing the Lustration Commission from opening any new cases after August 2015. The law gave the commission one year to work on cases it had already initiated.

One prominent lustration case involved Trendafil Ivanovski, former president of the Constitutional Court and the first person to undergo lustration proceedings. In January the European Court of Human Rights ruled that lustration proceedings against Ivanovski violated the right to respect for private and family life under the European Convention on Human Rights. As part of the decision, the state was required to pay Ivanovski damages of 5,350 euros. By year's end, the Administrative Court annulled at least 40 lustration decisions for fair trial violations, opening the possibility for the affected persons to seek damages from the state.

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

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

The constitution provides for freedom of speech and press, but government pressure on the media continued to be a problem. There were multiple claims that the government selectively prosecuted opposition and media figures and interfered in defamation cases initiated by high-ranking government officials. International media watchdog Reporters Without Borders noted a decline in media freedom during the year, particularly with respect to the government's allocation of state advertising resources in order to exercise control over the media. International

human rights organization Freedom House shared similar observations, characterizing the media landscape as “not free.”

Many members of the media community, including the AJM, frequently accused the government of failing to respect freedom of speech and the press. In a series of media monitoring reports early in the year, the Macedonian Democracy Watch program of the Institute for Communications Studies stated that four of the five national television broadcast outlets (Sitel, Kanal 5, Alfa, and MTV 1) synchronized their reporting to benefit VMRO-DPMNE. They did so by highlighting the party’s projects and achievements in their reporting and supporting the party’s attacks against the Special Prosecutor’s Office. The monitoring reports also noted a high incidence of cases of editorial convergence between the four broadcast outlets, which they alleged indicated a coordination of messaging supporting the ruling party’s agenda.

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

On July 20, an agreement between the country’s four largest political parties established a five-member Ad Hoc Committee for Elections Media Monitoring to monitor compliance with media provisions of the electoral code. In September the committee determined that the public service broadcaster Macedonian Radio Television (MRT) had violated the electoral code by broadcasting government advertisements between September 2 and September 5 that amounted to free political advertising for the ruling party. The advertisements promoted various government programs, including in employment, education, and entertainment. In response to the committee’s determination, the Agency for Audio and Audiovisual Media Services initiated misdemeanor infringement proceedings against MRT, asking the Administrative Court to issue a warning, the lowest penalty available.

At the end of September, the ad hoc committee voted to initiate misdemeanor criminal proceedings against the television stations Sitel and TV Nova for unbalanced reporting in favor of VMRO-DPMNE, in violation of the electoral code. VMRO-DPMNE members of the committee and the progovernment Macedonian Association of Journalists criticized the decision, claiming the methodology used was based on subjective analysis and could lead to censorship.

Press and Media Freedoms: Individuals or organizations that appeared close to the government owned most of the national media outlets. According to the AJM's June *Summary of the Media Situation in Macedonia* report, an estimated 200 media outlets competed in a small, distorted market where their financial survival depended on their ability to align themselves with the governing parties and politically connected large businesses. 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 ethnic and 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.

Many national media outlets rarely criticized the government. As the government has traditionally been 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 that 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 the government abused its market power in this manner. In summer 2015, the government suspended state spending on official advertising, although the measure did not extend to all public institutions or to private institutions affiliated with VMRO-DPMNE. The government has not disclosed relevant data on official government advertising since 2014, including funds spent, the content of the advertisements, the recipients of advertising expenditures, or the criteria for awarding advertising contracts to broadcasters.

According to a June 2015 report by the European Commission Senior Experts' Group, the media environment deprived journalists of their ability to perform professionally and without fear. Media experts reported that a chilling effect dominated the media environment, as intimidation, absence of good labor conditions for journalists, and financial instability for media companies made them vulnerable to government pressure and reliant on government advertising. Experts reported an environment of fear surrounding the media that encouraged self-censorship. In response to serious concerns over selective reporting and lack of editorial independence on the part of the public service broadcaster MRT, the leaders of the four largest political parties on July 20 agreed that the opposition party SDSM would nominate the chief editor of the news service on MRT's first channel, MTV 1, to serve until the end of election day, December 11.

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

In June the Administrative Court annulled the March 2015 Lustration Commission decision naming the editor in chief of the independent weekly newspaper *Fokus*, Jadranka Kostova, as a collaborator of the former secret services during the 1990s, when she worked as a journalist for MRT. As in a number of other cases, the Administrative Court found that Kostova's right to a fair hearing before the commission was violated because she was not granted her right to defense. The original Lustration Commission ruling banned her from running for or holding public office. Kostova claimed she was selectively targeted for lustration as revenge for *Fokus*' criticism of the government.

