

Answer

of the Federal Government

**to the Minor Interpellation tabled by the Members of the Bundestag Luise
Amtsberg, Volker Beck, Manuel Sarrazin, further Members and the Alliance
90/The Greens parliamentary group**

– Printed paper 18/9584 –

Human rights situation in Macedonia

Preliminary remarks of the questioners

On 20 July 2015 the deadline for implementing Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37(2) of this Directive contains an obligation to regularly review the situation in third countries designated as safe countries of origin in national law. This is intended to ensure adherence to the substantive provisions of the law of the European Union in the designation of “safe countries of origin”.

Under Annex 1 of the Directive, a state can only be designated as a safe country of origin, "where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect for the non-refoulement principle in accordance with the Geneva Convention; (d) provision for a system of effective remedies against violations of those rights and freedoms”.

The reply was issued on behalf of the Federal Government by letter of the Federal Foreign Office dated 2 November 2016. The printed paper contains also the text of the questions, in a smaller font.

With the Act classifying further countries as safe countries of origin and facilitating the access to the labour market of asylum applicants and foreigners whose deportation has been suspended, adopted on 31 October 2014 (Federal Law Gazette I p. 1649), Macedonia was designated as a safe country of origin.

The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I p. 1722), with which Albania, Kosovo and Montenegro were designated as safe countries of origin in autumn 2015, obliges the Federal Government for the first time to present a report every two years defining whether the conditions for the classification as a safe country of origin still apply (Section 29a paragraph 2a of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It restricts procedural rights, possible legal remedies and, since the Act Introducing Expedited Asylum Procedures Act came into force, the social and economic rights of asylum seekers from these countries. The parliamentary group tabling the question believes ongoing monitoring of the human rights situation in these countries is legally necessary and extremely important politically. This minor interpellation is intended to make a contribution in this respect.

Preliminary remarks of the Federal Government

Since 1991 the Former Yugoslav Republic of Macedonia (FYR of Macedonia) has been one of six successor states to the former Yugoslavia and is characterised by great ethnic, religious and linguistic heterogeneity. According to the last census in 2002, some 65 per cent of the population regard themselves as ethnic Macedonians. Geographically they live predominantly in the east, the centre and the south of the country. In the west and north they in some cases constitute a minority. The second largest group and largest minority in the country is the Albanian ethnic group, who live predominantly in the western half of the country and also in the north. They represent roughly 25 per cent of the total population.

Apart from these two big population groups there are further ethnic minorities who together make up around 10 per cent of the total population. These minorities include Turks (almost 4 per cent), Serbs (almost 2 per cent), Vlachs and Roma (around 2.5%).

Islam is predominant in areas where Albanians, Turks and Roma live, while the other ethnic groups are generally Christian Orthodox. The party system also predominantly follows ethnic affiliation.

The constitution bans discrimination, but there is sometimes latent or open discrimination against minorities by the particular majority. Ethnic tensions can be observed. The main areas of contention here are the status of the Albanian language, equal treatment in the education system and in public life and the use of Albanian national symbols. The Ohrid Framework Agreement of 13 August 2001 brokered by the international community ended the violent ethnic conflict of 2001. The agreement forms the legal basis for the co-existence of ethnic Macedonians with ethnic Albanians and other minorities.

Since January/February 2015 the FYR of Macedonia has faced an internal political crisis. The causes are many and varied but it is not an ethnic conflict. The underlying cause is the hardening confrontation between the ruling and opposition parties, further exacerbated by blatant misconduct on the part of the government and intelligence services, which was made public by the opposition through the publication of wire taps. The recordings reveal that the highest government circles were at least aware of the activities of the intelligence services. This gave rise in

spring and summer 2015, and indeed also one year later, to countrywide civil protests.

The FYR of Macedonia has been an EU accession candidate since 2005. Reform efforts in the country to move it closer to the EU have, however, become increasingly enmired in recent years. The key obstacle to the country's desired accession to the EU and NATO is the conflict with Greece over the country's name.

