



## **Country Reports on Human Rights Practices - 2005 Released by the Bureau of Democracy, Human Rights, and Labor**

### **Briefing on The State Department's 2005 Country Reports on Human Rights Practices**

**Secretary Condoleezza Rice**  
Washington, DC  
March 8, 2006

**SECRETARY RICE:** Good morning. I'm pleased today to join Under Secretary of State for Democracy and Global Affairs Paula Dobriansky and Assistant Secretary of State for Democracy, Human Rights and Labor Barry Lowenkron in announcing the publication of [The Country Reports on Human Rights Practices for 2005](#). These congressionally mandated annual reports attest to America's continuing commitment to the advancement of what President Bush calls "the nonnegotiable demands of human dignity."

Our promotion of human rights and democracy is in keeping with America's most cherished principles and it helps to lay the foundation for lasting peace in the world. How a country treats its own people is a strong indication of how it will behave toward its neighbors. The growing demand for democratic governance reflects a recognition that the best guarantor of human rights is a thriving democracy with transparent, accountable institutions of government, equal rights under the rule of law, a robust civil society, political pluralism and independent media.

Today, there is a worldwide discussion of democratic ideas and the universal principles that democratic governance protects. This discussion is taking place from the halls of government in newly democratic Iraq to internet cafes around the globe, in numerous public squares and across countless kitchen tables. Indeed, the promotion of human rights and democracy is a truly global phenomenon.

The duty to defend human rights and to help spread democracies' blessings is especially great for the United States and other free nations. That is why we are working with other democracies to develop the institutions that will ensure human rights are respected over the long term. We must help struggling democracies deliver on the high hopes of their citizens for a better life.

We must call countries to account when they retreat from their human rights commitments and we must always stand in solidarity with the courageous men and women across the globe who live in fear, yet dream of freedom.

All men and women desire and deserve to live in dignity and liberty. Fulfilling the promise of the United Nations universal declaration of human rights and building vibrant democracies worldwide is the work of generations, but it is urgent work that cannot be delayed. As President Bush has said, "the advance of freedom is the great story of our time." These reports chronicle that great story. We hope that the reports will encourage governments, organizations, the media and publics to address human rights problems. We also hope that the reports will be a source of information and inspiration to the noble men and women across the globe who are working for peaceful democratic change. And now I will turn the podium over to [Under Secretary Dobriansky](#), who will begin to take your questions. Thank you very much.

Released on March 8, 2006

## Preface

All men and women desire and deserve to live in dignity and liberty. As President Bush said: "The advance of freedom is the great story of our time." Promoting human rights and democracy is a worldwide phenomenon and there is a growing global discussion of democracy and the universal values protected by democratic governance.

The increasing demand for democratic governance reflects recognition that the best guarantor of human rights is a thriving democracy with representative, accountable institutions of government, equal rights under the rule of law, a robust civil society, political pluralism, and independent media.

The United States and other free nations have a duty to defend human rights and help spread democracy's blessings. We must help countries develop the democratic institutions that will ensure human rights are respected over the long term. We must help fragile democracies deliver a better life for their citizens. We must call countries to account when they retreat from their international human rights commitments. And we must always stand in solidarity with the courageous men and women across the globe who live in fear yet dream of freedom.

By defending and advancing human rights and democratic principles, we keep faith with our country's most cherished values and lay the foundation for lasting peace. Fulfilling the promise of the United Nations Universal Declaration of Human Rights and building vibrant democracies worldwide will take generations, but it is work of the utmost urgency that cannot be delayed.

With these thoughts in mind, I am pleased to transmit the Department of State's Country Reports on Human Rights Practices for 2005 to the United States Congress.

Condoleezza Rice  
Secretary of State

## Introduction

These reports describe the performance of 196 countries in putting into practice their international commitments on human rights. These basic rights, reflected in the UN Universal Declaration of Human Rights, have been embraced by people of every culture and color, every background and belief, and constitute what President Bush calls the "non-negotiable demands of human dignity."

The Department of State published the first annual country reports on human rights practices in 1977 in accordance with congressional mandate, and they have become an essential element of the United States' effort to promote respect for human rights worldwide. For nearly three decades, the reports have served as a reference document and a foundation for cooperative action among governments, organizations, and individuals seeking to end abuses and strengthen the capacity of countries to protect the fundamental rights of all.

