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## 2009 Human Rights Report: Macedonia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
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The Republic of Macedonia is a parliamentary democracy with a population of approximately 2.1 million. The president, who is popularly elected, is head of state and commander in chief of the armed forces. A unicameral parliament (Sobranie) exercises legislative authority. On March 22 and April 5, the country held presidential and municipal elections (with additional rounds in some municipalities on April 19 and May 3), and the Organization for Security and Cooperation in Europe (OSCE) assessed them as meeting most international standards for democratic elections. Civilian authorities generally maintained effective control of the security forces.

There were reports that law enforcement officers and prison officials beat detainees and prisoners and that authorities did not adequately investigate or prosecute allegations of abuse. Prisons were overcrowded and conditions were reported to be inhuman and degrading; observers reported widespread corruption among prison staff. Implementation of judicial reforms continued to be delayed, and political pressure and intimidation hindered the effectiveness of the judiciary. A dispute over government support for an Orthodox church in the main square in Skopje contributed to interethnic tensions and raised questions about government involvement in religious affairs. Lack of effective police protection for protestors raised concerns about freedom of assembly. There were reports of discrimination against persons with disabilities and Roma. Tensions between the ethnic Macedonian and ethnic Albanian populations continued to impact areas including education, employment, and political participation.

### RESPECT FOR HUMAN RIGHTS

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

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

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

#### b. Disappearance

There were no reports of politically motivated or other disappearances.

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

The law prohibits such practices; however, there were credible reports that police at times used excessive force during the apprehension of criminal suspects and that they abused detainees and prisoners.

In November 2008 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its June-July 2008 visit to the country's prisons and detention centers. The report noted that a number of detained persons alleged mistreatment by law enforcement officials, consisting mostly of kicks, punches, and blows with batons or the butts of pistols or various other objects, apparently often administered prior to or during questioning, either with a view to obtaining a confession or information or as punishment. Other allegations also referred to the use of excessive force at time of arrest. The CPT report noted that its delegation corroborated several allegations through interviews with inmates and, in one case, through medical evidence consistent with mistreatment. In many cases, the allegations concerned nonuniformed police officers, in particular members of the Special Mobile Police Units, commonly known as "Alfa" units.

After the CPT visit, the Ministry of Interior disbanded the country's Alfa units, except for the one in Skopje. According to the European Commission's (EC) 2009 Progress Report on the country, released on October 17, the disbanding of the Alfa units significantly reduced complaints of mistreatment.

The CPT also reported receiving allegations of mistreatment of prisoners by staff at the prisons it visited. The allegations mainly consisted of prisoners being beaten with truncheons as well as being kicked and punched. In addition, several juveniles at the Educational-Correctional Institution, located since 2001 at the Skopje Prison, alleged that prison officers hit them with truncheons, and many asked the CPT delegation to ensure that truncheons were removed from the institution's

premises.

During the first half of the year, the Professional Standards Unit (PSU) reported receiving received 33 complaints against police officers for use of excessive force, and it found grounds for investigation in two cases.

In its November 2008 report, the CPT delegation stated that it received many allegations that prosecutors and judges did not act on claims of mistreatment when they were brought to their attention. The October 17 EC progress report stated that the country's procedures for dealing with allegations of prisoner mistreatment were still not effective and that allegations of mistreatment were not sufficiently investigated or prosecuted. The November 2008 CPT report also concluded that authorities had taken no action to strengthen protection against mistreatment by police and mistreatment of inmates (including juveniles) by prison officers.

On May 27, the Skopje prosecutor opened an investigation of four prison guards accused of using excessive force against several detainees in the state detention center in Skopje's Shuto Orizari municipality on March 17. The Ombudsman's Office reported that video and medical evidence showed that guards tied the inmates to radiators and beat them until they gave statements. The Ministry of Justice initially suspended them, and later fined and reprimanded them, but then allowed them to resume their duties. The ombudsman submitted the prisoners' petition to the prosecutor for investigation and possible torture charges. The case was pending at year's end.

During the year the PSU followed up on a report from Macedonia's Helsinki Committee for Human Rights of an October 2008 case of a Tetovo police officer using excessive force against a detained person. The PSU reported a lack of evidence and cited unwillingness on the part of the alleged victim to cooperate with the PSU. The PSU submitted a special report to the Tetovo Basic Public Prosecutor's Office, and the Tetovo Basic Court convicted the officer and issued a suspended sentence on July 2. On October 7, the appellate court overturned the suspended sentence and convicted the officer to eight months in prison.

On September 24, PSU investigators determined that three Skopje officers committed a criminal act--mistreatment in performing a duty--when they used coercive force in November 2008 against a person in an underground garage. The PSU submitted a special report to the Public Prosecutor's Office but did not follow up with an internal disciplinary action because the 90-day period to do so had expired. After reviewing the case, the Skopje Public Prosecutor's Office filed a request to open a criminal investigation. The investigation was ongoing at year's end.

During the year the Ministry of Interior decreased an officer's salary by 15 percent for a period of three months following a PSU investigation into an August 2008 case of a Tetovo police inspector found to have used excessive force against a citizen.

In its November 2008 report, the CPT noted receiving a credible allegation that a police officer sexually abused a person held overnight in a police station, after which two junior police officers reportedly hosed down the detained person in his cell.

#### Prison and Detention Center Conditions

Both the October 17 EC progress report and the November 2008 CPT report described conditions in several units at Idrizovo Prison as "inhuman and degrading."

The EC report noted that prison overcrowding remained a major problem and that the health-care system in the country's prisons was inadequate. During its June-July 2008 visit, the CPT observed few visible improvements in the prisons and found that, in general, the situation continued to deteriorate. At the Idrizovo Prison, the CPT found that the majority of living quarters were squalid, unsafe, and unhygienic. At the Skopje Prison, the CPT found pervasive dampness, dilapidation, and unhygienic conditions and stated that overcrowding had "become more acute" since the previous CPT visit on 2007. In one case, the CPT noted seven prisoners sharing a crowded, four-bed cell for 23 hours and 40 minutes a day. The CPT found prisoners being held in "totally unacceptable" conditions at both the Idrizovo and Skopje prisons.