Santa Argirova, the opposition-nominated interim editor in chief of the news program on MTV 1 during the pre-election period, reported constant pressure from government supporters since the four largest political parties agreed to her appointment on August 31. On September 20, the progovernment internet portal *Republika* published a full and unedited version of the previous evening's interview of Special Prosecutor Katica Janeva on MTV 1, which appeared to cast Janeva in a poor light. *Republika* claimed to have received the tape anonymously. The board of MRT blamed Argirova for the disparities between the edited and unedited version, claiming that she acted without the necessary preparedness, professionalism, or permission from the board to produce and broadcast the interview. Argirova stated that *Republika*'s release of the unedited version violated professional media ethics and threatened the integrity of the media, and she asked the public service broadcaster to conduct an inquiry into the incident to ensure a similar situation did not happen again.

In June the AJM released a report, *The Cases of Violations of Rights of Journalists and the Reactions of Institutions in Macedonia*. The report highlighted over 30 separate incidents of violent behavior by representatives of public institutions against journalists. These incidents ranged from physical assaults to death threats to the confiscation/destruction of media equipment.

During the year, in numerous incidents members of the press and media were physically assaulted or denied the ability to report on protests. For example, on April 21 and 22, supporters of the progovernment Civil Movement for the Defense of Macedonia assaulted a cameraman and a reporter reporting live during a protest against Bitola Mayor Vladimir Taleski. Police intervened to stop the April 22

attack, but did not arrest or charge the perpetrators. On April 17, a group of antigovernment protesters ransacked and vandalized the offices of Radio Free Macedonia.

In Stip, Kanal 77 journalist Vanja Micevska reported GDOM members harassed and threatened hers when she attempted to cover one of its protests in early May. She reported the incident to police who, despite showing her press credentials, instructed her to leave the city.

In addition to acts of violence and harassment, there were credible reports that journalist encountered other obstructions as they attempted to inform the public of breaking news events. For example, on April 4, the mayor ordered a journalist from Berovo to leave the Municipal Council session on which he was reporting. The same journalist reported damage to his car following his dismissal from the session.

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

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

According to the AJM, as of October, there were approximately 35 defamation cases involving journalists pending before the courts. The association previously reported that 39 defamation lawsuits involving journalists were filed between October 2014 and October 2015. A total of eight such cases were adjudicated in 2016, with the court dismissing seven cases and partially upholding the plaintiff's claim in the eighth. Information about pending cases from previous years was incomplete.

In October the ethnic Albanian junior coalition partner, DUI, pressed charges against the daily newspaper Lajm and its chief editor, Isen Saliu, "for insinuations of crime committed by the plaintiff while the party was in coalition with VMRO-DPMNE." The party requested damages of 25,000 euros (\$27,500) for a front-

page article on February 3 under the headline, “Don’t Be Like DUI.” According to party officials, the article was libelous of the party. The case was still pending at year’s end.

### **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 offer end-to-end encryption, including Viber, WhatsApp, Facebook Messenger, and Telegram. The State Statistical Office estimated that 69.4 percent of households had access to the internet in the first quarter of the year, up from 68 percent in 2014.

In January the Agency for Audio and Audiovisual Media Services adopted a methodology for monitoring election coverage on television and the radio, but not on internet portals, a gap criticized by television and radio stations. The agency stated that, although the electoral code passed in November 2015 put it in charge of monitoring internet portals, nowhere in that law, or any other law, was there a definition of “internet portal” or a description of the scope of such portals subject to monitoring. It also asserted that there was no official registry of internet portals in the country that would enable it to identify which portals would be subject to monitoring. In August the agency again declined to include internet portals in its monitoring methodology, citing a continuing lack of clarity on which portals should be monitored. The agency also stated that it could not find examples of monitoring of internet portals by other regulatory bodies across Europe. Several media associations, including the AJM, the Independent Union of Journalists and Media Workers, and the Council for Ethics in the Media, expressed the view that regulation of internet portals would discourage freedom of opinion and extend the ability of the government to influence and control the media. The final methodology approved by the agency in August omitted internet portal monitoring.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events. There were incidents, however, in which members of VMRO-DPMNE intervened in institutions of higher learning for allegedly political reasons.

