

Limited and uneven progress was made in the area of **fundamental rights**.

The Office of the *Ombudsman* received 4043 complaints in 2010 (an increase of 11% from 2009). Violations were found in 20% of the cases dealt with (987 out of 4 828) and the Ombudsman's recommendations were accepted in 791 cases, representing an increase of 71% over 2009. The largest number of violations was found in the area of property rights (19%), consumers' rights (12.4%) and the judiciary (10%). The second instance Government commissions continued to be the least responsive to the Ombudsman's instructions, followed by the local self-government units. Three persons were recruited to each of the three new units of the Ombudsman's Office which deal with anti-discrimination, combating torture and ill-treatment and children's rights respectively.

There was some limited progress as regards the *prohibition of torture and ill-treatment*. The Ombudsman's specialised unit on combating ill-treatment, which is designated as a national prevention mechanism for implementing the Optional Protocol to the Convention against Torture, became operational in April. However, it lacks the authority and resources to fulfil its mission effectively. The unit of the Ministry of Interior for internal control and professional standards intensified its monitoring of police work. It increased its coordination with the Ombudsman and the Prosecutor's Office in exercising oversight over police behaviour. However, it is yet to be transformed into an authority that is fully independent from the police with the ability to implement effective investigations. The numbers of cases of ill treatment which were prosecuted was down to 27 criminal charges against 29 police officers in 2010, as compared to 36 criminal charges against 50 police officers in 2009. No cases of illegal arrest were reported.

Some limited progress was made as regards the *prison system*. A manual for the supervision of penitentiary institutions was adopted. A programme of compulsory training of prison staff, including on international human rights standards, was adopted in December 2010 and several trainings have been conducted. Construction and rehabilitation of detention facilities and prisons continued. The semi-open wing of Idrizovo prison was renovated; however, parts of the prison remain below the required standards. The country has yet to develop a strategic plan to comprehensively tackle the challenge of managing a prison system in accordance with international and European standards. The capacity of the Directorate for Execution of Sanctions to pursue prison reform needs to be strengthened.

With regard to *freedom of expression and the media*, the legal framework is generally in place, but attention needs to be paid to ensuring that its implementation is consistent, transparent and in line with the case law of the European Court of Human Rights. Some training targeted at journalists and judges has taken place, but more systematic training and awareness-raising is necessary in this field. The Association of Journalists held a number of consultations in 2011 on the development of self-regulation for both print and broadcasting media. In 2010, the first ever independent trade union of journalists and media employees was defamed in cases brought before the courts, of which 139 were against journalists. The level of fines imposed is often high in relation to the average monthly wage and this can lead to self-censorship. The media continue to be subject to interference from political and business interests. Intimidation of journalists and selective enforcement of legislation against media companies are increasing causes for concern. The enforcement track-record against illegal media concentrations is poor, hampered in part by the lack of transparency of ownership.

There was no progress on *freedom of assembly and association*. The Government Commission for Public Benefit Status has yet to be established. Tax legislation has not been harmonized with the Law on associations and foundations, thereby preventing access to tax benefits and the exercise of certain types of economic activities.

Freedom of thought, conscience and religion is generally ensured.

Little progress was made on *women's rights and gender equality*. The sector for equal opportunities policy in the Ministry of Labour and Social Affairs still lacks adequate expertise and human resources. Its financial capacities are negligible. Despite efforts to strengthen the capacities of the local commissions on equal opportunities, they are still faced with a lack of expertise and of political will. Only very limited actions targeting Roma women have been implemented. The participation of women in political life remains low at local level. The work in this field is still at an early stage.

Some progress has been made on *children's rights*. The National Strategy on Prevention of Juvenile Delinquency was adopted and the Law on Juvenile Justice was amended, introducing improvements regarding free legal aid, mediation and procedural rights of juveniles. Proper implementation of both the Law and the 2010-2012 Action Plan requires additional financial and administrative resources, closer coordination between the relevant institutions, the adoption of standards and protocols for implementation and the development of a comprehensive monitoring system. Further efforts are also needed in order to enhance the capacity of specialised staff to deal with juveniles, improve detention conditions and ensure provision of education and medical services for juveniles in custody. Children with psychological and intellectual disabilities continue to be a highly vulnerable group with no specialised medical institutions devoted to them. The lack of resources and capacity of the Centre for Social Work is critical. Preparations in this area are at an early stage.