The Przino Agreement brokered by the European Commission and signed by the parties in June/July 2015 provides for the appointment of a special prosecutor, as well as for fresh elections and the appointment of a transitional government to find a way out of the internal political crisis. The special prosecution office established in September 2015 on the basis of the Przino Agreement is to investigate the wiretaps for suspected corruption, cronyism and embezzlement. For the Federal Government it is of the utmost importance for the future development of the country that the special prosecution office be able to continue its work without constraints.

In addition, the European Commission commissioned an expert report (Priebe Report of June 2015) to formulate recommendations for urgent reforms to the intelligence services and their parliamentary oversight, to the judiciary and elections and to a free press. The Federal Government agrees with its European partners and the USA that the implementation of these reforms is essential to finding a way out of the country's political crisis and to its democratic development.

The Federal Government regards the agreement of the parties to new elections on 11 December 2016 as an important step in this direction. EU Commissioner Hahn, the USA and the Special Representative of the Federal Minister of Foreign Affairs for the FYR of Macedonia, Ambassador Haindl, helped broker this agreement. The Federal Government welcomes the proposed OSCE election monitoring mission to ensure the election adheres to international democratic standards.

1. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

The constitution of the FYR of Macedonia guarantees democracy, human rights and the rule of law. The FYR of Macedonia ratified the European Convention on Human Rights in 1997. In 2001 it signed a Stabilisation and Association Agreement with the EU, Article 2 of which enshrines respect for democratic principles and human rights as essential elements. Since 2005 the FYR of Macedonia has the status of an EU accession candidate.

To the knowledge of the Federal Government, there is no systematic state repression of persons or groups of persons on the grounds of their „race“ in the meaning of Article 10 (1) a of Directive 2011/95/EU. There are, however, occasional cases of attacks by police on ethnic minorities.

2. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from the use of physical or psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

In the past there have been tensions and occasional violent clashes between ethnic Macedonians and Albanians in particular. Internal ethnic relations in the FYR of Macedonia appear to have eased since 2001, but the situation is still not completely free of violence and conflict. In 2014 there was unrest following the investigation into the murder of five ethnic Macedonians. In 2015 there was an incident in the ethnically mixed area of Kumanova near the borders with Serbia and Kosovo which left 18 people dead.

3. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

In 2010 an anti-discrimination law was adopted but this does not explicitly protect against discrimination on the grounds of sexual orientation.

With reference to the situation of the Roma minority, please refer to the answers to questions 55 to 60. The Federal Government has no information available to it regarding incidents of this nature.

4. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
5. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
6. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
7. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their „race“ (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 4 to 7 are answered together.

The Federal Government has no information available to it regarding incidents of this nature.

8. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Article 19 of the constitution of the FYR of Macedonia guarantees freedom of faith and religion and therefore unrestricted freedom to practice a religion. To the knowledge of the Federal Government, public bodies do not use physical or psychological violence against people on the grounds of their religion.

9. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, from non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
10. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?
11. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
12. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
13. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties and organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
14. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 9 to 14 are answered together.

The Federal Government has no information available to it regarding incidents of this nature.

15. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
16. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
17. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?
18. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of

the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?

19. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
20. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
21. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state being able or willing to provide protection, and how has this situation developed within the last year?

Questions 15 to 21 are answered together.

Because of the ethnic heterogeneity of the country as described in the preliminary remarks, it is impossible to make a strict separation according to the criteria of „race“ and „nationality“ in the meaning of the questioners. Please refer therefore to the preliminary remarks of the Federal Government and to the answers to questions 1 to 7 (characteristic of „race“ within the meaning of Article 10 (1) a of Directive 2011/95/EU), which apply correspondingly to questions 15 to 21.

22. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

The Federal Government has no information available to it regarding incidents of this nature.

23. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Domestic violence against women and children is a problem which the government is tackling through the National Strategy for Prevention of Domestic Violence adopted in 2008. The government maintains six women's hostels and a facility for short-term emergency protection. It also funds a national emergency telephone line operated by non-governmental organisations. Although domestic violence is a criminal offence, there are few convictions.

