

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

Some progress was achieved with regard to the *prevention of torture and ill-treatment* and the fight against impunity. Staff of the national prevention mechanism in the Ombudsman's Office conducted regular visits to detention facilities. However, the Office has yet to be provided with the necessary budget and human resources. The Ministry of the Interior's Sector for Internal Control and Professional Standards increased its capacity to investigate allegations of ill-treatment, but it has yet to be given the authority to impose effective sanctions. The lack of independence of the internal control function for the police remains a concern. In 2011, of 63 complaints concerning disproportionate or unlawful use of physical force by police officers, all of which were investigated, 8 were considered well founded and led to the imposition of disciplinary sanctions. Allegations continued regarding ill-treatment towards persons detained in police custody by crime inspectors, and by the members of the Alpha unit. In 2011, out of 14 complaints relating to Alpha unit, 7 were sent to the public prosecutor, and for 8, disciplinary measures followed.

There was some progress in the area of the *prison system*. A number of measures were adopted on re-socialisation of convicted persons. A risk assessment manual was produced, identifying risks and the needs of prison inmates. Standardised procedures were adopted regarding the management of penitentiary facilities, notably the procedures for hygiene control, admission and treatment of inmates, as well as procedures addressing violent behaviour, work, escapes and visits to inmates. Numerous training activities for prison staff took place. The implementation of a large-scale project to rebuild prisons continued. However, a comprehensive national strategy for the prison system has yet to be drafted. The administrative capacity of the Directorate for Execution of Sanctions and the penitentiary institutions is weak. Specialised treatment programmes for vulnerable groups have yet to be put into practice. Lack of financial resources continued to restrict convicted persons' access to adequate healthcare services. Vocational, educational and other rehabilitation activities for inmates remain inadequate.

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 (ECtHR). The government has adopted proposals to decriminalise defamation through a new Law on Civil Liability for Insult and Defamation, which aims to align with the relevant ECHR principles. The Criminal Code needs to be amended in line with this approach. Training on Article 10 ECHR has taken place for the judiciary and journalists. Over 40 key ECtHR judgments relating to Article 10 have been translated and published on the websites of the Ministry of Justice and the Academy for Judges and Public Prosecutors. Further training of all judges dealing with defamation cases should continue in order to ensure that ECHR principles are applied by the courts in practice.

With regard to *freedom of assembly and association*, the overall situation is satisfactory. There were no cases of misuse of the legislation or prohibition of registration.

*Freedom of thought, conscience and religion* is generally ensured.

Moderate progress was made on *women's rights and gender equality*. A new Law on Equal Opportunities was enacted. The Sector for Equal Opportunities Policy in the Ministry of Labour and Social Affairs still lacks adequate expertise, personnel and budget. Local

commissions on equal opportunities also face a lack of expertise. There is confusion in practice between the concepts of equal opportunities and anti-discrimination, which is a matter of concern. Some efforts were made to address women's health needs; however, due to financial constraints only a limited number of women can benefit from improvements. Insufficient support to the National Action Plan for Roma Women renders its implementation almost impossible. Women's participation in decision-making in society remains low, especially at local level.

Some limited progress was made in the area of *children's rights*. Amendments to the Family Law and the Law on Pre-School Education provided for a strengthened legislative framework for the adoption of children and for the inclusion of vulnerable groups in education. A National Coordinative Body for child protection was established. The Centres for Social Work were equipped with a new database and case management system to improve the quality of social services delivered to vulnerable children. However, it is estimated that only 15% of children with disabilities are in education, mainly in specialised institutions. The lack of psychologists and education specialists employed in schools, and the existing discrimination against children with disabilities, prevent their inclusion in the education system. The Ministry of Labour and Social Policy started activities to ensure registration of children without documents. It is estimated that there are around 1,000 street children, almost exclusively Roma. The number of reported cases of sexual abuse and paedophilia remained constant. The Ministry of Labour and Social policy adopted a protocol on dealing with cases of paedophilia, in cooperation with the World Health Organisation.