Limited progress can be reported in the treatment of *socially vulnerable persons and/or persons with disabilities*. The law on social protection was amended to introduce new provisions for people with disabilities. Additional small communal housing units for people with disabilities were opened as part of the social care services, bringing the total number to 14. However, the administrative capacity of municipalities remains insufficient to assume the necessary social policy responsibilities. Social integration of people with disabilities remains limited. The UN Convention on the rights of persons with disabilities is yet to be ratified.

Some progress can be reported in the area of *anti-discrimination policy*. The Commission for protection against discrimination has become operational and has started to act on complaints submitted. The majority of the complaints were made on political and ethnic grounds. However, the law on anti-discrimination has yet to be fully aligned with the acquis. Discrimination on grounds of sexual orientation has been omitted. Also, the financial, administrative and technical capacity of the Commission needs to be strengthened.

As regards *property rights*, the land register covers 99,5% of the country's territory, leaving minor areas of Skopje, Gostivar and Kriva Palanka uncovered. The land registry office organised some public awareness campaigns and continued with the regular organisation of open days for the public. E-cadastre was piloted in Skopje, Negotino and Kavadarci. The country joined the European Position Determination System (EUPOS). However, the process of returning property confiscated during the period of the Socialist Federal Republic of Yugoslavia continues to extend substantially beyond the legal deadlines. Breaches of

property rights linked to the process of denationalisation alone accounted for 32% of petitions lodged with the Ombudsman. The enforcement of restitution claims for which a final decision has been taken remains unsatisfactory. The backlog of property dispute proceedings continued to create delays. There has again been no progress on returning the property of religious communities.

Little progress was made as regards *respect for and protection of minorities and cultural rights*. The Ohrid Framework Agreement (OFA) remains crucial for ensuring continued interethnic dialogue and cooperation. Steps have been taken to promote inter-ethnic integration in education. The implementing structure of the Decade of Roma Inclusion has improved. Progress was made to ensure equitable representation, in particular with regard to the Roma and Turkish communities. However, the public administration needs to recruit more qualified and experienced civil servants from non-majority communities across all sectors and positions. The implementation of the Roma Strategy and its action plans needs to be strengthened and adequately funded.

Progress was made on *data protection*. Amendments to the law on personal data protection were adopted in order to strengthen the position of the Directorate for personal data protection (DPDP) and to improve implementation. The DPDP's performance continued to be satisfactory and its capacity was enhanced by a small increase in staff. It continued to provide frequent training sessions and interaction with other institutions was on a satisfactory level. However, there is no reference in the law to any form of judicial intervention. The Council of Europe Convention for the protection of Individuals with regard to Automatic Processing of Data had not yet been signed. The DPDP's budgetary allocation has been reduced.

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

Conclusion

Some limited progress can be reported on independence and efficiency of the judiciary, in particular the amendment of the Minister of Justice's role on the Judicial Council and the establishment of the High Administrative Court. Weaknesses remain in the evaluation and security of tenure of judges. Increased efforts are needed to ensure competence within the profession, in particular through the work of the ATJP and the application of more stringent minimum requirements for recruitment. The inadequacy of statistical court data and analysis needs to be addressed as a priority. Some limited progress was made on anti-corruption policy. Legislative alignment has continued and systematic verification of asset declarations by the SCPC has begun. However, implementation of the recently amended legal framework has not fully taken place, consolidated statistical collection and analysis is missing, a track record of high-level corruption cases has yet to be established, a system of verification of conflict of interest statements still remains to be established. The SCPC needs to be more proactive in both referring and monitoring the progress of corruption cases. The country is moderately advanced in the area of fundamental rights. Much needs to be done in order to further promote and safeguard fundamental rights. In the field of freedom of expression, intimidation of journalists, self-censorship and the frequency of defamation actions remain a concern. Some progress was made as regards cultural rights and minorities. The Ohrid Framework Agreement remains an essential element for democracy and rule of law in the country.