

Limited progress has been made in the area of **fundamental rights**. (See also under *Political criteria, and Chapter 19: Social policy and employment*.)

The number of complaints received in the **Ombudsman's** office in 2009 amounted to 3,632 which represents an increase of 20%. Violations were found in 30% of cases. The highest number of the violations was in the area of property rights (20%), followed by labour relations (12%, of which many among them coming from the civil servants in the local selfgovernment units in the aftermath of the local elections); judiciary (9.6%); and violation of consumers rights (8.7%). The responsiveness of the competent institutions to the recommendations of the Ombudsman decreased to 71% compared with 84.4% in 2008. The second instance Government commissions were again the least responsive to the Ombudsman's instructions, followed by the Ministry of Interior – notably the units for Border control and migration, and for status rights of the citizens.

As regards the **prohibition of torture and inhuman or degrading treatment or punishment**, there was progress in the long-term planning for construction and rehabilitation of prisons. The strategic plans have yet to undergo a proper prioritisation and a balance among the short, medium- and long-term measures. The conditions in some prisons remain of serious concern. Investigation and prosecution of allegations of ill-treatment are still insufficient. The lack of budgetary resources jeopardised regular functioning of the newly established unit on combating torture in the Ombudsman office.

With regard to **respect for private and family life** the Directorate for personal data protection continued with its satisfactory performance. Amendments to the law on personal data protection were adopted in order to strengthen the position of the Directorate and to improve the implementation of the law. Capacity building activities are underway. However, the Directorate received a reduced budgetary allocation. Also, there is no reference in the law to any form of judicial intervention.

Some progress was registered in the field of **freedom of thought, conscience and religion**. Under the law on the legal status of churches, religious communities and religious groups, registration was completed for 27 religious entities, with no pending applications.

With regard to **freedom of expression, including freedom and pluralism of the media**, the legal media policy framework is satisfactory, but its implementation has been uneven. The collection of the viewing license fee has started to improve but the sustainable funding of the public broadcaster and the Broadcasting Council still needs to be secured. The ownership of the print media is still highly concentrated and the concentration and transparency rules should be fully applied in the audiovisual media. The number of libel charges and intimidations against journalists multiplied and the media continue to be subject to interference from political and business interests. (See also *Chapter 10*).

Some further progress was registered in **freedom of assembly and association, including the right to form political parties and the right to establish trade unions**. The registrations process required under the amended law on labour relations was completed for 33 active trade unions and 6 employers' associations. The newly enacted law on citizens' associations and foundations allows for a wider practice of the right of association. However, there are concerns with regard to the procedure for obtaining a status of public benefit organisation.

Limited progress can be reported in treatment of ***socially vulnerable and persons with disabilities, and the principle of non-discrimination***. The 2010-2018 National Strategy on Equality of Rights of People with Disabilities was adopted, and the process of deinstitutionalisation continued. However, the access to health and special care, and social integration of people with disabilities continues to be limited. There was uneven progress in the area of anti-discrimination. A Framework law on anti-discrimination has been enacted but the Law omits "sexual orientation" as grounds for discrimination. Also, the nature and competences of the equality body do not meet the Paris principles and the Law is not fully aligned with the *acquis*. The Commission for Protection Against Discrimination is composed of only 7 members and does not have a secretariat. Independent performance of the tasks by the Commission should be guaranteed.

There was little progress as regards the ***right to education***. The number of enrolments to the secondary schools has increased; however, there is large absenteeism among pupils as well as drop-outs. Drop-outs are higher before the completion of primary education. Literacy is low with a substantial number of pupils in the country having low standards in reading and 50% of the population at most having completed primary education. Large funds have been invested in education infrastructure; however, high regional disparities still remain in access to education.

The guarantee for the ***right to property*** has been further ensured with the establishment of the cadastre for over 97.5% of the country's territory. Still, full respect is hindered by the protracted process of restitution of property confiscated during the socialist period. The Ombudsman's Office found unjustified delays in several procedures for restitution of property. The changes to the law on denationalisation, in force since June, foresee compensation, instead of returning of property in cases where the procedure has lasted longer and legal and factual problems have occurred. The amended law foresees an appeal procedure with the Administrative Court.

Some limited progress is registered in ***gender equality and women's rights***. The law on equal opportunities between men and women is being implemented. A Mediator for treatment of complaints has been appointed and her mandate and a public campaign are in preparation. The compulsory annual reporting has improved. The participation of women in politics remains limited at local level. A few actions targeting Roma women have been implemented, while nothing has been done to address women rights in the rural areas. Implementation of 2008-2011 strategy on combating domestic violence has continued, although the national coordination body has a weak monitoring capacity.

With respect to the ***rights of the child***, the law on protection of children has been amended. An updated Action Plan for the implementation of juvenile justice law covering the period 2010 – 2012 was developed. However, the standards and protocols for the implementation of the law on juvenile justice are not yet in place and the mechanisms for monitoring its enforcement are not effective. The provisions of the international instruments and obligations continue to be largely unapplied. The Council of Europe Convention on the Protection of Children against sexual exploitation and Sexual Abuse is still not ratified. The number of reported cases of physical and sexual abuse has increased, but its real size remains unknown. Children with disabilities, street children and children from marginalised communities remain the most vulnerable groups.

With regard to *liberty and security and right to a fair trial*, the law on legal aid in all court and administrative procedures was enacted in December. Its application started in July, except of few provisions which will be applying after 1 January 2012, and a few more upon the country's accession to the EU. Further efforts are needed to strengthen the witness protection system.

Little progress was made on *minority rights and cultural rights*. The legislative framework for protection of non-majority communities is largely in place, but its effective implementation is yet to be ensured, together with a full respect of the spirit of the Ohrid Framework Agreement. Some progress was made in implementing the strategy for equitable representation of non-majority communities in the public sector. However smaller communities, notably Roma and Turks, remain at a disadvantage. The implementation of the Roma Strategy and the four action plans of the Decade of Roma Inclusion continued to be delayed due to insufficient budget and inadequate institutional capacity. Further efforts are needed to improve access of the Roma to identification documents.

There were no developments in relation to **EU citizens' rights**.

Limited progress was made in safeguarding fundamental rights. While the legislative framework is broadly in place no sustained efforts were taken for its implementation. Much remains to be done for both promotion and protection of human rights. Limited funding hinders the establishment, staffing or functioning of the institutions. The situation is even more acute at the local level. In this area, the country is moderately advanced.

### *Conclusion*

There has been limited progress in reform of the judiciary and in safeguarding fundamental rights and some progress in addressing corruption. Budget management of the courts was improved and the backlog of cases was somewhat reduced. However, the absence of a comprehensive human resources management plan has led to the weakening of the Academy for Training of Judges and Prosecutors, as the principal source of recruitment in the judiciary. Continued efforts are needed to ensure the independence and impartiality of the judiciary through the proper functioning of the Judicial Council and the Council of Public Prosecutors. Lack of reliable and consistent data on court cases hampers a thorough assessment on the real effects of judicial reform and the definition of remedial strategies. The track record on high level corruption cases remains to be consolidated. The preparation of the entry into force of new Criminal Code provisions, like those on illicit enrichment, was insufficient. The new legislation on conflict of interest and financing of political parties had shown no results so far. The asset declarations are not being properly checked on substance and the declarations of interest are not being checked at all. As regards fundamental rights, while the legislative framework is broadly in place further sustained efforts are needed for its implementation. Much remains to be done for both promotion and protection of human rights.

Overall, the country is moderately advanced in this area.