The worldwide championing of human rights is not an attempt to impose alien values on citizens of other countries or to interfere in their internal affairs. The Universal Declaration calls upon "every individual and every organ of society ... to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance..."

President Bush has committed the United States to working with other democracies and men and women of goodwill across the globe to reach an historic long-term goal: "the end of tyranny in our world."

To be sure, violations of human rights and miscarriages of justice can and do occur in democratic countries. No governmental system is without flaws. Human rights conditions in democracies across the globe vary widely, and these country reports reflect that fact. In particular, democratic systems with shallow roots and scarce resources can fall far short of meeting their solemn commitments to citizens, including human rights commitments. Democratic transitions can be tumultuous and wrenching. Rampant corruption can retard democratic development, distort judicial processes, and destroy public trust. Nonetheless, taken overall, countries with democratic systems provide far greater protections against violations of human rights than do nondemocratic states.

The United States' own journey toward liberty and justice for all has been long and difficult, and it is still far from complete. Yet over time our independent branches of

government, our free media, our openness to the world, and, most importantly, the civic courage of impatient American patriots help us keep faith with our founding ideals and our international human rights obligations.

These country reports offer a factual basis by which to assess the progress made on human rights and the challenges that remain. The reports review each country's performance in 2005, not one country's performance against that of another. While each country report speaks for itself, cross-cutting observations can be made. Six broad observations, supported by country-specific examples, are highlighted below. The examples are illustrative, not exhaustive.

First, countries in which power is concentrated in the hands of unaccountable rulers tend to be the world's most systematic human rights violators. These states range from closed, totalitarian systems that subject their citizens to a wholesale deprivation of their basic rights to authoritarian systems in which the exercise of basic rights is severely restricted.

In 2005 the Democratic People's Republic of Korea (DPRK or North Korea) remained one of the world's most isolated countries. The systematically repressive regime continued to control almost all aspects of citizens' lives, denying freedoms of speech, religion, the press, assembly, association, and movement, as well as workers' rights. In December 2005, the regime further receded into isolation by calling for significant drawdowns of the international nongovernmental organization (NGO) presence in the country.

In Burma where a junta rules by diktat, promises of democratic reform and respect for human rights continued to serve as a façade for brutality and repression. Forced labor, trafficking in persons, use of child soldiers, and religious discrimination remained serious concerns. The military's continuing abuses included systematic use of rape, torture, execution, and forced relocation of citizens belonging to ethnic minorities. The regime maintained iron-fisted control through the surveillance, harassment, and imprisonment of political activists, including Nobel Laureate and opposition leader Aung San Suu Kyi, who remained under house arrest without charge.

In 2005 the Iranian government's already poor record on human rights and democracy worsened. In the June presidential elections, slightly more than a thousand registered candidates – including all the female candidates – were arbitrarily thrown out of contention by the country's guardian council. The newly elected hard-line president denied the Holocaust occurred and called for the elimination of Israel. The ruling clerics and the president oversaw deterioration in prison conditions for the hundreds of political prisoners, further restrictions on press freedom, and a continuing rollback of social and political freedoms. Serious abuses such as summary executions, severe violations of religious freedom, discrimination based on ethnicity and religion, disappearances, extremist vigilantism, and use of torture and other degrading treatment continued.

In Zimbabwe the government maintained a steady assault on human dignity and basic freedoms, tightening its hold on civil society and human rights NGOs and manipulating the March parliamentary elections. Opposition members were subjected to abuse, including

torture and rape. New constitutional amendments allowed the government to restrict exit from the country, transferred title to the government of all land reassigned in the land acquisition program, and removed the right to challenge land acquisitions in court. The government's Operation Restore Order, initiated to demolish allegedly illegal housing and businesses, displaced or destroyed the livelihoods of more than 700 thousand persons and further strained the country's weak and depressed economy.

In Cuba the regime continued to control all aspects of life through the communist party and state-controlled mass organizations. The regime suppressed calls for democratic reform, such as the Varela Project, which proposed a national referendum. Authorities arrested, detained, fined, and threatened Varela activists and the government held at least 333 political prisoners and detainees.