Some limited progress can be reported in the treatment of the *socially vulnerable and/or persons with disabilities*. The UN Convention on the Rights of Persons with Disabilities was ratified. The opening of communal housing units as part of the deinstitutionalisation process for people with disabilities has continued. However, implementation of the revised national strategy on equality of rights of people with disabilities 2010-2018 is very slow. Material conditions and inhumane and degrading treatment in psychiatric institutions have not improved. Integration of people with disabilities in society remains limited.

Some progress can be reported in the area of *anti-discrimination policy*. The Commission for Protection Against Discrimination became an observer member of the European Network of Equality Bodies. The Commission signed Memoranda of Cooperation with the Ombudsman's Office, the Women's Lobby and the Academy for Judges and Public Prosecutors. The Commission issued 34 opinions in 2011, relating to complaints submitted mainly on the grounds of ethnic, political and social status in the areas of labour relations, social security and the judiciary. The Commission still lacks sufficient financial and human resources; the capacity of its secretariat is particularly weak. Awareness among the population of the Commission's work and the principles of the Anti-Discrimination Law remains very low. A decreasing proportion of its recommendations is accepted by public authorities and there are concerns over its independence. The Anti-Discrimination Law is still not fully in line with the *acquis* as it does not explicitly prohibit discrimination on grounds of sexual orientation in employment and occupation. The Criminal Code penalises offences related to racism and xenophobia. Data on occurrences of hate speech or incitement in the media is collected by the Broadcasting Council.

As regards *property rights*, the land register now covers 99.96% of the country's territory. A new Law on Expropriation was adopted which extends the scope of public interest at both national and local level. Appeals against first instance decisions on expropriation are now

dealt with solely by the Administrative Court. The E-cadastre system was expanded to a further 21 towns in the country. A national positioning system (MAKPOS) was put into commercial use. Info-lines were made available to the land registry office and open days for the public continued to be held. The process of returning property confiscated under the Socialist Federal Republic of Yugoslavia has continued. However, 168 complaints lodged with the Ombudsman's Office in 2011 for breach of property rights were linked to the process of denationalisation alone. Delays persist in the enforcement of final decisions on restitution and the backlog of property disputes continues to cause delays in the Administrative Court.

Limited progress was made as regards ***respect for and protection of minorities and cultural rights***. Institutions promoting the rights of smaller communities increased their activities, particularly in the area of education. The Government adopted an action plan on Roma inclusion and some progress was made regarding the education of Roma and identification of persons without documents. However, the Secretariat for the Implementation of the Ohrid Framework Agreement continues to suffer from insufficient strategic planning capacity and internal control standards. Institutions responsible for promoting the rights of smaller communities and the Roma remain underfunded, posing a serious obstacle to the implementation of existing strategies. Inter-institutional cooperation is weak. The pace of implementation of the Roma Strategy has slowed down in the areas of health and culture. Concerns over the sustainability of several successful projects, such as the Roma Information Centres, persist. A series of violent incidents has put inter-ethnic relations under strain.

Further progress was made on ***protection of personal data***. The National Strategy for data protection 2012-2016 and related action plan were adopted. The inspection capacity of the Directorate for Personal Data Protection (DPDP) increased, and it gained three new staff. Budget allocations remained at the same level as in 2011. International cooperation further improved. Various guidelines were published, targeting data controllers and processors and the general public. However, the number of confirmed violations has increased from 176 in 2010 to 319 in 2011, and various media do not respect individuals' right to privacy, leading to frequent violations.

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

### *Conclusion*

Some progress has been made in the field of the judiciary, notably in reducing the backlogs of court cases. Further improvements are needed as regards merit-based judicial appointments, precise and predictable dismissal grounds and correct use of statistical tools. In the area of anti-corruption policy, the legislative framework is in place and capacity has been strengthened slightly but greater efforts are needed to develop a track record of investigations, prosecutions and convictions as no progress has been observed in this regard. As regards fundamental rights, some progress was made in the area of freedom of expression, notably towards the decriminalisation of defamation. The relevant institutions need to become more effective in promoting and safeguarding fundamental rights in practice. The Ohrid Framework Agreement remains an essential element for democracy and rule of law in the country. Preparations in the field of the judiciary and fundamental rights are moderately advanced.