Official reports indicated that three prisoners committed suicide in Idrizovo prison during the year and one prisoner committed suicide in Tetovo prison. The ombudsman noted a lack of appropriate security in the prisons for persons with mental health problems.

On February 2, the Judicial Council removed investigative judge Miroslav Trifunovski from office for unprofessional and negligent conduct in the investigation into the suspicious 2008 prison death of journalist Vlado Tanevski, who was said to have drowned in a bucket of water in his cell. Tanevski's cell was occupied at the time by three other inmates, one of whom was a convicted murderer. The CPT delegation questioned why authorities placed Tanevski in a cell with three convicted prisoners when there were empty cells available for pretrial detainees who were remanded into custody, why following Tanevski's death the other prisoners were not separated and placed in different cells, and why Tanevski's three cellmates requested to clean the cell before the cause of death was determined, thereby rendering impossible an effective forensic examination of the scene of the death.

The Ministry of Justice reported that, at the beginning of the year, the country housed a total of 2,379 detainees and prisoners, including juveniles, although the total capacity of all facilities was only 2,175.

The ombudsman reported that although juvenile prisoners were separated from adult prisoners, there were opportunities

for the two groups to associate during free-time activities in the yard of the prison. Both the EC and CPT reports cited problems with association of minors and adult prisoners, with the CPT report calling the arrangement "totally unacceptable."

The government usually granted independent humanitarian organizations and the ombudsman access to convicted prisoners. The law allows family members, physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. Judges usually granted permission. However, the CPT highlighted "unreliable information" provided by authorities regarding use of means of restraint in prisons, screening of new prison arrivals, and access to outdoor exercise as "clear examples" of authorities' lack of cooperation with its visit.

In its October 17 report, the EC noted that some progress was made in the prison systems, specifically that refurbishment work for the section for chronically ill detainees and detainees with disabilities in the Izdrivo Prison was finalized and a new remand wing in the Skopje Prison was completed. The ombudsman also reported that a system of anonymous complaint boxes in the prisons allowed them better access to concerns of prisoners.

During the year the government continued refurbishment of several prison and detention facilities begun in 2008 and expanded capacity to accommodate an additional 420 prisoners/detainees.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The national police are a centralized force, under the Ministry of the Interior, consisting of uniformed police, criminal (civilian) police, and border police. By midyear, 20.3 percent of the force were minorities, short of the government's 25 percent quota for minority officers. Ethnic Albanians made up 25.2 percent of the population and an estimated 16 percent of the police force.

International observers and local nongovernmental organizations (NGOs) cited corruption, lack of transparency, and political pressure within the Ministry of the Interior as hindering efforts to fight crime, particularly organized crime.

Police impunity remained a problem, although there were improvements with aggressive internal investigations and an active ombudsman.

Corruption was reported among prison staff. According to the October 17 EC progress report, there were no effective mechanisms in place to prevent and combat corruption among prison staff. Following its June-July 2008 visit, the CPT reported receiving allegations from nearly every prisoner with whom it spoke at Idrozovo Prison concerning the involvement of staff in the trafficking in mobile telephones, drugs, and other illicit goods, while the director of the Skopje Prison acknowledged to the CPT the involvement of prison staff in the trafficking in mobile phones. The EC report also noted that political interference in appointments to some prison management positions persisted, disrupting the continuity and sustainability of strategic planning.

In December 2008 the ombudsman opened an investigation into charges of discriminatory treatment favoring female prisoners in the Idrizovo facility. The media reported that a number of female prisoners, including those recently convicted of serious crimes, quickly earned a special status of more lenient treatment, including weekends away from the prison. The ombudsman was investigating to determine whether corruption or discrimination played any part in the lenient treatment.

The PSU conducted all internal investigations into allegations of police misconduct. In its November 2008 report, the CPT noted that it was "not convinced" that the PSU could be considered as an authority independent from the police and that, when it came to investigating alleged mistreatment by law enforcement officials, the PSU "cannot be considered as an independent body which is able to carry out prompt, thorough and effective investigations." Since the CPT visit, international observers noted increased independence of the PSU from police functions, an expansion of the unit, and enhanced training of PSU staff to improve investigative capacity. The October 17 EC progress report noted that "control over the police in general, and special units in particular, was more effective, partly because of increased internal audits to ensure that professional standards were respected." The report further noted that "investigations were carried out in accordance with international standards." The report stated that, although an independent external mechanism was lacking, oversight of police work was improved by strengthening the powers of the public prosecutor in the investigative phase.

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

During the year citizens filed 252 complaints related to police conduct with the ombudsman.

During the first six months of the year, the Ministry of Interior, following PSU recommendations, reduced the pay of 101 employees, dismissed 12 from the police force, and reassigned 12. During the year the PSU filed charges against 26 employees. Representatives from a number of international organizations, including the OSCE, the EU, and foreign

missions continued to monitor police operations and advise the Ministry of Interior on police reforms.

#### Arrest and Detention

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

The law states that prosecutors must arraign a detainee within 24 hours of arrest. An investigative judge, at the request of a prosecutor, may order detention of suspects for up to 72 hours. Police generally adhered to these procedures in practice.

The law permits a detainee to have a lawyer present during police and court proceedings. Previously, an administrative requirement that visits be approved by the investigative judge and comply with general visitation hours rules of the detention facilities hindered detainees' access to their lawyers. In July the government took action to provide for defense attorneys' free access to clients in detention during normal business hours, with no court order requirement or other systematic requirement of government approval. The law requires that authorities give indigent defendants access to attorneys, and authorities generally respected this requirement in practice.