On June 30, members of the student parliament at Sts. Cyril and Methodius University in Skopje, accompanied by persons identified as nonstudents and members of VMRO-DPMNE forcibly entered the faculty of law to interfere with elections for a new student parliament president. The individuals took the ballot boxes and locked themselves in the offices of the student parliament contrary to the association's statutes requiring the ballots be counted in the polling places. Members of the police Rapid Deployment Unit arrived in armored vehicles and used force to block protesters from an informal student organization, Student Plenum, and allow other members of the student parliament to arrive with other ballot boxes. Police blocked the entrance to the student parliament's offices for the rest of the night, during which time there were several other violent confrontations, including physical assaults and removals. Early in the morning of July 1, the student parliament announced a winner and claimed a turnout of 5,264 student voters, although turnout estimates by monitors from the Student Plenum were much lower. In early July, the university held an emergency session and established a committee to review the election; there was no information that the committee had met by year's end.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

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

The most significant protests during the year were organized by the civil activist movement #Protestiram following President Ivanov's controversial April 12 decision to pardon 56 individuals connected to the illegal wiretapping scandal. During these protests, later dubbed the "colorful revolution," police impeded some protestors from exercising their right to freedom of assembly and there were some instances of clashes between police and protestors, resulting in injuries on both sides. Police called in for questioning or detained several of protestors, including members of the country's Helsinki Committee (see section 1.d.).

### **Freedom of Association**

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

## **c. Freedom of Religion**

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

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

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

Abuse of Migrants, Refugees, and Stateless Persons: Thousands of migrants continued to transit the country up until March 7, when authorities closed the country's southern border with Greece to halt the flow of migrants, shutting down the "western Balkan migrant route." As of the end of November, authorities intercepted and returned to Greece more than 35,000 migrants attempting to illegally enter the country, while more than 150 migrants and refugees remained stranded at the northern and southern border crossings with Serbia and Greece, respectively.

During the year, police were accused of using force to push back migrants and asylum seekers attempting to cross the country's border with Greece. According to NGOs and international media accounts, on April 10, police used water cannons, stun grenades, tear gas, and rubber bullets against a group of 500 migrants gathered at the border with Greece after numerous migrants attempted to scale the border fence dividing the countries and several individuals threw rocks at the police. Police allegedly crossed the border into Greece to pursue this group of migrants. According to Doctors without Borders, they treated 300 individuals after the clashes, including 10 who reported they were beaten by police, 40 who were injured by rubber bullets, and 200 who had breathing difficulties after being teargassed. The government acknowledged that security forces, together with police officers of several EU member states, deployed to the southern border to assist with the migration and refugee crisis and that they used tear gas to disperse a violent mob of over 3,000 migrants, but it denied they used any other riot control measures or physical force against the migrants.

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

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 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. According to authorities, in response to an EU request to reduce the number of asylum seekers arriving in the EU from the country, the Ministry of Interior continued to implement a border management strategy to limit the exit of potential “false asylum seekers.” The strategy included a media campaign, sanctions on travel agencies that served potential asylum seekers, and profiling at border crossings. As part of this effort, border authorities denied exit to several persons, mostly Roma, whom authorities suspected would seek asylum in the EU. In early November, the Minister of Interior acknowledged there were 41 cases before the courts alleging discrimination against Roma by immigration authorities. He subsequently issued directives to immigration authorities to stop the practice of interfering with the freedom of movement of Romani citizens at border crossings.

### **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.

An August 6, torrential rain followed by floods and landslides took the lives of 22 persons and forced more than a hundred from their homes in Skopje and Tetovo, the majority of whom remained internally displaced. Of these, 35 were sheltered in collective housing in Skopje, and approximately as many resided with relatives. Local media reported claims from individuals from both Skopje and Tetovo that the government did not distribute aid swiftly or efficiently. Some alleged that authorities showed no urgency in providing relief in predominantly ethnic Albanian areas.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country’s high unemployment rate (officially 24 percent in the second quarter of the year).

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

### **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 government continued rejecting most asylum applications, mainly on the grounds that the applicant posed a threat to national security.

Between January 1 and early March, the Ministry of Interior closed the country's land borders to aliens who did not possess valid refugee registration documents from Greece or who were not nationals of Afghanistan, Iraq, or Syria. At midnight on March 7, authorities effectively closed the border to anyone who did not possess a valid passport and legal authorization to enter the country. On April 4 the government passed, without debate, amendments to the Law on Asylum and Temporary Protection providing legal grounds for the closure and making it virtually impossible for anyone entering the country by land to request asylum in the country.