China's human rights record remained poor, and the government continued to commit serious abuses. Those who publicly advocated against Chinese government policies or views or protested against government authority faced harassment, detention, and imprisonment by government and security authorities. Disturbances of public order and protests calling for redress of grievances increased significantly, and several incidents were violently suppressed. Key measures to increase the authority of the judiciary and reduce the arbitrary power of police and security forces stalled. Restrictions of the media and the Internet continued. Repression of minority groups continued unabated, particularly of Uighurs and Tibetans. New religious affairs regulations were adopted expanding legal protection for some activities of registered religious groups, but repression of unregistered religious groups continued, as did repression of the Falun Gong spiritual movement.

In Belarus President Lukashenko continued to arrogate all power to himself and his dictatorial regime. Pro-democracy activists, including opposition politicians, independent trade union leaders, students, and newspaper editors, were detained, fined, and imprisoned for criticizing Lukashenko and his regime. His government increasingly used tax inspections and new registration requirements to complicate or deny NGOs, independent media, political parties, and minority and religious organizations the ability to operate legally.

Second, human rights and democracy are closely linked, and both are essential to long-term stability and security. Free and democratic nations that respect the rights of their citizens help to lay the foundation for lasting peace. In contrast, states that severely and systematically violate the human rights of their own people are likely to pose threats to neighboring countries and the international community.

Burma is a case in point. Only by Burma's return to the democratic path from which it was wrenched can the basic rights of the Burmese people be realized. The junta refuses to recognize the results of the historic free and fair legislative elections in 1990. The regime's cruel and destructive misrule has inflicted tremendous suffering on the Burmese people and caused or exacerbated a host of ills for its neighbors, from refugee outflows to the spread of infectious diseases and the trafficking of drugs and human beings. On

December 16, the UN Security Council held a landmark discussion on the situation in Burma.

The Democratic People's Republic of Korea is another example. When the Korean peninsula was divided, the DPRK and the Republic of Korea (ROK or South Korea) were at roughly the same economic point, and both were subject to authoritarian rule. Political and economic freedom has made the difference between the two Koreas. Today, North Koreans are deprived of the most basic freedoms, while the regime's authoritarian rule produced tens of thousands of refugees. The government earned hard currency through illicit activities, including narcotics trafficking, counterfeiting of currency and goods such as cigarettes, and smuggling. Pyongyang has not heeded the international community's repeated calls to dismantle its nuclear programs.

The Iranian government continued to ignore the desire of the Iranian people for responsible, accountable government, continuing its dangerous policies of pursuing a nuclear weapons capability, providing support to terrorist organizations, and advocating – including in several public speeches by the new president – the destruction of a UN member state. Iran's deprivation of basic rights to its own people, its interference in Iraq, its support for Hizballah, Hamas, and other terrorist organizations, and its refusal to engage constructively on these issues, have further isolated it from the world community.

Similarly, the government of Syria refused international calls to respect the fundamental freedoms of its people and end its interference in the affairs of its neighbors. Syria continued to provide support for Hizballah, Hamas, and other Palestinian rejectionist groups and did not cooperate fully with the UN International Independent Investigative Commission on the assassination in Beirut of former Lebanese Prime Minister al-Hariri. The Chief Investigator's reports concluded that evidence pointed to involvement by Syrian authorities and made it clear that Syrian officials, while purporting to cooperate, deliberately misled the investigators.

By contrast, in the Balkans, a marked overall improvement in human rights, democracy, and the rule of law over the past several years has led to greater stability and security in the region. Increasingly democratic governments are in place, more war criminals are facing justice, significant numbers of displaced persons have returned home, elections are progressively more compliant with international standards, and neighbors are deepening their cooperation to resolve post-conflict and regional problems. Many countries of the former Yugoslavia have made progress in bringing persons accused of war crimes to trial in domestic courts, which is important to national reconciliation and regional stability. At the end of 2005, however, two of the most wanted war crimes suspects, Radovan Karadzic and Ratko Mladic, remained at large.

Third, some of the most serious violations of human rights are committed by governments within the context of internal and/or cross-border armed conflicts. The Sudanese government's 2003 attempt to quell a minor uprising of African rebels in Darfur by arming janjaweed militias and allowing them to ravage the region resulted in a vicious conflict. The Department of State in September of 2004 determined that genocide occurred in

Darfur. It continued in 2005. By the end of 2005, at least 70 thousand civilians had perished, nearly 2 million had been displaced by the fighting, and more than 200 thousand refugees had fled into neighboring Chad. Torture was widespread and systematic in Darfur, as was violence against women, including rape used as a tool of war. There were reports of women being marched away into the desert; their fate remained unknown. The Comprehensive Peace Agreement signed by the Sudanese government and the Sudan People's Liberation Movement opened the way to adopt a constitution in July and form a government of national unity to serve until elections in 2009. The African Union deployed seven thousand troops to Darfur, where their presence helped curb some but not all of the violence. At the end of 2005, government-supported janjaweed attacks on civilians continued.