The law permits immediate family members access to detainees and access was generally provided, although it was not always prompt. The law states that an investigative judge must approve access.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Most allegations of this practice involved accusations that police targeted the individuals for political reasons. Police did not arrest the individuals, nor hold them for extended periods of time.

In response to concerns about irregularities in the registration data and lack of respect for the rights of detained persons, the Ministry of Interior conducted inspections of the registers of detained persons and prepared standard operating procedures for their detention and the treatment. These procedures included designating officers responsible for proper processing and treatment of detained persons.

There was a functioning bail system. The law sets the initial length of pretrial detention at 30 days, with possible extension to 180 days if a council of three judges orders a 60-day extension for further investigation and a superior court orders an additional 90-day extension. The 90-day extension is allowed only in cases for which the crime under investigation is subject to a sentencing guideline of at least five years. Following indictment, the maximum pretrial detention is two years depending on the crime. Data from the first half of the year showed a drop in the number of pretrial detention cases, as judges increased the use of home confinement and bail.

#### e. Denial of Fair Public Trial

The constitution and laws provide for an independent judiciary; however, the government, political pressure, intimidation, and corruption influenced the judicial branch. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary. The annual judiciary budget as a portion of the national budget has declined from approximately 2 percent in 2004 to 1.2 percent in 2009. During the year the judiciary budget was reduced by 4.5 percent, which resulted in cuts in the capital investments and salaries and allowances categories, making it difficult for the courts to carry out some of the projected facilities refurbishments and to fill vacant staff positions. Political pressure also influenced the election of new judges and work of the Judicial Council, the body responsible for election, discipline, and removal of judges.

During the year the European Court for Human Rights issued 16 judgments that found two violations of the right to liberty and security, two violations of the right to fair trial, one violation of freedom of movement, one violation of right to association, and 10 violations of length of proceedings.

The country has a three-tiered court system composed of trial courts, appellate courts, and an administrative court and the Supreme Court. The Constitutional Court, which is not considered part of the judicial branch, deals with matters of constitutional interpretation and certain human rights protection issues.

On June 1, seven ethnic-Albanians were each sentenced to 15 years in prison for planting an explosive device along the Kumanovo-Sopot road in 2003; the explosion killed two Polish NATO soldiers and one civilian, and seriously injured two others. One of the seven began serving his sentence; the other six had been tried in absentia. Four other ethnic-Albanians were convicted in 2004 and 2006 and were serving sentences of 10 to 14 years. In August a "Sopot" working group was formed in the parliament to determine whether there were human rights violations in the case and to make recommendations. The working group concluded that human rights violations did occur and presented its report to the parliamentary Standing Inquiry Committee on Human Rights in December. The committee tabled the discussion on adoption of the conclusions until early 2010.

The government continued to delay the implementation of a number of judicial reform laws resulting in reduced efficiency of the courts. There was a serious backlog of cases, the majority of which were cases involving the enforcement of civil judgments. Based on unofficial reports from government authorities, through June, trial courts decided only 29.9 percent of the cases on their dockets. On June 30, the parliament moved the date for the transfer of enforcement cases to a private bailiff system from January 1, 2009, to July 1, 2010, leaving the responsibility for these backlogged cases with the courts.

## Trial Procedures

Suspects are presumed innocent until proven guilty. Trials are generally open to the public. The country does not use juries. Less serious cases are heard by a single judge, and more serious cases are heard by a panel of one or two professional judges and two to three lay judges. The judicial panels determine guilt and impose sentences. The panel usually follows the recommendations of the presiding judge. Defendants have the right to an attorney in pretrial and trial proceedings. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. Defendants and their attorneys are entitled to government-held evidence, but this did not always occur in practice. Both the prosecution and defendants have the right to appeal verdicts.

The law provides that courts may try defendants in absentia as long as they repeat the trials if convicted individuals later become accessible to justice officials.

During the year the courts started selectively publishing civil and criminal judgments online, but public access to judgments and court decisions remained limited. During the year courts rejected at least seven separate requests for copies of certain more high-profile judgments.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

## Civil Judicial Procedures and Remedies

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Individuals may file human rights cases in criminal or civil courts or the administrative court, depending upon the type of human rights violation in question or the perpetrator of the alleged violation. Individuals may also appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for raising excessive judicial delays to the Supreme Court.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, the law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for broadcasters who violate these laws.

There were reports that government and businesses indirectly pressured the media and that journalists practiced self-censorship. The government was one of the largest purchasers of advertising in the country and favored outlets and journalists it perceived as friendly. On January 26, the head of the NGO Transparency Macedonia criticized the government for nontransparent expenditures and for advertising in selected media.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism.

Media institutions and reporting were divided along ethnic and political lines, with the most striking divisions visible in reporting on controversial political issues. There were complaints and allegations of government pressure and even threats against media outlets that did not report favorably on the government.

In December 2008, following criticism from the media, the ruling political party, VMRO-DPMNE, announced that it was dropping slander charges that were then pending against 12 journalists in connection with their political reporting. On June 28, the Association of Macedonian Journalists stated at a news conference that the government had actually changed the criminal charges into civil charges, instead of dropping them entirely as suggested by the original VMRO-DPMNE announcement.

The independent media were active and expressed a wide variety of views without restriction. However, several commentaries and editorials on International Press Freedom Day (May 3) noted that pressure from political and business interests was impeding the development of a more independent press. On June 30, the Center for Civil Communications reported that the country's media lacked a professional approach towards reporting on corruption.

There were six major private daily newspapers in Macedonian and three in Albanian. International newspapers and magazines were available throughout the country. Macedonian Radio and Television (MRTV), which generally favored the

government's views on political issues, was the country's sole public broadcaster.

There were five private television broadcasters with national coverage, 16 national television stations broadcasting via satellite, and 57 private local and regional television stations. Most of them broadcast news programs and reflected a variety of viewpoints. There were 70 independent radio stations. All major broadcast and print media offered up-to-date web editions. Blogs and Internet-based social networks also contributed to developing freedom of speech.