According to the government, between January and November security forces intercepted over 35,000 persons attempting to cross the southern border with Greece illegally. The number of attempted illegal entries into the country decreased after late August, as border police reported intercepting an average of 18 irregular migrants per day. Rather than conducting interviews with each intercepted migrant to assess them for human trafficking or asylum claims, border police summarily return the interdicted individuals back to Greece through the nearest border crossing point, sometimes using physical force. Although vastly fewer in number, asylum seekers from other countries with active conflicts, such as Libya and Yemen, were 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.

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

Safe Country of Origin/Transit: On April 4, the government adopted a law that broadened the concept of a “safe third country” to include 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. The government did not consult UNHCR on the changes to the asylum law and ignored UNHCR’s expression of concern and its request to delay implementation of the amendments.

Durable Solutions: As of December, only 68 of the approximately 35,000 asylum seekers transiting the country were recognized as refugees. No individuals from the 1999 conflict in Kosovo had returned to Kosovo, while 102 awaited return. UNHCR continued to assist rejected asylum seekers from Kosovo, whom the government allowed to stay in the country. The government issued them provisional identification documents to secure their access to services. The Ministry of Labor and Social Policy provided integrated, durable solutions with the support of UNHCR for approximately 600 refugees who had applied for integration into the country.

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

### **Stateless Persons**

Some habitual residents were legally stateless, in spite of fulfilling one or more criteria for citizenship. As of June, UNHCR reported there were 641 persons in the country under its statelessness mandate. UNHCR worked with the authorities to resolve the situation of an additional estimated 273 of those persons, primarily Roma, who lacked civil registration and documentation. Children born in the country to stateless persons are themselves considered nationals and have access to birth registration and certification.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The July 20 agreement negotiated by the country's four largest political parties--VMRO-DPMNE, SDSM, DUI, and DPA--included provisions to improve the election process by cleaning the national voters' registry, leveling the media playing field before elections, and establishing an interim technical government prior to elections. While the four largest political parties assessed that all of the provisions were implemented, many observers noted that they were implemented with varying levels of effectiveness.

#### **Elections and Political Participation**

Recent Elections: The most recent national elections were the December parliamentary elections, which had a record high turnout and only minor confirmed irregularities. According to the preliminary OSCE/ODIHR report, although the State Election Commission struggled with the preparations for elections, 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.

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. During the year, the ruling coalition dominated and manipulated the media (see section 2.a.). While membership in a political party is not mandatory, there is an active patronage system in the country whereby parties confer special benefits and advantages on their members. During the year, there were widespread reports that whether a candidate was a member of a party of the ruling coalition influenced civil service hiring decisions, including for teachers and police recruits. During the precampaign period before the cancelled early parliamentary elections in April and June, NGOs reported numerous examples of the blurring of state and party activities, including the misuse of government resources for campaign purposes. For example, former prime minister and current VMRO-DPMNE leader Nikola

Gruevski promoted and announced government projects after resigning his position in January, although he no longer held a position in the government.

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, and no more than two-thirds of a party's candidates may be the same gender. Men dominated leadership ranks in political parties, with the notable exceptions of SDSM and DUI, both of which included women as party vice presidents, and the Democratic Renewal of Macedonia party, headed by Liljana Popovska.

Ethnic Albanians and other ethnic minorities continued to complain of inequitable representation within government and of discriminatory practices excluding them from political participation, such as selective withholding of security clearances.

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

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

NGOs stated the government's dominant role in the economy created opportunities for corruption and has harmed business relations and decreased economic growth. The government was by far the largest employer in the country, with some analysts estimating that it employed as many as 180,000 persons, despite official statistics showing public sector employment of approximately 128,000. The government used its dominant position within the labor marketplace to influence significant sectors of the economy. The construction industry, heavily supported by government-financed projects, dominated GDP growth. In October the World Bank reported that the government subsidized 89 percent of all new jobs in the country and 100 percent of all new jobs created by foreign investors in the free trade zones.

Government interference in private business was widespread. Although there were no official statistics or records on the subject, some of the contents of the unauthorized intercepted conversations made public in 2015 shed light on the problem. According to NGOs, the recordings demonstrated that the government, directly and indirectly, controlled a significant proportion of private sector companies and extorted funds from them. In return, companies that cooperated the most with the government routinely won government tenders. Facilitated by ambiguous, often contradictory, and fast-changing business legislation, various

inspection bodies visited uncooperative companies and imposed heavy penalties on them.

