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## Macedonia

**Country:**

Macedonia

**Year:**

2018

**Freedom Status:**

Partly Free

**Political Rights:**

4

**Civil Liberties:**

3

**Aggregate Score:**

58

**Freedom Rating:**

3.5

**Overview:**

Macedonia is a parliamentary republic. A left-leaning government took power in 2017 after credible allegations of a massive, government-sponsored wiretapping and surveillance program emerged in 2015, prompting a crisis that paralyzed normal political activity. Macedonia continues to struggle with corruption, and while the media and civil society are active, journalists and activists face pressure and intimidation.

**Political Rights and Civil Liberties:**

### POLITICAL RIGHTS: 21 / 40

#### A. ELECTORAL PROCESS: 6 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (-1)**

The president is elected to a five-year term through a direct popular vote. President Gjorge Ivanov of the VMRO–DMPNE won a second term in the 2014 general elections, which were criticized by international observers for a number of shortcomings. The presidential portion was marked by relatively low turnout.

The unicameral Assembly elects the prime minister, who is head of government and holds most executive power. The formation of a new government was delayed for months after December 2016 elections, as Ivanov refused the SDSM's request for a mandate to form a government after the VMRO–DMPNE, which had won a plurality of seats in the elections, was unable to cobble together enough support to form its own. VMRO–DMPNE deputies, meanwhile, filibustered a vote to install an SDSM-backed Assembly speaker, Talat Xhaferi, an ethnic Albanian member of the Democratic Union for Integration (DUI), an Albanian party.

In April, after Xhaferi was finally elected, VMRO–DMPNE supporters stormed the Assembly and violently assaulted several opposition leaders, including Zaev and Radmila Šekerinska Jankovska, a former prime minister. In May, following mediation by U.S. State Department's Deputy Assistant Secretary Hoyt Yee, the SDSM and their Albanian coalition partners were finally able to form a government, with Zaev as prime minister. The SDSM-led government has prioritized rebooting Macedonia's European Union (EU) and North Atlantic Treaty Organization (NATO) accession paths.

**Score Change: The score declined from 2 to 1 due to the VMRO–DMPNE's attempts to obstruct the formation of a new government.**

**A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4 (+1)**

Parliamentary elections took place in 2016. An Organization for Co-operation in Europe (OSCE) monitoring mission deemed the polls "competitive," but said issues with the media and voter rolls had "yet to be addressed in a sustainable manner," noted instances of voter intimidation, and concluded that the polls were marked by "a lack of public trust in institutions and the political establishment." The formation of the SDSM-led government in May 2017 marked a democratic transfer of power between parties, and capped the period of political uncertainty that followed the 2016 polls.

While irregularities were reported in October 2017 municipal elections, the polls were competitive and generally credible, and played a role in building trust in the government and democratic institutions. The SDSM posted a strong showing, winning the most municipalities of any party, including Skopje, the capital.

**Score Change: The score improved from 1 to 2 due to the completion of the 2016 parliamentary election process, and because the conduct of municipal elections held in October represented an improvement from past polls.**

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4**

Election laws are fairly robust, and the 2017 polls saw some minor improvements in the overall accessibility of election results and reporting by the State Election Commission. However, some ambiguities in election laws have yet to be addressed, including regulations governing the registration of candidates, and resolution mechanisms for election-related disputes.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 9 / 16 (–1)**

### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4 (–1)**

While the constitution protects the right to establish and join political parties, vast patronage networks hamper democratic competition. In April 2017, the election of a new, SDSM-backed parliament speaker was immediately followed by violent attacks on the floor of the Assembly by VMRO–DPMNE supporters against SDSM lawmakers, including the party leader. Around 100 people were injured in the melee.