On June 16, parliamentarian Amdi Bajram verbally attacked journalists reporting from the parliament. Following numerous criticisms of his harsh attack, Bajram apologized to the press.

On May 4, the Association of Macedonian Journalists announced that there were more than 160 ongoing defamation, libel, and slander suits. The law allows only fines as penalties in such cases. The association stated that courts had ordered journalists to pay over 250,000 euros (\$358,000) for cases that were filed in 2007 and 2008. In several cases, the court did not fine accused offenders who apologized before the court.

In October 2008 the appellate court granted the appeal of a journalist of a Bitola court decision to fine the journalist 720,000 denars (\$14,400) for publishing a report on a judge being fined by police for driving under the influence of alcohol. The appellate court returned the case to the basic court for retrial. The retrial was ongoing at year's end.

On May 28, the Skopje Appellate Court rejected Ljubomir Frckoski's appeal of a December 2008 judgment against him for slandering Prime Minister Nikola Gruevski in a 2007 column he published. Subsequently, Frckoski requested the prosecutor's office file a special motion for protection of legality before the Supreme Court on his behalf. At year's end, the prosecutor's office had not responded to his request, although the 30-day deadline for such a motion had expired. NGO Reporters without Borders criticized the decision as harmful to freedom of the press. The European Court of Human Rights has accepted Frckoski's application to hear the case.

On March 25, the Supreme Court overturned the appellate court's acquittal of three defendants, including the owner of a cable television station, accused of the January 2008 assault and attempted murder of Goran Gavrilov, the owner of the national radio station Kanal 77. Gavrilov believed that the crimes were related to his reporting on the conditions at cable station Telekabel, as well as his efforts to regulate relations between cable operators and private broadcast media. Although the Supreme Court found violations of law in the earlier trials, it did not order a retrial.

On February 11, a Skopje court acquitted one officer and sentenced two others to prison terms of seven months and one year, respectively, in the 2007 attack by police officers on Alsat Television cameraman Igor Ljubocevski while he was filming police stopping a member of parliament.

During the year the prosecution dropped criminal charges against a security guard for the political party Democratic Union for Integration who in 2007 slapped a television journalist covering developments in the parliament. A civil case was still pending at year's end.

There was no progress in the May 2008 theft of six television transmitters belonging to Alsat Television and the local television station Art outside of Tetovo during the parliamentary campaign. Media observers considered the theft an attempt to silence the media and deny citizens information about elections.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The government tried to increase Internet use and operated Internet cafes throughout the country that provided free Internet access to persons under the age of 27 and to senior citizens. In October the State Statistical Office released data on Internet penetration indicating that 41.8 percent of homes had Internet access and that a full half of the population had used the Internet during the first quarter of the year, up 8.5 percent over the first quarter of 2008.

#### Academic Freedom and Cultural Events

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

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

##### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. For public gatherings of any kind, organizers must notify the Ministry of Interior so that the venue can be made secure.

On March 28, a group of approximately 100 protestors, who opposed government plans to construct an Orthodox Church in Skopje, gathered on the center square. They were countered by a group of several thousand protestors who supported the construction. Police tried to separate the two groups but did not fully succeed, and subsequent violence, including assaults and shouting, effectively prevented the protest from proceeding. The Ministry of Interior charged 23 participants from both sides, mainly for violating public order. Trials were ongoing at year's end.

The March 28 incident fueled interest by a broad range of NGOs and civil society groups in the rights to assemble peaceably and to protest. On April 11, a group of several hundred protestors gathered in the city square under the motto "protest for the right to protest." Considerable additional police forces were present for the second protest, which occurred without incident.

#### Freedom of Association

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

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right. However, during the year the court charged with registering religious organizations failed to meet registration deadlines and rejected the applications of more than ten communities, effectively blocking their ability to gain legal status. The law does not require a group or individual be part of a legally registered religious community in order to practice religion in public or in private.

During the year a dispute over government support for the construction of an Orthodox church in the main square of Skopje increased interethnic tensions and raised questions about the separation of church and state.

During the year nuns and clergy of the Orthodox Archbishopric of Ohrid, a group recognized by the Serbian Orthodox Church but without legal status, continued to claim undue monitoring and harassment based on its religious beliefs, especially at border crossing points, where they reported that border guards instructed them to take off their monastic clothes in order to facilitate border crossing formalities.

The law requires that the State Commission for Relations with Religious Communities and Groups approve foreigners entering the country to carry out religious work or perform religious rites. Persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country when applying for visas. The commission normally issued approvals within one week.

The restitution of religious properties expropriated by the former Yugoslav government was not fully resolved. Members of the Islamic Community of Macedonia (ICM) continued to point to a higher rate of restitution of properties belonging to the Macedonian Orthodox Church than those belonging to the Islamic Community. The Bektashi Community, a Sufi order whose application for registration as an Islamic organization separate from the ICM was rejected in September, filed suit against the government in 2002 for failure to reconstitute the Arabati Baba Tekke to the community. There were no developments in the suit.

#### Societal Abuses and Discrimination

There were isolated reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

On August 31, local residents informed police in Struga that several graves in a Muslim cemetery had been desecrated. There were several reports of damage to gravestones in Orthodox cemeteries near the predominantly ethnic Albanian cities of Tetovo and Aracinovo during the year, although the damage was reported to be minimal and it was not clear if the vandalism was religiously motivated.

In June serious tensions developed between the ICM and the Bektashi community over the burial of a community member on the grounds of the disputed Arabati Baba Tekke in Tetovo. The ICM threatened to exhume the body and move it to another location. The international community and local police became involved in an effort to prevent violence between the two groups. Although tensions lessened during the year, the two groups continued to debate the legality of the burial.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not use forced exile, internal or external.

#### Internally Displaced Persons (IDPs)

The government reported 644 persons remained displaced from the 2001 internal conflict. Of these, 265 persons lived in collective centers, and 379 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate. The UNHCR assisted 39 IDPs to regulate their civil status and identity

documents.