The 2015 wiretaps also revealed several cases where government officials ordered retaliation against businesses believed to be supportive of the opposition political parties, including foreign investors. Some business representatives complained that inspectors often came to their offices with a predetermined “fine” they needed to collect. Other credible evidence indicated that some businesses were required to pay sponsorship to different government-controlled organizations, and others pay regular “fees” in order to avoid government harassment.

There were credible allegations that the government attempted to reduce competition in the private sector by driving out independent firms and companies that took positions or were headed by individuals in opposition to the government or by weakening them to make them susceptible to a takeover by progovernment companies. One common tactic was the selective withholding of payments to businesses for government contracts while continuing to pay competitors who were connected to the government.

Corruption: In August the Macedonian Center for International Cooperation released its biennial report, which noted that 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/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, 12 percent of survey respondents reported having to pay bribes to obtain public services to which they were legally entitled. All respondents believed that powerful, influential, and rich people exert too strong an influence over politics.

During the first six months of the year, the State Commission for the Prevention of Corruption referred two cases of misuse of public funds to the Basic Public Prosecution Office. In one of the cases, the commission initiated a procedure for removal of a public official. The commission also received and checked 535

conflict of interest statements by public officials and determined that a conflict existed in 53 cases; resolution of these cases remained pending as of year's end.

During the year, the Organized Crime and Corruption Prosecutor's Office investigated 22 suspects on corruption related charges, filed 16 indictments, and obtained convictions against 27 defendants. The crimes included misuse of official position and authority, money laundering and/or laundering of other criminal proceeds, receiving bribes, and accepting rewards for unlawful influence.

In its most high-profile case, the Organized Crime and Corruption Prosecutor's Office, supported by special police forces, arrested eight persons on June 6 from the Faculty of Economy at the state-run Sts. Cyril and Methodius University in Skopje on charges of soliciting and receiving bribes from students. The suspects were seven professors, including the Dean and the recently elected President of the Macedonian Academy of Sciences and Arts Taki Fiti, and a logistics support employee. On September 14, the Basic Court Skopje I, at the request of the prosecution, banned four of the professors from performing their academic duties pending a verdict. On October 6, prosecutors indicted six of the eight suspects, charging them with accepting or giving bribes, receiving rewards from unlawful influence, and misuse of official position and authority. Prosecutors dropped the charges against the remaining two suspects, including Professor Fiti, for lack of evidence. The trial remained pending at year's end.

During the year, the Special Prosecutor's Office filed two summary indictments against 21 suspects, opened nine formal criminal investigations, and initiated more than 40 preliminary investigations into apparent criminal behavior relating to or arising from the content of illegally intercepted communications during the period 2008-15.

Since the creation of the Special Prosecutor's Office in September 2015, progovernment media have run a robust and coordinated campaign to attack its credibility, integrity, and professionalism, and have favored imposing administrative hurdles on its operations, investigations, and prosecutions. The ruling 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 opposition. President Ivanov's April pardons (see section 1.d.) effectively froze most of the Special Prosecutor's Office's investigations for two months. The judiciary also played a role in hindering the effectiveness of the Special Prosecutor's Office.

One of the year's most prominent corruption cases, for example, was the "bribery" case against opposition party SDSM leader Zoran Zaev, originally filed by the Basic Public Prosecution Office in June 2015. Zaev, as mayor of Strumica, was accused of soliciting a 200,000 euro (\$220,000) bribe from a local businessman to complete privatization of a state property. In January the Special Prosecutor's Office requested jurisdiction over the case, but in April the Public Prosecutors' Council denied the request, as it had done with several other requests (see section 1.e.). Dropped after President Ivanov included Zaev on his list of 56 individuals pardoned on April 12, the case restarted after all the pardons were revoked on June 6. The case remained pending as of year's end, and Zaev continued to maintain that the charges were politically motivated.

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 absence of a registry of elected and appointed officials continued to hamper effective control of assets and monitoring of conflicts of interest.

On April 7, the Liberal-Democratic Party (LDP) called on former prime minister Nikola Gruevski to disclose his assets, as required by law, to the State Commission for the Prevention of Corruption. The LDP also called on the Public Revenue Office to take action to determine Gruevski's wealth, since his declaration of assets was not publicly available at the state commission's website, although the law requires all elected officials to submit a declaration of assets within 30 days of terminating their public function. Gruevski had stepped down on January 14.

The ruling VMRO-DPMNE party responded that Gruevski had filed his report with the State Commission for the Prevention of Corruption in February and called on the commission to present Gruevski's asset declaration to the media. Commission president Goran Milenkov told the press that Gruevski submitted his asset declaration on time and claimed "there was nothing interesting in Gruevski's statement, as it is not much different from his statement 10 years ago," when he became prime minister.