**Score Change: The score declined from 3 to 2 due to violent physical attacks by VMRO–DPMNE supporters against SDSM lawmakers, which took place on the floor of the parliament and resulted in the injury of around 100 people.**

### **B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

In 2017, power rotated between the center-right VMRO–DPMNE—which had been in power since 2006—to the left-leaning SDSM, which had held power through much of the 1990s and early 2000s. The SDSM had boycotted the parliament on several occasions before taking power in 2017 over claims of electoral fraud, as well as issues related to allegations that the administration of former Prime Minister Nikola Gruevski of the VMRO–DPMNE had directed the secret service to operate a massive wiretapping and surveillance program.

### **B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4**

While voters are largely free to make political decisions, there were reports of voter intimidation and vote-buying during the 2017 local election campaign. Patronage networks remain influential in Macedonia political life, and can influence political outcomes.

### **B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Ethnic Albanians make up about 25 percent of the population, and a political party representing Albanians has sat in each ruling coalition. Certain types of legislation must pass with a majority of legislators from both major ethnic groups in the Assembly.

Macedonia’s Roma community remains politically marginalized.

Despite the introduction of parity laws, and joint initiatives on behalf of nongovernmental organizations (NGOs) and electoral authorities, societal attitudes discourage women from participating in politics. Some women are disenfranchised through the practice of family voting. Notably, however, in June 2017 the first female defense minister was appointed.

Small LGBT (lesbian, gay, bisexual, and transgender) advocacy groups are politically active, but LGBT people are poorly represented in politics—as reflected in Macedonia’s lack of any law protecting against discrimination on grounds of sexual orientation or gender identity.

## **C. FUNCTIONING OF GOVERNMENT: 6 / 12 (+1)**

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (+1)**

The first half of 2017 was characterized by VMRO–DPMNE attempts to prevent the formation of an SDSM-led government, and by the parliamentary melee in April in which Zaev and other SDSM lawmakers were injured. After Zaev’s SDSM-led government was seated, the VMRO–DPMNE made efforts to obstruct its work, including by employing filibusters and forming a number of new parliamentary caucuses with the power to individually demand recesses. However, the formation of the new government six months after the December 2016 elections ushered in a stabilization of national politics, and a return to more normal parliamentary activity.

**Score Change: The score improved from 1 to 2 because the inauguration of a new government ended a long period of parliamentary gridlock.**

### **C2. Are safeguards against official corruption strong and effective? 2 / 4**

Corruption remains a serious problem, and there has been widespread impunity for corrupt behavior by government officials.

In June 2017, a special prosecutor, appointed following a 2015 internationally-backed political agreement, charged former Prime Minister Gruevski, along with nearly 100 other people, with corruption. Gruevski’s trial began in December. The special prosecutor was appointed in 2015 to investigate the revelations of the wiretapping program.

### **C3. Does the government operate with openness and transparency? 2 / 4**

The law on open access to public information is inconsistently enforced. While the new government has pledged to undertake reforms aimed at increasing government transparency, it has yet to register concrete progress.

## **CIVIL LIBERTIES: 37 / 60 (+1)**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16 (+1)**

### **D1. Are there free and independent media? 2 / 4**

Macedonian journalists are subject to political pressure and harassment, and physical attacks continue to be reported; attackers generally enjoy impunity. According to the Association of Journalists of Macedonia, 21 reporters were attacked between the start of 2016 and May 2017. At times journalists were attacked while on the job, such as in March

2017, when masked assailants attacked two journalists reporting on a VMRO–DPMNE rally.

Macedonia's media landscape is deeply polarized along political lines, and private media outlets are often tied to political or business interests that influence their content. Some critical and independent outlets operate, and are found mainly online.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

The constitution guarantees freedom of religion. However, Islamophobia is present in the rhetoric of politicians and in public discourse.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4**

Academic freedom is largely respected. However, corruption in universities is significant, and the large-scale emigration of young scholars has been detrimental to the country's research institutions. Many textbooks barely cover the postindependence period, primarily because ethnic Macedonians and ethnic Albanians interpret the 2001 civil conflict differently. However, student protests in 2014 and 2015 were instrumental in bringing about the ouster of the Gruevski government, reflecting the ability of students to discuss and act upon issues of a political nature.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4 (+1)**

Allegations of widespread wiretapping and monitoring of private citizens, journalists, politicians, and religious leaders by the previous, VMRO–DPMNE government helped bring about its ouster. The SDSM-led government has taken some steps to reform the security services, which were widely believed to have carried out the wiretapping and surveillance program under Gruevski's direction. As a result of the change in government, private discussion has been less constrained.