According to a study conducted by the Deutsche Gesellschaft für international Zusammenarbeit (GIZ), there are cases in the FYR of Macedonia in which women, including minors, are trafficked within the country and forced to work or perform sexual acts in restaurants, bars and night clubs.

In the estimation of the Macedonian ombudsman, the condition of orphanages in the country is precarious. Minors are inadequately protected against sexual assault.

Hygiene conditions and medical care are deficient. The situation is similarly problematic in state institutions for people with physical and mental disabilities.

The Federal Government has no information available to it on groups of people who fall within the term “social group” and who are not already covered by other questions.

24. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Equality of rights for men and women was enshrined in law in the FYR of Macedonia in 2006. Since then one third of the candidates in parliamentary elections have to be women. This means that roughly one third of Members of Parliament are female. Parliament has set up a committee which reviews draft legislation in terms of gender aspects.

In society there are big differences with respect to the role of women. In the ethnic Macedonian group women can be encountered in the highest positions in administration, business and culture. In Muslim-dominated regions women tend to play little role in societal life and are under-represented in secondary schools and universities.

Beyond this the Federal Government has no information available to it on groups of people who fall within the term “social group” and who are not already covered by other questions.

25. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
26. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
27. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?

Questions 25 to 27 are answered together.

The Federal Government has no information available to it regarding incidents of this nature.

28. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Child labour is banned in the FYR of Macedonia. Nevertheless it exists, for example in the form of begging or washing windscreens at crossroads. The authorities rarely punish these obvious breaches.

Please refer additionally to the answer to question 23.

29. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

The Federal Government has no information available to it on incidents of this nature.

30. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?
31. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?
32. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
33. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
34. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?
35. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 30 to 35 are answered together.

An anti-discrimination law was adopted in 2010 although this does not explicitly provide protection against discrimination on the grounds of sexual orientation.

Macedonian society is conservative in its moral attitudes and there is little place for LGBTI rights. Instead homophobic views are more common. It is rare to find people of homosexual orientation in public life since they fear social consequences such as exclusion or loss of job.

In other respects, please refer to the answers to questions 62 and 63.

36. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

In principle political forces and non-governmental organisations regardless of ethnic affiliation are able to operate freely in the FYR of Macedonia. In past years, however, there have been repeated instances of campaigns run by state-influenced media against opposition politicians or exposed personalities from non-governmental organisations, in some cases using unverifiable accusations. The opposition sometimes acts in a similar manner. Critics of the power elites in the country are exposed to threats and intimidation, which can go as far as physical violence.

37. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

The Federal Government has no information available to it on incidents of this nature.

38. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

It appears that companies or private individuals, frequently those who are known to be or are suspected of being opposition supporters, are exposed to the selective application of legal standards and corresponding sanctions (inspections, fines, closures).

39. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?

40. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

Questions 39 and 40 are answered together.

The constitution of the FYR of Macedonia guarantees the independence of the judiciary. There is, however, some evidence that courts sometimes pronounce compliant judgments not justified by the objective facts.

The legally permissible amount of time a suspect may be held in custody before being charged is a maximum of 180 days, and after indictment, a maximum of two years. These periods may be extended if new charges are added. This pattern is sometimes used to extend custody. In addition, please refer to the answer to question 38.

41. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

In the FYR of Macedonia the national intelligence service has systematically intruded to a massive extent in the private sphere of, in particular, opposition politicians and critics of the government. This is confirmed by recordings of telephone conversations which were revealed in spring 2015. The recordings reveal that the highest circles of government were aware of the activities of the intelligence service. In other respects, please refer to the preliminary remarks of the Federal Government.

42. To the knowledge of the Federal Government, to what extent are people in Macedonia at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Within the last year there have been increasing numbers of attacks and smears in the media on exposed personalities in important NGOs. The former head of the Soros Foundation, Vladimir Milcin, was slandered as an alleged collaborator of the former Communist secret service, although he had been a victim of state surveillance in Communist Yugoslavia. The Helsinki Committee for Human Rights and committed journalists are also regularly victims of slurs.