Nepal's poor human rights record worsened. The government continued to commit many serious abuses, both during and after the February-April state of emergency that suspended all fundamental rights except for habeas corpus. In many cases the government disregarded habeas corpus orders issued by the Supreme Court and often rearrested student and political party leaders. The Maoist insurgents also continued their campaign of torturing, killing, bombing, conscripting children, kidnapping, extorting, and forcing closures of schools and businesses.

The political crisis in Cote d'Ivoire, which continued to divide the country, led to further abuses in 2005, including rape, torture, and extrajudicial killings committed by government and rebel security forces. There were fewer reports of rebel recruitment of child soldiers, and many were released. Violence and threats of violence against the political opposition continued. Despite continued efforts by the international community and the African Union, the political process to establish a power-sharing government remained stalled. By the end of September, little work had been completed to prepare for the scheduled October 30 elections, and disarmament of the New Forces rebel group had not begun. On October 6, the African Union decided to extend President Laurent Gbagbo's term in office by up to one year.

In Chechnya and elsewhere in Russia's Northern Caucasus region, federal forces and pro-Moscow Chechen forces engaged in abuses including torture, summary executions, disappearances, and arbitrary detentions. Pro-Moscow Chechen paramilitaries at times appeared to act independently of the Russian command structure, and there was been no indication that the federal authorities made any effective effort to rein them in or hold them accountable for egregious abuses. Antigovernment forces also continued to commit terrorist bombings and serious human rights abuses in the North Caucasus. The year 2005 saw the continued spread of violence and abuses throughout the region, where there was an overall climate of lawlessness and corruption.

The Great Lakes region of central Africa, encompassing the Democratic Republic of the Congo (DRC), Rwanda, Burundi, and Uganda, has been plagued by civil war, large-scale interethnic violence, and severe conflict-related human rights abuses for well over a

decade. However, there was less violence overall in 2005, and the human rights situation improved markedly, encouraging tens of thousands of displaced persons, particularly Burundians, to return home. Burundi concluded its four-year transitional process, and there were historical electoral advances in the DRC. Governments in the Great Lakes region made significant progress in demobilizing thousands of child soldiers in their military forces and those belonging to various rebel groups. At the same time, various armed groups based in eastern Congo continued to destabilize the region and compete with one another for strategic and natural resources, despite UN-supported Congolese military operations to disband armed groups in the DRC. Thousands of rebels from Rwanda, Uganda, and Burundi, including Rwandan rebels who led the 1994 Rwandan genocide, continued to oppose the government of their respective countries, attack civilians in the DRC, and commit numerous serious abuses, particularly against women and children. The governments of Rwanda and Uganda reportedly continued illegally to channel arms to armed groups operating and committing abuses in the eastern DRC.

In Colombia, human rights violations related to the 41-year internal armed conflict continued. However, the government's concentrated military offensive against illegal armed groups and ongoing demobilization of paramilitary groups led to reductions in killings and kidnappings. Colombia also began a four-year process to implement a new adversarial accusatory-style criminal procedures code. However, impunity remained a major obstacle, particularly for officials accused of committing past human rights abuses, as well as for certain members of the military who collaborated with paramilitary groups.

Fourth, where civil society and independent media are under siege, fundamental freedoms of expression, association, and assembly are undermined. A robust civil society and independent media help create conditions under which human rights can flourish by raising awareness among publics about their rights, exposing abuses, pressing for reform, and holding governments accountable.

Governments should defend – not abuse – the peaceful exercise of fundamental freedoms by members of the media and civil society even if they do not agree with their views or actions. Restrictions that are imposed by law on the exercise of such freedoms can only be justified to the extent they are consistent with a country's human rights obligations and are not merely a pretext for restricting such rights.

When states wield the law as a political weapon or an instrument of repression against civil society and the media, they rule by law rather than upholding the rule of law. The rule of law acts as a check on state power, i.e., it is a system designed to protect the human rights of the individual against the power of the state. In contrast, rule by law can be an abuse of power, i.e., the manipulation of the law and the judicial system to maintain the power of the rulers over the ruled.