During the year the government encouraged IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the government was not providing adequate support for the return process. Roma IDPs faced additional challenges due to lack of documentation of tenancy for properties where they previously resided.

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum both to those individuals meeting the criteria for refugee status and those meeting the criteria for subsidiary protection. The government has established a system for providing protection to refugees.

The law provides for protection of refugees and persons under subsidiary protection in accordance with EU standards. During the year the government continued to transform the mechanism of protection for asylum seekers who were not granted refugee status in the country from "asylum for humanitarian protection" to "asylum for subsidiary protection" in line with EU directives. Although the UNHCR assessed that there was some improvement in the refugee status determination mechanism, the government did not grant refugee status to any asylum seekers during the year.

During the year the speed of adjudication of asylum claims improved considerably, but nearly all decisions were negative. The government did not deport any individuals from Kosovo whose asylum applications were rejected. The Ministry of Interior issued identification documents and temporary residence permits to those whose applications for asylum were rejected. The temporary residence permits are subject to extension as individual circumstances warrant. For the first time, the Administrative Court, the only appeals body that can address the asylum cases, accepted the appeals of 15 individuals and returned the cases for readjudication.

On December 15, a new law entered into force that amended the law on asylum and temporary protection, significantly improving the quality of national asylum legislation. The working group that drafted the law consulted closely with the UNHCR.

The country experienced a significant increase in arrivals of new asylum seekers from outside the region, including 50 Afghans. Nearly all departed to unknown destinations after applying for asylum. By the end of November, the number of registered asylum seekers decreased from 100 to 81.

The government issued identity documents to all asylum seekers, recognized refugees, and other persons under humanitarian protection. There were some delays noted issuing identity documents to new asylum seekers.

By the end of November, 31 asylum seekers, refugees, and other persons of concern from Kosovo, including Roma whose asylum applications were rejected, obtained Macedonian citizenship.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, or in which they would be subjected to torture or inhuman or degrading treatment or punishment. A total of 1,643 asylum seekers, refugees, persons under humanitarian/subsidiary protection, and other persons of concern remained in the country from the 1999 conflict in Kosovo, most of them Roma. The UNHCR noted progress in the return process of Roma to Kosovo, which it has been facilitating on the basis of individual voluntary requests.

In early November the country adopted the new National Plan for Integration of Refugees and Foreigners that focuses on housing, education, health, social protection, employment, and community development.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

On March 22 and April 5, the country held national presidential and municipal elections. In contrast to the 2008 parliamentary elections, the elections were peaceful, and the OSCE stated that police provided a secure environment. The OSCE characterized the elections as meeting most commitments and other international standards, and noted that the overall administration of the elections was professional and transparent. However, the OSCE and other observers noted that intimidation of voters was a problem. Public sector employees were particularly vulnerable to threats that their jobs would be in danger if they did not support the governing party. Some citizens receiving pensions or social services were also threatened with the loss of this income if they did not vote as instructed. In October the Ministry of Justice began a pilot project in two municipalities, Gostivar and Vinica, aimed at updating the voters' lists.

Political parties could operate without restriction or outside interference.

There were 39 women in the 120-seat parliament and two women in the 22-member Council of Ministers. The law requires

gender diversity in each political party's candidate list; at least one in every three candidates must be of the gender opposite of the majority gender on the list. None of the country's 85 mayors were female.

There were 29 ethnic Albanians, four ethnic Serbs, two ethnic Vlachs, one ethnic Turk, one ethnic Roma, one ethnic Bosniak, and one person formally declared as being of "other" nationality in the 120-seat parliament. There were eight members of minorities in the 22-member Council of Ministers.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corruption with impunity.

There were several claims during the year of government interference in high profile cases of "abuse of office" or "misuse of official position" in order to threaten noncompliant government officials or party members or to intimidate key opposition leaders. A number of current and former government officials faced charges of misuse of position or abuse of office, while other officials and opposition leaders reported threats that they would face such charges. Former manager of the Health Fund, Georgi Trenkoski was arrested, detained, and charged in November with malpractice of official duty after resigning his position in August, reportedly over disagreements with government policy. Supporters claim that the media was tipped off ahead of his arrest to ensure a "perp walk." Media coverage of his case was derogatory, implying guilt ahead of his trial.

Police and judicial corruption were problems. During the year the Judicial Council removed 11 judges for unprofessional and unethical conduct.

On July 16, the Judicial Council suspended Judge Liljana Jankova, pending the outcome of a corruption-related investigation. During the year three judges from Struga along with 10 other persons went on trial for embezzlement and defrauding investors.

On January 28, the Ministry of Interior initiated an investigation into corruption by police and customs officials accused of taking bribes at the country's border crossings. In August and September, the Ministry of Interior arrested 61 border police and three customs officers and filed criminal charges against them with the Public Prosecutors Office. Trials for 45 defendants were underway at year's end. Trials for the remaining 16 are scheduled for January 2010. The investigation was ongoing at year's end.

On December 16, the former governor of the National Bank of Macedonia, Ljube Trpeski, began serving his sentence of 4.5 years, after being convicted in February 2008 of embezzling approximately 950 million denars (\$22 million).

On December 9, the appellate court annulled the decisions of a first instance court in the cases of Vasil Tupurkovski, a former deputy prime minister and director of the Agency for Reconstruction and Development, and former prime minister and minister of defense Vlado Buckovski, charged with corruption and abuse of office respectively. The appellate court found procedural flaws with both trials and sent them back to the first instance court for retrial. There was no retrial date at year's end.

In April court hearings began in the case of the former director general of the electric company, Pande Lazarov, on trial for taking kickbacks and money laundering. Lazarov was released on bond into home detention pending the outcome of the trial. The trial was ongoing at year's end.