43. What is the Federal Government's assessment of the measures that the Macedonian authorities and, where appropriate, international organisations may, to its knowledge, be taking to offer protection to those affected by human rights violations in Macedonia and to improve the human rights situation in Macedonia?

The FYR of Macedonia has established the institution of the ombudsman. He and his staff are supported by the international community. The institution is of particular importance for the country's democratic development. The HCHR (Helsinki Committee for Human Rights) is very active in Macedonia. With respect to the role of the special prosecutor, please refer to the preliminary remarks of the Federal Government.

44. What measures is the Federal Government taking to offer protection to those affected by human rights violations in Macedonia and to improve the human rights situation in Macedonia and to what extent will it continue or expand these measures in the future?

The Federal Government supports the work of non-governmental organisations active in the area of human rights. It also raises the subject of the human rights situation in bilateral and multilateral talks and meetings at all levels and demands concrete improvements from the government, including in the context of the FYR of Macedonia's desired accession to the EU.

The Federal Government is currently supporting a project run by the Macedonian Helsinki Committee which is recording human rights abuses against the Roma community in the country and identifying ways of helping those affected. The results of the project, which are to be made public in November, will feed into deliberations on a possible continuation of the project.

In the framework of regional measures, state and civil society actors in Albania, Bosnia and Herzegovina, Kosovo, the FYR of Macedonia and Serbia are being guided in providing comprehensive support to vulnerable groups to safeguard their

fundamental social rights. The aim is to encourage members of marginalised groups to take action themselves to demand the fulfilment of their rights and to regard themselves as equal members of society (participation and inclusion). The still new approach of outreach social work is being improved and expanded. It is aimed at disadvantaged groups of the population, mainly Roma, Ashkali and Egyptians. Further important areas of action are educational work and consciousness-raising. These relate to the minorities themselves, state and civil society actors and the broader public. Financing instruments for the NGO and other actors are designed to make the projects more sustainable (social enterprises, improved submission of applications).

45. What is the Federal Government's assessment of the situation of Muslims in Macedonia?

The previously prevailing image of Macedonian Muslims as representatives of a moderate, liberal Islam is increasingly being overlaid by fear and a feeling of threat from Islamic fundamentalism.

The liberal Bektashi Order, which has some 50,000 members in Macedonia, is recognised by the government not as an independent community but as part of the Islamic faith community in Macedonia. Wahhabi Muslims have engaged in repeated acts of provocation against the Bektashi in recent years. State institutions (courts) have for years been rejecting applications submitted by the Order to be recognised as an independent religious community. The Order has filed an appeal before the European Court of Justice in Strasbourg.

There is no discrimination against minorities on the part of the political community or in the media. In the wake of the internal political crisis, however, the opposing political camps, regardless of ethnicity or religious affiliation, are increasingly publishing defamatory articles about each other.

46. What is the Federal Government's assessment of the situation of the Turkish minority in Macedonia?

The Turkish minority in Macedonia is regarded, above all in urban areas, as moderate and well integrated. In rural areas this minority is sometimes marginalised by state institutions.

In the past five years a growing Turkish influence in Macedonia has become apparent. More and more educational institutions, media and Turkish firms are opening, the funding for which is not always transparent.

After the attempted coup in Turkey on 15 July 2016, there were demonstrations in support of Erdogan which were not only attended by Muslims.

47. To the knowledge of the Federal Government, to what extent do members of the Turkish minority actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

In the FYR of Macedonia schooling up to the end of the secondary stage has been compulsory since 2007. The Federal Government has no information available to it which would indicate that the Turkish minority suffers any particular discrimination in this respect.

48. To the knowledge of the Federal Government, do members of the Turkish minority actually have access to public office and what political functions do they exercise?

The Ohrid Framework Agreement of 2001 states that all ethnic groups in the FYR of Macedonia must be represented equitably in public offices according to the

percentage of the population they constitute. Beyond this the Federal Government has no information available to it in this respect.