Independent media outlets supported the LDP's call and asked why Milenkov did not distribute copies of Gruevski's purported asset declaration. Milenkov told reporters that the State Commission for the Prevention of Corruption's electronic system of records was set in such a way that it removed the asset declarations of officials the moment their public function ends.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often willing to listen to these groups but were also often unresponsive to their views. There were reports that in late December tax authorities launched inspections of several human rights organizations.

Just before the December 11 elections, the Public Revenue Office targeted for systematic audits NGOs affiliated with the civil society-led "We Decide," "We Deserve Better," and "The Citizens of Macedonia" campaigns to help monitor and ensure free and fair elections. The Public Revenue Office conducted the audits in the weeks following the elections. The audits coincided with former prime minister and VMRO-DPMNE leader Nikola Gruevski's call for the "de-Sorosisation" of the country, an allusion to ending international donor support to NGOs. The opposition party SDSM later revealed that 42 individual members of the opposition who had openly criticized Gruevski and the previous government were also subject to audits and investigations. Critics of the audits, including the ombudsman, called them a "witch hunt" and urged public institutions not to serve the interests of the political parties or their members.

The United Nations or Other International Bodies: The government worked with several organizations under the umbrella of the United Nations, including the UN Children's Fund, the UN Development Program, and UNHCR, as well as other international organizations focusing on financial, health, migration and refugee, and security issues.

In April, following the parliament's amendments to the Law on Asylum and Temporary Protection, UNHCR sent the government a letter requesting that it

withdraw the amendments, as they violated the 1951 Refugee Convention and the 1967 Protocol to that convention by essentially denying any refugees entering the country by means other than air transportation the ability to apply for asylum. UNHCR also requested a greater role in the government's border management efforts to ensure that refugees attempting to enter the country would be properly screened for eligibility to apply for asylum, identification of harmful medical conditions, and identification of potential victims of trafficking in persons. As of year's end, the government had not responded to the requests.

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.

In August parliament approved a draft law amending the Law on the Ombudsman with the goal of harmonizing that law with the UN Office of the High Commissioner for Human Rights' Paris principles relating to the status of national institutions. While the government asserted that the amendments would promote human rights, pluralism, and the rule of law as well as strengthen the mandate and independence of the ombudsman, the opposition described the reforms as cosmetic and incapable of identifying and punishing misconduct within state institutions.

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

The country's seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the antidiscrimination law. The commission does not have the power to punish offenders, and was located in an office inaccessible to persons with physical disabilities. Unlike the ombudsman, the commission reviewed complaints from both the public and private sectors, although the public at large continued to be largely unaware of the commission's existence. Citizens not satisfied with the outcome of complaints may seek redress in court, which may accept the written opinion of the commission as evidence.

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

## Women

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

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

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

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

Discrimination: Women have the same legal status as men in family, labor, property, nationality, and inheritance law, and in the judicial system. Advocates reported that women who owned property and businesses were under-represented and noted some industry-specific gender discrimination. Romani and Albanian women did not have equal opportunities for employment and education due to traditional or religious restrictions on their education and role in society. In some Albanian and Romani communities, the practice of men directing the voting or voting on behalf of female family members disenfranchised women.

## Children

Birth Registration: The law determines citizenship primarily by the citizenship of the parents. It also allows 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. Child welfare advocates asserted that children were reluctant to report abuse due to fear that authorities would place them in institutions. The government operated a hotline for domestic violence, including child abuse.

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

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 re-offend.

Displaced Children: According to the Ministry of Labor and Social Policy, there were 96 displaced children of different ethnicities registered as of September. An October report from the Ombudsman's Office estimated that 236 children lived without shelter. These children ranged from a few months in age to 18; while most lived in Skopje, there are many in the towns of Bitola, Kumanovo, Veles, Gostivar, and Kisela. With international support, the ministry operated five day-centers for street children. The government maintained a transit shelter for street children, but its small size limited its effectiveness in providing social services. According to the Ministry of Labor and Social Policy, there were 78 street children in the country at the beginning of the year.

Government authorities and NGOs assisted 25 unaccompanied migrant children at the border as of July 31. No unaccompanied migrant minors were known to be in the country at year's end.