In April the Supreme Court granted the appeal of the former director of the Public Revenue Office, Petra Miteva, convicted and sentenced to three years in prison on charges of misuse of official position for improperly purchasing office space. The Supreme Court ruled that the case should have been tried as a civil case and that there was no basis for a criminal complaint.

The State Commission for the Prevention of Corruption was responsible for investigating charges of corruption as well as complaints submitted by citizens. From January to September, the commission received 298 complaints.

Members of parliament and high-ranking public officials were subject to financial disclosure laws.

The law provides for public access to government information. Implementation lagged, especially in respect to citizens' access to court judgments and other court decisions. However, there were notable improvements in public access to court judgments during the year.

#### 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. The government was generally cooperative and responsive to their views.

Approximately 500 domestic and internationally registered NGOs operated in the country, including a number focused on human rights and civil society issues including women's rights, interethnic dialogue, LGBT rights, children's issues, and concerns of disabled persons.

The international community also engaged the government on human rights issues, and many foreign and multilateral missions implemented projects on a range of human rights and civil society issues, including projects related to free and fair elections and improved relations between ethnic Macedonians and ethnic Albanians.

The ombudsman worked to protect citizens against infringement of their rights by public institutions, to reduce discrimination against minority communities and persons with special needs and to promote their equitable representation in public life, and to address issues of children's rights. The ombudsman has the right to visit all detained persons and to report findings to the UN. Most cases concerned violations of judicial procedures, police abuse, and labor, consumer, or property rights. The ombudsman reported good cooperation and communication with the government but noted that while government responses to its inquiries were usually timely, they were often not substantive and at times lacked requested information.

The government cooperated with international governmental organizations and permitted visits by representatives of the UN and other organizations, including a January visit by the OSCE high commissioner on national minorities and an April visit by the UN special rapporteur for freedom of religion or belief.

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

The constitution and law prohibit discrimination based on gender, race, disability, religion, or national, social, or political affiliation, and the government generally enforced these prohibitions. A number of NGOs criticized the piecemeal nature of legal prohibitions against discrimination and raised concerns about the lack of clear systems for legal remedies for victims of discrimination. A coalition of NGOs representing a broad range of interest groups called for comprehensive antidiscrimination legislation, and a number of international organizations supported efforts to develop such legislation.

#### Women

The law specifically prohibits rape, including spousal rape; however, legal sanctions were not a significant deterrent. The penalties for rape or forcible sexual assault range from one to 15 years' imprisonment. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. An NGO that maintained centers for victims of domestic violence reported increased use of their facilities by victims of domestic violence. Ministry of Interior statistics for the first six months of the year indicated that there were 271 reports of physical violence against women and 194 reports of psychological violence against women.

Cultural norms, including victims' concerns over possible shame to the family, discouraged the reporting of violence against women, including filing criminal charges. Domestic violence is illegal, but authorities rarely enforced the law in practice. There were reports that police officers were unaware of provisions of the law that allowed them to act to protect victims of family violence.

There was one NGO-operated and six limited-capacity government shelters for women at risk, a national NGO-operated hotline, and a crisis center for temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs combating domestic violence relied largely on international donors. Some women's groups worked to raise awareness of the problem. The government sponsored a public campaign against domestic violence, using well-known athletes.

Prostitution is illegal; however, authorities did not always enforce the law. The government deported some foreign women accused of prostitution and prosecuted some men for "mediating" in prostitution. Those deported were screened by qualified antitrafficking professionals prior to deportation to assure they were not victims of trafficking in persons.

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Sexual harassment in the workplace is prohibited under the Law on Equal Opportunities for Men and Women, and is addressed specifically in the criminal code with a sentencing guideline of three months to three years. Authorities could prosecute sexual harassment under antidiscrimination provisions under Macedonian law, but victims have generally not brought cases forward due to lack of clarity of antidiscrimination provisions in the absence of comprehensive legislation. Although women remained underrepresented in the higher levels of the government and the private sector, there were several prominent professional women in the public sector, including the interior and culture ministers.

The rights of women to make reproductive decisions are not infringed. Contraceptives were very widely available and affordable. Obstetric and postpartum care was available at hospitals throughout the country and was accessible to expectant/new mothers through medical coverage provided to employed persons through their employers and to unemployed persons through the national welfare systems. Women and men were equally diagnosed with and treated for sexually transmitted infections.

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

Women from ethnic Albanian and Romani communities did not have equal opportunities for employment and education due to traditional or religious restrictions on their education and role in society. In some Albanian communities, the practice of men voting on behalf of female family members disenfranchised women.

## Children

Citizenship is derived primarily by citizenship of parents, but the law allows for acquisition of citizenship by birth in the country's territory (*jus soli*) for a child found in the territory of Macedonia with unknown parents, in the case that his/her parents are not discovered to be foreigners before the child reaches the age of 18. Births of all children in hospitals and medical institutions are registered automatically, and law requires that all children, including those born at home or elsewhere, be registered at magistrate offices within 15 days of birth. Some Roma families delayed registration of newborns, but NGOs provided free legal assistance to ensure that families could register children even after the administrative deadline.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, with many schools offering classes in shifts as a result. In many places these shifts were along ethnic lines. Boys and girls generally had equal access to education, although there were isolated instances of discrimination against girls in educational institutions in some ethnic Albanian areas.

Child abuse was a problem in some areas. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior were responsible for addressing child abuse. NGOs were also active in this area. There were reports that Roma often organized their children into groups to beg for money in public places.

Child marriage occurred in the Romani community and, to a lesser extent, in the ethnic Albanian community, but it was difficult to estimate the number because child marriages were rarely registered.

According to 2005-06 UNICEF data, there were between 500 and 1,000 street children in the country; most of them were Roma. With international support, the Ministry of Labor and Social Policy operated a day center for street children, although Romani leaders reported that the center was not effective in providing long-term assistance to street children.

## Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, within, and from the country.