49. What is the Federal Government's assessment of the situation of the Albanian minority in Macedonia?

While the Albanian minority is represented in government and government organisations, it undoubtedly faces prejudices and stereotypes and complains about discrimination. At the same time, however, it can also be observed that members of this minority sometimes behave in a discriminatory manner towards ethnic Macedonians. There is persistent tension between Albanians and Macedonians. In day-to-day life, however, the Albanian minority is respected.

50. To the knowledge of the Federal Government, to what extent do members of the Albanian minority actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

Please refer to the answer to question 47 which also applies here.

51. To the knowledge of the Federal Government, do members of the Albanian minority actually have access to public office and what political functions do they exercise?

Please refer to the answer to question 48 which also applies here.

52. What is the Federal Government's assessment of the situation of the Serbian minority in Macedonia?

The Serbian minority is well integrated in society, feels a close bond with the majority ethnic Macedonian population and is accepted by the latter unconditionally.

53. To the knowledge of the Federal Government, to what extent do members of the Serbian minority actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

Please refer to the answer to question 47 which also applies here.

54. To the knowledge of the Federal Government, do members of the Serbian minority actually have access to public office and what political functions do they exercise?

Please refer to the answer to question 48 which also applies here.

55. What is the Federal Government's assessment of the situation of Roma in Macedonia?

The Roma minority is the poorest population group in the FYR of Macedonia. Roma face societal prejudices and problems in accessing social services.

56. To the knowledge of the Federal Government, to what extent do Roma actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

In the FYR of Macedonia schooling up to the end of the secondary stage has been compulsory since 2007. To the knowledge of the Federal Government, around 61 per cent of Roma children attend the eight years of primary school, but only around 17 per cent the four years of secondary school, completion of which allows access to higher education.

The Skopje suburb of Shuto Orizari, which is home to the majority of Roma living in the FYR of Macedonia, provides an example which can point the way forward in terms of the situation of the Roma in the FYR of Macedonia. Here the number of

schoolchildren is now so high that they have to be taught in two shifts (one in the morning and one in the afternoon), which indicates the very positive attitude towards school on the part of the children and parents. Community workers, working together with schoolchildren, seek out families who refuse to let their children go to school and try to convince them to change their minds. This approach is proving increasingly successful.

57. To the knowledge of the Federal Government, what percentage of Roma do not attend school despite the existence of compulsory schooling?

Please refer to the answer to question 56.

58. To the knowledge of the Federal Government, do Roma actually have access to public office and what political functions do they exercise?

The Ohrid Framework Agreement of 2001 states that all ethnic groups in the FYR of Macedonia must be represented in public offices according to the percentage of the population they account for. This also applies to Roma. There is a Roma-born minister “without portfolio” and a Roma-born member of parliament. The above-mentioned suburb of Shuto Irizari in which the majority of Roma in the FYR of Macedonia live is governed by a Roma mayor and a Roma municipal council.

59. To the knowledge of the Federal Government, how many Roma in Macedonia have access to the registration system and the possibility of having a passport or other identity paper issued?

Every citizen of the FYR of Macedonia can complete registration, passport or identity paper formalities at the appropriate registry office. To the knowledge of the Federal Government, this also applies to Roma.

60. To the knowledge of the Federal Government, how many Roma in Macedonia are not registered and what is the Federal Government’s assessment of this situation from a human rights perspective?

The Federal Government has no information available to it in this respect.

- a) To the knowledge of the Federal Government, are the members of this group Macedonian nationals, or to what extent do they have the possibility of acquiring Macedonian nationality, and what is the Federal Government’s assessment of this situation from a human rights’ perspective?

The acquisition of Macedonian nationality is regulated by Macedonian legislation, the law being applied equally to all citizens, regardless of their ethnicity.

- b) To the knowledge of the Federal Government, to what extent are members of this group at risk from violent attacks and to what extent are the Macedonian authorities willing and able to provide protection against such attacks?