Institutionalized Children: Advocates and the Ombudsman's Office reported a lack of accountability for child neglect and abuse in orphanages, shelters, and detention centers. On June 1, the Ombudsman's Office presented its report on the Tetovo Juvenile Penitentiary, describing inhumane living and sanitary conditions in the facility, disturbing treatment practices by the penitentiary wards, and a lack of medical care. According to the Ombudsman's Office, 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 sex 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](http://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 occasional anti-Semitic incidents on internet portals. On the internet portal "Dudinka," controversial journalist Milenko Nedelkovski twice posted disparaging comments vilifying the Jewish community. He alleged that the Ashkenazi controlled much of the world and depicted them as "ideologues, financiers and organizers of the Holocaust," and as "creators of the perception that the Jews were the biggest victims of the Nazis."

## Trafficking in Persons

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

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services, but the government did not always enforce these provisions effectively. The law allows persons who have experienced discrimination to submit complaints to the Commission for Protection from Discrimination. The commission was located in an office 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 a work station in order 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 in order 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 that many public buildings did not comply with the law, as the government was still awaiting clarification from the Ministry of Labor and Social Policy of the requirement for a "fully accessible" environment. Many new buildings did not have accessible toilets. Although all buses purchased since 2013 by the government for Skopje were accessible to persons with physical disabilities, public transportation remains largely inaccessible in other regions. The Ministry of Transport and Communications continued a multi-year project to procure accessible train cars and make train stations in Skopje and 10 other cities accessible.

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

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

### **National/Racial/Ethnic Minorities**

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

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

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

Relations between the ethnic Macedonian and ethnic Albanian communities were often strained. Several interethnic incidents triggered protests that added to tensions between the two largest communities. Ethnic Albanians continued to complain of unequal representation in government ministries and public enterprises. The country's police academy continued to fall short of the number of minority trainees needed to comply with the constitution. Ethnic Albanians complained that the government designed the testing process in the academy unfairly to deny access to ethnic Albanians and other minority groups. In particular, ethnic Albanians complained of cultural biases in the tests. Ethnic Albanian representation within the civilian administration of the Ministry of Defense remained low at only 13.5 percent, whereas they represented 20 percent of the armed forces. 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. Romani children were overrepresented in segregated “special” schools for students with intellectual disabilities. Romani NGOs also reported that some private business owners occasionally denied Roma entrance to their establishments. Some Roma lacked identity cards, which were necessary to obtain government services such as education, welfare, and health care, although the EU, UNHCR, and several NGOs worked to provide identity documents to all Roma.

In 2014 the government drafted a new National Strategy for the Roma under its commitment to the Decade of Roma Inclusion initiative (now partially reconstituted as the Roma Integration 2020 initiative) that would assist Roma with education, housing, employment, and infrastructure development. With the exception of education, funds were not sufficient to produce significant results, especially in health care. The government continued to fund information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education, including making conditional cash transfers to Romani students, resulted in steady school attendance rates, especially in secondary schools.

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

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

The constitution and law do not prohibit discrimination based on sexual orientation and gender identity, nor does the antidiscrimination law list sexual orientation as a protected ground. The country decriminalized homosexuality in 1996 and sexual acts between members of the same sex are legal.

The LGBTI community in the country remained heavily marginalized. There was a climate of general hostility towards the LGBTI community in the mainstream press, political establishment, and society, and authorities failed to take measures to stop hate speech and hate crimes against LGBTI individuals. Activists supporting LGBTI rights reported multiple incidents of societal prejudice. Hate speech, physical assaults and other violence, failure of the police to arrest

perpetrators of attacks, and a failure of the government to condemn or combat discrimination against the LGBTI community were the key issues identified by LGBTI-focused NGOs during the year. According to an April survey by the NGO Subversive Front, the level of discrimination experienced by young LGBTI individuals was nearly twice as high as discrimination experienced by non-LGBTI persons.

According to the LGBTI Support Center, 75 percent of the LGBTI community does not trust the police to protect their rights and over 90 percent claim that state institutions do not provide sufficient information that would help in the process of self-advocacy and seeking assistance for legal protection of their rights and physical security. The courts did not hold perpetrators of violence and hate speech accountable, prompting many victims to forego reporting attacks to law enforcement entities. According to the NGO Coalition for Sexual and Health Rights of Marginalized Communities, the Skopje Public Prosecution Office did not process over 90 percent of cases involving crimes targeting members of the LGBTI community.

According to NGOs, there was a lack of will among the political parties to address the problem of violence and discrimination against members of the LGBTI community. Government representatives were typically absent from public discussions on LGBTI issues.