**Score Change: The score improved from 2 to 3 due to a lessening of fears about speaking openly, which had been aggravated by 2015 revelations of a mass surveillance program.**

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12**

**E1. Is there freedom of assembly? 3 / 4**

Constitutional guarantees of freedom of assembly are generally well respected. However, protests have sometimes given way to property damage, and are typically monitored by riot police. In 2017, a mob of protesters stormed the parliament and attacked SDSM lawmakers, and the police response to the events was notably slow.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4**

The new SDSM-led government has indicated support for civil society, as opposed to the previous government, which had announced plans to more heavily scrutinize NGOs' finances. However, groups that focus on human rights– and governance-related work, and particularly those that receive foreign funding, face pressure from the VMRO–DPMNE and its supporters. In January 2017, several figures associated with the party announced the establishment of a movement aimed at scrutinizing NGOs funded by the Hungarian-born liberal philanthropist George Soros.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

Workers may organize and bargain collectively, though trade unions lack stable financing and skilled managers, and journalists have reportedly been fired for their union activities. The informal economy is large, leaving many workers vulnerable to abuses by employers.

**F. RULE OF LAW: 8 / 16**

**F1. Is there an independent judiciary? 2 / 4**

Concerns remain about the efficacy and independence of the Macedonia judiciary. The EU has stressed judicial reforms as a key priority for the new government. In July, the new administration endorsed judicial reforms as part of a larger package aimed at reducing election-related misconduct.

**F2. Does due process prevail in civil and criminal matters? 2 / 4**

Due process rights remain compromised by corruption and patronage within the justice system, which has a low level of public confidence. However, in a positive development, in June 2017 the special prosecutor charged 94 people and 7 legal entities with crimes connected to the wiretapping scandal.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

The violent attack against SDSM lawmakers on the parliament floor in 2017 represented a major escalation of the country's political crisis. However, calm was later restored, and a number of police officers and interior ministry employees were disciplined for the slow response to the violence. In October, a VMRO–DPMNE supporter was sentenced to four years in prison for assaulting Šekerinska Jankovska during the melee.

There are occasional outbreaks of violence in Macedonia. In November, a number of men were convicted of crimes connected to a deadly 2015 clash between police and gunmen in an Albanian neighborhood of Kumanovo. Considerable controversy surrounds the events, with prosecutors saying the men were terrorists bent on destabilizing the country, while the defendants and their supporters claim that the men had acted in self-defense against a politically motivated police raid.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

A 2010 antidiscrimination law does not prohibit discrimination on the basis of sexual orientation or gender identity, and anti-LGBT sentiment is widespread. Laws prohibit workplace sexual harassment, but sexual harassment against women employees is rarely reported, and remains a problem.

Anti-Albanian sentiment flared in 2017, as ethnic Albanian political parties called for, among other things, greater representation in government and adding Albanian as an official language, in exchange for joining the SDSM coalition. Roma face employment and other discrimination.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Travel and movement are generally unrestricted. Corruption can hamper people's ability to freely choose their place of employment or education.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4**

The right to own property and establish private businesses is generally respected, though corruption remains a barrier to free enterprise, and certain fees associated with starting a business remain relatively high.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Rape, including spousal rape, is illegal, as is domestic violence, which remains common; both are infrequently reported. The government and some NGOs provide services to victims of domestic violence.

A September 2017 ruling by the Administrative court allowed people to change their gender in the country's official registry.

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Laws do not impose rigid barriers to social mobility, though rampant corruption can effectively hamper individuals from rising to higher income levels.

Human trafficking remains a problem. The government has taken some steps to better identify trafficking victims, notably at government-run transit centers that house migrants and refugees. However, government support to NGOs that aid trafficking victims has decreased.

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