How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

Roma are not exposed to any systematic discrimination by the state. There are, however, cases of violent attacks on Roma, but these cannot be definitively attributed to either the state or non-state actors.

- c) To the knowledge of the Federal Government, to what extent do members of this group actually have access to health care if they need acute treatment or have a chronic illness?

To what extent is health care for members of this group provided free of charge?

To what extent is doctor-patient confidentiality upheld when providing members of this group with health care?

In the FYR of Macedonia there is a public health service which can be accessed by all registered citizens. Since many Roma are not registered and therefore do not have personal papers, access to medical care is often difficult for this section of the population.

The public health service is free of charge and doctor-patient confidentiality applies in full.

- d) To the knowledge of the Federal Government, what is life expectancy for members of this group and in comparison with the population as a whole?

The Federal Government has no information available to it in this respect.

- e) To the knowledge of the Federal Government, how high is infant mortality for members of this group and in comparison with the population as a whole?

The Federal Government has no information available to it in this respect.

- f) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

What percentage of members of this group live in slums and slum-like dwellings?

What percentage of members of this group live in state-subsidised housing?

The Federal Government has no information available to it in this respect.

- g) To the knowledge of the Federal Government, to what extent do members of this group actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

Please refer to the answer to question 56.

- h) To the knowledge of the Federal Government, what percentage of children in this group do not attend school despite the existence of compulsory schooling?

The Federal Government has no information available to it in this respect.

- i) To the knowledge of the Federal Government, what is the literacy rate among members of this group and in comparison with the population as a whole?

The Federal Government has no information available to it in this respect.

- j) To the knowledge of the Federal Government, to what extent do members of this group actually have access to social benefits and state-subsidised or state-funded services?

The Federal Government has no information available to it in this respect.

- 61. To the knowledge of the Federal Government, how many people are currently living in Macedonia after having fled during the wars in the former Yugoslavia from another republic of that country or another area belonging now to the territory of another state, and what is the Federal Government's assessment of this situation from a human rights perspective?

The Federal Government has no information available to it on the number of people who fled during the wars in the former Yugoslavia from another republic to the FYR of Macedonia and are currently living in the FYR of Macedonia.

Of the people who fled during the war in Kosovo, 812 are currently living in the FYR of Macedonia.

- a) How many of these people, to the knowledge of the Federal Government currently have Macedonian nationality?

The Federal Government has no information available to it in this respect.

- b) What residence status do members of this group have (please give figures for every possible residence status)?

Nineteen people are recognised asylum applicants, 553 enjoy subsidiary protection and 240 people are tolerated.

- c) To the knowledge of the Federal Government, to what extent do members of the above groups actually have access to the registration system and the possibility of having a passport or other identification paper issued, and what is the Federal Government's assessment of this situation from a human rights perspective?

Every citizen of the FYR of Macedonia can apply to the appropriate registry office to complete registration, passport or identification paper formalities.

- d) To the knowledge of the Federal Government, to what extent are members of this group at risk from violent attacks and to what extent are the Macedonian authorities willing and able to provide protection against such attacks?

How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did these lead to criminal proceedings and convictions (please break down by year)?

The Federal Government has no information available to it in this respect.

- e) To the knowledge of the Federal Government, to what extent do members of this group actually have access to health care if they need acute treatment or have a chronic illness?

To what extent is health care provided free of charge for members of this group?

To what extent is doctor-patient confidentiality upheld when providing members of this group with health care?

There is a public health service in the FYR of Macedonia which can be accessed by all registered people. The public health service is free of charge and doctor-patient confidentiality applies in full.

- f) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

The Federal Government has no information available to it in this respect.

- g) To the knowledge of the Federal Government, to what extent do the members of this group actually have access to schools, universities and other education and training establishments, and to what extent are they subject to compulsory schooling?

In the FYR of Macedonia compulsory schooling applies to all children including the children of refugees. To the knowledge of the Federal Government, use is made of this.

- h) What percentage of children who belong to this group do not attend school despite the existence of compulsory schooling?

The Federal Government has no information available to it in this respect.