The prevalence of trafficking in persons in the country was minor. Women and children were trafficked internally for the purpose of sexual exploitation and forced labor. Roma children were internally trafficked for the purpose of forced begging. Victims were trafficked into the country from Kosovo and Albania, and to South-Central and Western Europe. During the year eight trafficking victims were identified. Seven of those were minors, and all were Macedonian citizens. Police raids and testimony by victims confirmed that traffickers subjected a small number of trafficking victims to threats and physical or psychological abuse. However, NGOs and international community representatives reported that, to ensure that they did not identify themselves as trafficked victims if police questioned them, traffickers increasingly arranged for their victims to reside in the country legally, paid them some money for their services, and granted them limited freedom of movement. Traffickers' *modus operandi* continued to evolve in response to law enforcement tactics, including increased use of more hidden, private sectors, such as beauty salons and massage parlors. The Ministry of Interior, in cooperation with the International Organization for Migration (IOM), began a training program in November for 250 local and border police to focus on identifying the new, more discreet, victim profile and adapting police methods to the changing methods of traffickers.

Victims were trafficked both by large, international trafficking and smuggling organizations and smaller, one-off traffickers. Most traffickers had previous criminal backgrounds. The traffickers used coercion tactics more often than outright kidnapping or abduction. Traffickers used devices such as false marriage proposals and enticing job offers to lure their victims. There were also reports of the involvement of friends and family members in the recruitment phase and eventual trafficking of the victims, especially in cases that involved minors.

The law specifies a minimum sentence of four years for trafficking through the use of force, fraud or coercion, and a minimum of 10 years for trafficking minors. The government's National Commission for Combatting of Trafficking and Illegal Migration coordinated antitrafficking efforts. The Ministry of Interior led law enforcement efforts, while the Ministry of Labor and Social Policy coordinated victim protection. A total of eight ministries, the Chief Public Prosecutor's Office, NGOs and international organizations, and court representatives also participated.

The government's increased enforcement of trafficking and the courts' aggressive prosecution resulted in increased sentences for traffickers, although one organization reported that basic courts sometimes still prosecuted traffickers under smuggling laws. Authorities discovered most victims of trafficking during police raids on bars and nightclubs. Reports indicated that corruption continued to directly hamper the country's antitrafficking efforts. For example, local brothel owners were occasionally tipped off prior to raids, allowing traffickers to elude law enforcement and brothel owners to hide potential trafficking victims. During the year police conducted 59 raids of suspicious bars and nightclubs. Local NGOs and international organizations trained police on the proper identification and treatment of trafficking victims and participated in postraid interviews.

By the end of the year, the police brought six cases of trafficking of minors to the Office of the Chief Prosecutor. Of those

six, two were indicted and the trials were ongoing; one was under judicial investigation, pending indictment; two were sent back to the police for further evidence gathering; and one was rejected for lack of evidence. The total number of individuals charged with trafficking in persons was 18. The average sentence for traffickers was more than five years.

NGOs, international organizations such as the OSCE and the IOM, and a number of foreign embassies in Skopje participated in an antitrafficking steering committee led by the government's antitrafficking commission.

The government offered assistance to potential victims, including shelter, legal and medical assistance, witness protection, psychological assistance, and vocational training. The law provides for a residency permit of up to six months and a reflection period for foreign victims to allow them more time to receive assistance and decide whether to testify against their traffickers. To date, no foreign trafficking victims requested the residency permit. The government continued to improve implementation of its victim-centered standard operating procedures for victim identification. In order to ensure consistent use of standard operating procedures by local police, the government, in partnership with the international community, began extensive trainings during the year that focused on the continued implementation of the standard operating procedures.

The government continued to operate a reception center for foreign migrants and foreign trafficking victims; victims' freedom of movement in this center is limited. The government continued to conduct trafficking prevention and awareness campaigns and provided antitrafficking training to its military forces deployed abroad.

The Ministry of Interior conducted two major operations to root out police and border officers who facilitated smuggling and illegal migration. On July 1, authorities arrested 13 people, including one senior police officer, and charged them with human smuggling for the smuggling of Asian migrants from Serbia, through Macedonia, to Greece. On August 25, the Organized Crime Unit began arresting border police and customs officers for allegedly taking and/or soliciting bribes at border entry points. While there was no direct evidence linking either case to trafficking crimes, authorities noted that both operations aided in securing the borders against vulnerabilities to international trafficking crimes.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

Persons with disabilities faced discrimination in employment, education, access to health care, and other state services. The law requires persons with physical or mental disabilities to get approval from a medical commission of the government to serve in supervisory positions in both the private sector and the government. The law also offers incentives to certain "shelter companies" to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified limited employment opportunities for persons with disabilities.

Laws require only that new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible for persons with disabilities.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration into society of persons with disabilities.

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

#### National/Racial/Ethnic Minorities

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

According to a Roma NGO, societal hostility toward Roma continued, but instances of direct attacks on Roma diminished.

Relations between the ethnic Macedonian majority and the ethnic Albanian minority were strained.

From late March until the end of the 2008-09 school year, ethnic Macedonian students who sought ethnically separated shifts boycotted a secondary school in Struga. During the summer, construction began on two new schools in Struga to alleviate overcrowding, but those projects were not scheduled to be completed during the year. The 2009-10 school year started with ethnically separated shifts and an expectation that the separation would continue for the foreseeable future.

In other locations as well, students from different ethnic groups sometimes studied in separate shifts or at separate facilities, either due to linguistic differences or at their parents' request.

On August 16, there were violent clashes between a group of ethnic Macedonian soccer fans and ethnic Albanian residents following a soccer game in Skopje. The local police were criticized for failing to respond quickly to the incident; however, the Ministry of Interior launched an investigation and arrested eight persons in connection with the incident.

Ethnic Albanians continued to complain of unequal representation in government ministries. Ethnic Macedonians often claimed that employers targeted them for reverse discrimination in downsizing, regardless of performance. Some ethnic Albanians claimed that discrimination in citizenship decisions by the Ministry of Interior, which has authority to grant, revoke, interrupt, or confirm a person's citizenship, effectively disenfranchised them.