There was some improvement during the year with respect to efforts by the LGBTI community to draw attention to LGBTI issues and celebrate diversity. Authorities permitted Pride Week events and other public rallies in support of LGBTI rights, and organizers reported better cooperation with local administrative and security authorities. In addition, on December 14, the LGBTI Support Center signed a memorandum of cooperation with the Ombudsman's Office to share information and work together to protect the rights of LGBTI individuals.

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

The law requires unions to register with the Ministry of Labor and Social Policy and with the State Central Registry. Union leaders complained of 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.” While trade unions must terminate their activities when their membership falls below a minimum requirement, that minimum membership has not been specified by 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, including the rights to strike and to collective bargaining. Workers exercised the right to strike, but unions maintained that the law’s “exclusionary” provision allowed employers to bar up to 2 percent of union leaders 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 ranged from 100 to 7,000 euros (\$110 to \$7,700); these were insufficient to deter violations. Administrative and judicial procedures were generally subject to lengthy delays.

Workers exercised the right to strike. In the spring, the Worker’s Union of Public and Court Administration went on strike over its workers’ lower pay and employee benefits compared to the administration of the Basic Public Prosecution Office and other administrative workers. The union reported various forms of pressure on its members by government officials, court presidents, and the former president of the Judicial Council. Despite preliminary protests and a general strike of the court administration, the minister of justice refused to meet with union representatives to discuss the strikers’ requests.

Unions, with the exception of a few branch unions, were generally not independent of the influence of the government officials, political parties, and employers, particularly those that had close ties with the governing coalition. Some union leaders complained that the presidents of the two largest trade unions, the Confederation of Free Trade Unions of Macedonia and the Federation of Trade Unions of Macedonia (SSM), were strongly influenced by the minister of labor and social policy and asserted that the re-election the president of SSM for a second term was directly orchestrated by Dime Spasov, the former minister of labor and social policy.

### **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 a minimum penalty of four years' imprisonment for forced labor or for destroying or taking away identification, passport, or other travel documents. There were instances in which women and children were subjected to forced labor and prostitution in restaurants, bars, and nightclubs in some parts of the country. 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/](http://www.state.gov/j/tip/rls/tiprpt/).

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

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

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Police and the ministry, through centers for social work, shared responsibility for enforcing laws on forced begging and trafficking. The law mandates a prison sentence of at least 12 years for persons who buy, sell, keep, or take minors for the purpose of exploitation. If enforced, these penalties would be sufficient to deter violations.

Although child labor is 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. The children involved in these activities were primarily Roma and most often worked for their parents or family members. Officials frequently failed to hold those exploiting the children accountable, and Romani children remained vulnerable to exploitation and forced labor.

The Ministry of Labor and Social Policy funded three day-care centers that provided education, medical, and psychological services to children who were forced to beg on the street. The ministry also funded a day-care center operated by an NGO in the Skopje suburb of Shuto Orizari. According to the government, as of September 5 mobile patrols removed street children and took them to day-care centers.

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/](http://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 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 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 Roma community continues to live in segregated groups, without proper health and social protection. Data from the State Employment Office show that due to the low participation in the education system, particularly higher education, Roma generally have difficulties in finding a job in the formal economy. Women's pay lagged behind

men's and few women occupied management positions. Persons with disabilities faced discrimination in hiring and in access to the workplace.

### **e. Acceptable Conditions of Work**

The legal national minimum wage was 10,080 denars (\$174) per month, except in the textiles and leather industry, where the minimum wage was 8,080 denars per month (\$140). According to official statistics, the average monthly net wage as of September was 22,187 denars (\$384). The lowest average salaries were paid in the leather industry, 11,606 denars (\$201), and in garment production, 12,432 denars (\$215).

The law establishes a 40-hour workweek with a minimum 24-hour rest period, paid vacation of 20 to 26 workdays, and sick leave benefits. Employees may not legally work more than an average of eight hours of overtime per week over a three-month period or 190 hours per year. According to the collective agreement 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 a bonus of one month's salary. 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.

The Ministry of Labor and Social Policy employed 79 inspectors to enforce labor laws. 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. While penalties were sufficient to deter violations, inspections were not adequate to ensure compliance. During the year the ministry's labor inspectorate filed complaints against several businesses for forcing employees to work long hours without the rest breaks required by law; failure to register employees according to law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation. 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. The National Council for Occupational Safety and Health was still not fully functional. While workers have the legal right to remove themselves

from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right.

There were 40 workplace fatalities in 2015. Most of the accidents occurred in the agriculture and construction sectors.

There were no major industrial accidents in the country.