- i) To what extent do members of this group actually have access to social benefits and state-subsidised or state-funded services?

The Federal Government has no information available to it in this respect.

62. To the knowledge of the Federal Government, how many public assemblies by or in support of lesbian, gay, bisexual, transgender/transsexual and intersexual people (LGBTI) have taken place in Macedonia since 2011 and how many were banned or broken up by state authorities?

Since 2011 some 25 public assemblies in support of LGBTI people have been organised, including a March of Tolerance in November 2013 under the slogan “Macedonia has love for all”. In addition, protests were held starting in October 2014 in front of the public prosecutor’s office against attacks on LGBTI people and a Pride Weekend was staged in 2015. In 2015 police officers in civilian clothing tried to break up the protests, in some instances resorting to violence.

63. To the knowledge of the Federal Government, to what extent are members of this group at risk from violent attacks and to what extent are the Macedonian authorities willing and able to offer protection against such attacks?

To the knowledge of the Federal Government, there have been six violent attacks on the office of an LGBTI organisation which resulted in material damage. Perpetrators were caught and convicted in only one of the six cases, although it can be assumed that there was sufficient video material for a prosecution in all the attacks.

In one further case the LGBTI office was damaged but in connection with another protest which did not directly involve the office.

- a) How many attacks, to the knowledge of the Federal Government, have taken place since 2011 (please break down by year)?

Known attacks broken down by year:

2012 – three attacks, 2013 – three attacks, 2014 – one attack, 2015 – one attack.

- b) In how many cases, to the knowledge of the Federal Government, did these lead to criminal proceedings and convictions (please break down by year)?

Known attacks broken down by year:

2012 – three charges brought – for two no court proceedings have begun because the police investigations have not yet been completed. One case is still pending before the court.

2013 – three charges brought – for two no court proceedings have begun because the police investigations have not yet been completed. One case is still pending before the court.

2014 – one charge brought – there is no information available on the police investigation. Court proceedings have not (yet) started.

64. To the knowledge of the Federal Government, which media publications addressing LGBTI issues are publicly available in Macedonia?

Two private independent TV stations, “24 Vesti” and “Telma” regularly address LGBTI issues and also cover LGBTI events. In terms of new media and web portals there are also independent portals such as “Libertas”, “Plusinfo”, “Radio MOF” and “NovaTV”.

65. To what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

The Federal Government knows of no corresponding laws or measures.

66. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to health care if they require acute treatment or for chronic illness?

In the FYR of Macedonia there is a public health service which can be accessed by all registered citizens.

- a) To what extent is health care provided free of charge for members of this group?

The public health service is free of charge.

- b) To what extent is doctor-patient confidentiality upheld when providing health care to members of this group?

The public health service is subject to full doctor-patient confidentiality.

- c) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

The Federal Government has no information in this respect.

67. How many attacks (intimidation, threats, violent assaults) and state surveillance measures against journalists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did these lead to criminal proceedings and convictions (please break down by year)?

Known attacks broken down by year:

2011 – three attacks, 2012 – three attacks, 2013 – no known attacks, 2014 – five attacks, 2015 – 11 attacks, first half of 2016 – nine attacks.

Criminal proceedings were initiated in all cases. There have been no convictions in any of the cases listed although, according to the association of journalists, clear evidence exists.

68. What measures which restrict freedom of the press in Macedonia is the Federal Government aware of and what is the Federal Government's assessment of this situation?

In 2012 a law to decriminalise defamation in the media was adopted. This enables politicians to bring civil law suits against journalists on the grounds of defamation. If found guilty, the journalists face high levels of fines, which leads de facto to press self-censorship. In 2014, for example, the critical weekly paper Fokus was fined 25,000 euro and individual journalists up to 10,000 euro. The average monthly wage is 350 euro.

After the closure of the biggest opposition TV channel A1, the electronic media are largely controlled by the parties of government.