Following the adoption of the Ohrid Framework Agreement in 2001, the law provides for protection of minority rights and integration of all sectors of society. The government has a secretariat for implementation of the Agreement to hold accountable those state institutions that do not comply with the strategy for equitable minority representation. According to the secretariat, there were 800 new public administration jobs advertised and 360 new jobs offered to ethnic minorities during the year under the equitable representation requirements of the Agreement. Data from September showed that ethnic minorities accounted for 23.9 percent of employees of state institutions. Seventy-two percent of the budgeted 220 million denars (\$4.4 million) was used by the secretariat during the year. The government adopted a budget of 436 million denars (\$8.7 million) for the secretariat for 2010.

Ethnic Albanians remained underrepresented in the military and police, despite efforts to recruit qualified minority candidates.

The law provides for primary and secondary education in Macedonian, Albanian, Turkish, and Serbian. The number of minority students who received secondary education in their native languages continued to increase, especially after secondary education became mandatory.

Ethnic Turks complained of discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of ethnic Turkish majority municipalities in the 2004 municipal redistricting, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public welfare funds. Romani NGOs also reported that proprietors occasionally denied Roma entrance to their establishments.

The government funded implementation of the national strategy for the Roma Decade, including assistance with education, housing, employment, and infrastructure development. The government also continued to fund Roma information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education for Romani students resulted in continued increases in school attendance rates. For the 2009-10 school year, there were 13.4 percent more Romani students enrolled in primary education and 26 percent more in secondary education versus during the previous school year.

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

There were two registered NGOs addressing lesbian, gay, bisexual, and transgender (LGBT) issues, including one dedicated to gay health issues. Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media. LGBT activists joined a coalition of NGOs called "Macedonia without Discrimination" and were subjected to derogatory language when they participated in protests against the construction of an Orthodox church in Skopje's main square. LGBT organizations also reported societal discrimination and violence against transgender persons in the Skopje municipality of Shuto Orizari, noting that victims felt unsafe to report violence against them to authorities.

On November 16, an NGO coalition led a march through the city center for LGBT tolerance under the motto "Love is love." In contrast to a 2007 denial of a permit to an LGBT NGO to organize an event in the Skopje city center, organizers were issued a permit and reported excellent cooperation with the Ministry of Interior. Police coverage of the march was very substantial, allowing the event to occur without incident. Nearly all media outlets covered the event and the reporting was largely fact-based and straightforward.

#### Other Societal Violence or Discrimination

There were no reports of societal violence and isolated reports of discrimination, in the form of employment discrimination and impeded access to health care, against persons with HIV or AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides for the right to form and join independent unions without previous authorization or excessive requirements and workers did so in practice.

Unions may freely register with the Ministry of Labor and Social Policy. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, financial sector workers, and health care workers.

The law provides for the right to strike, and workers, including civil servants, exercised this right in practice. The law grants members of the military and police a restricted right to strike. During a strike, the law allows employers to "exclude" or temporarily release up to 2 percent of workers whom they believe are potentially violent. These workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike. If a strike is declared illegal, participants may be dismissed or sued for damages.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to operate without interference; however, the government did not always enforce these laws in practice. The law protects the right to bargain collectively, and most unions had collective bargaining agreements. The law, however, requires that trade unions represent at least 33 percent of workers or employers in order to negotiate these agreements. All legally employed workers were covered by collective bargaining agreements for the public or private sectors. Although collective bargaining took place, employees had very little practical negotiating leverage due to the country's weak economic environment, and many agreements failed to keep pace with changes in the environment and workplace.

The law prohibits antiunion discrimination; however, it existed in practice. In some cases former employees accused private companies of firing workers for participation in union activities, although the companies usually had other justifications. Because of the delays in the court system, it could take a worker who was unjustly fired two to three years to regain employment through legal action.

Employers were rumored at times to have interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections.

There is one export processing zone where two foreign-owned companies began operating this year and where several other companies were in the process of building factories. There were no special laws or exemptions from regular labor laws in the zone.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, forced labor still occurred. Criminal convictions for forced labor were handed down in several cases. Women and children were trafficked for commercial sexual exploitation and forced labor in the service sector. Roma children were especially vulnerable to trafficking for forced begging which often took place at busy intersections, on street corners, and in restaurants.

#### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

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

There were no official reports of illegal child labor during the year; however, there was evidence that such labor was used in the gray economy, primarily involving children who begged and sold cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were primarily Roma and most often worked for their parents. Officials did not punish such violations, and children remained vulnerable to exploitation. A 2005-06 report funded by the UN Children's Fund estimated that approximately 500-1000 children worked in such activities.

The Ministry of Labor and Social Policy was responsible for enforcing laws regulating the employment of children. Government efforts to eliminate forced begging by children have been largely ineffective; while the necessary laws are in place, there has been little practical implementation of them.

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

#### e. Acceptable Conditions of Work

The country does not have a national minimum wage established by law. According to official statistics, the average monthly net wage by September was 20,044 denars (\$400), which did not provide a decent standard of living for a worker and family. The government statistics office estimated that approximately 28.7 percent of the population lived below the poverty line in 2008, the most recent year for which data were available.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees may not legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year.

According to the collective agreement between the government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition, employees who work more than 150 hours of overtime per year are entitled to a bonus of one month's salary. However, high unemployment and difficult economic conditions allowed many employers to hire workers without complying with the law. In particular, small retail businesses often required employees to work well beyond the legal limits. During the year the Labor Inspectorate of the Ministry of Labor and Social Policy filed complaints against several private businesses for forcing workers to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the violations are corrected. In cases of repeated violations, the owners can be fined. During the year authorities temporarily closed more than 1,000 companies due to labor violations and nonregistered workers. No record of the number of employers fined was available.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice.

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