Print media are also dependent on the parties. Since January 2012 the newspapers with the highest circulation, Dnevnik, Utrinski Vesnik and Vest, have belonged to ORKA Holding, which has connections with the main party of government (VMRODPMNE). The dominant influence of the government is exerted in particular through advertising campaigns on which the media are financially dependent. In order not to jeopardise this situation it can be assumed that the company management exerts influence on the editors.

Critical journalists are at times openly threatened with psychological and physical violence. The Federal Government is aware of cases in which journalists have been the victims of attacks.

69. How many attacks (intimidation, threats, violent assaults) and state surveillance measures against opposition politicians has the Federal Government become aware of since 2011 (please break down by year)?

To the knowledge of the Federal Government, in how many cases did these lead to criminal proceedings and convictions (please break down by year)?

The activities of the political opposition are not restricted. Both the opposition and government, however, conduct campaigns which can be defamatory. The Federal Government has no information on any attacks.

70. How many attacks (intimidation, threats, violent assaults) and state surveillance measures against human rights activists has the Federal Government become aware of since 2011 (please break down by year)?

To the knowledge of the Federal Government, in how many cases did these lead to criminal proceedings and convictions (please break down by year)?

Human rights organisations such as the Helsinki Committee have complained increasingly since 2015 of intimidation, arbitrary interrogations and surveillance measures. The chairman and director of the Helsinki Committee in Skopje, for example, were summoned for questioning after they took part in a protest rally staged by the “Colourful Revolution”. There have been various attacks on representatives of non-governmental organisations which support the interests of the LGBTI community as well as attacks on activists from organisations critical of the government.

Beyond this, the Federal Government has no information on how many cases resulted in criminal proceedings and convictions.

71. To the knowledge of the Federal Government, to what extent do students participate in the political opinion-forming process in Macedonia and to what extent is their political work restricted in law or in practice by the Macedonian authorities?

Since the beginning of 2016 a multi-ethnic civil movement called the “Colourful Revolution” has formed. The movement encompasses very varied sections of the population including students, artists, low earners and doctors.

The movement has organised sometimes daily or weekly protests involving up to 25,000 people and is free in its criticism of all political actors. The name derives from the throwing of paint-filled balloons at public buildings, the Office of the President and the Ministries of Finance and Foreign Affairs, in order to “beautify” them. Those who throw the balloons face being charged. Further investigations against leading members of the movement have failed to curb these activities.

72. To the knowledge of the Federal Government, to what extent do people in low paid jobs participate in the political opinion-forming process in Macedonia and to what extent is their political work restricted in law or in practice by the Macedonian authorities?

Apart from taking part in protests, people in low paid jobs prefer to use the social networks.

73. To what extent do artists participate in the political-opinion forming process in Macedonia and to what extent is their political and artistic work restricted in law and in practice by the Macedonian authorities?

Artists hardly participate in public life at all. The Federal Foreign Office, through the Skopje Embassy, supported the “Speak Up” project (2012/2013) staged by the “Civil” in which artists speak up for civil rights and solidarity.

74. To the knowledge of the Federal Government, to what extent have restrictions been placed in law or in practice on the independence of judges in Macedonia since 2006 and what is the Federal Government's assessment of this situation?

Please refer to the answer to question 40.

75. What consequences and conclusions does the Federal Government draw from the report of the working group on the situation in Macedonia which the European Commission convened in spring 2015 under the leadership of Reinhard Priebe (cf Frankfurter Rundschau, 19 January 2016)?

The Federal Government believes that the "Priebe Report" contains key reform measures for the sustainable development of the FYR of Macedonia. It agrees with its European partners and the USA that the implementation of reforms represents the basis for a new dynamism in the country's euro-Atlantic rapprochement.

76. What is the Federal Government's assessment of the development of the human rights situation under the government of Nikola Gruevski?

According to reports by the Helsinki Committee, the existing deficits in the area of human rights intensified during this period.

77. What is the Federal Government's assessment of the development of the human rights situation since the resignation of Prime Minister Nikola Gruevski on 14 January 2016?

The Federal Government believes that the human rights situation in the country can be considerably improved by the consistent implementation of the recommendations of the "Priebe Report.