In 2005, a disturbing number of countries across the globe passed or selectively applied laws against the media and NGOs. For example:

The Cambodian government utilized existing criminal defamation laws to intimidate, arrest, and prosecute critics and opposition members over the course of the year.

China increased restrictions on the media and the Internet, leading to two known arrests.

The Zimbabwean government arrested persons who criticized President Mugabe, harassed and arbitrarily detained journalists, closed an independent newspaper, forcibly dispersed demonstrators, and arrested and detained opposition leaders and their supporters.

In Venezuela new laws governing libel, defamation, and broadcast media content, coupled with legal harassment and physical intimidation, resulted in limitations on media freedoms and a climate of self-censorship. There continued to be reports that government representatives and supporters intimidated and threatened members of the political opposition, several human rights NGOs, and other civil society groups. Some NGOs also charged that the government used the judiciary to place limitations on the political opposition.

In Belarus the Lukashenko government stepped up its suppression of opposition groups and imposed new restrictions on civil society. There were politically motivated arrests, several independent newspapers were closed, the operations of others were hindered, and NGOs were harassed.

In Russia raids on NGO offices, registration problems, intimidation of NGO leaders and staff and visa problems for foreign NGO workers had a negative effect, as did the parliament's adoption of a new restrictive law on NGOs. The Kremlin also acted to limit critical voices in the media. The government decreased the diversity of the broadcast media, particularly television, the main source of news for the majority of Russians. By the end of 2005, all independent nationwide television stations had been taken over either by the state or by state-friendly organizations.

Fifth, democratic elections by themselves do not ensure that human rights will be respected, but they can put a country on the path to reform and lay the groundwork for institutionalizing human rights protections. Democratic elections are, however, milestones on a long journey of democratization. They are essential to establishing accountable governments and governmental institutions that abide by the rule of law and are responsive to the needs of citizens.

In Iraq 2005 was a year of major progress for democracy, democratic rights and freedom. There was a steady growth of NGOs and other civil society associations that promote human rights. The January 30th legislative elections marked a tremendous step forward in solidifying governmental institutions to protect human rights and freedom in a country whose history is marred by some of the worst human rights abuses in the recent past. In an October 15 referendum and December 15 election, Iraqi voters adopted a permanent constitution and elected members of the country's new legislature, the Council of Representatives, thus consolidating democratic institutions that can provide a framework

for a democratic future. Although the historic elections and new institutions of democratic government provided a structure for real advances, civic life and the social fabric remained under intense strain from the widespread violence principally inflicted by insurgent and terrorist elements. Additionally, elements of sectarian militias and security forces frequently acted independently of government authority. Still, the government set and adhered to a legal and electoral course based on respect for political rights.

Although deprived of basic human rights for years, Afghans in 2005 continued to show their courage and commitment to a future of freedom and respect for human rights. September 18 marked the first parliamentary elections in nearly three decades. Women enthusiastically voted in the elections, which included 582 female candidates for office. Sixty-eight women were elected to the lower House in seats reserved for women under the 2004 Constitution. Seventeen of the 68 women would have been elected in their own right even without the set-aside seats. In the upper House, 17 of the 34 seats appointed by the president were reserved for women; the Provincial Councils elected an additional 5 women for a total of 22 women. The September 18 parliamentary elections occurred against the backdrop of a government still struggling to expand its authority over provincial centers, due to continued insecurity and violent resistance in some quarters.

In Ukraine there were notable improvements in human rights performance following the Orange Revolution, which led to the election of a new government reflecting the will of the people. In 2005 there was increased accountability by police officers, and the mass media made gains in independence. Interference with freedom of assembly largely ceased, and most limitations on freedom of association were lifted. A wide variety of domestic and international human rights groups also generally operated without government harassment.

Indonesia, the world's most populous Muslim majority country, made significant progress in strengthening the architecture of its democratic system. Through a series of historic local elections, Indonesians were able directly to elect their leaders at the city, regency, and provincial levels for the first time. There were improvements in the human rights situation, although significant problems remained, and serious violations continued. A critical development was the landmark August 15 peace agreement with the Free Aceh Movement ending decades of armed conflict. The government also inaugurated the Papuan People's Assembly and took other steps toward fulfilling the 2001 Special Autonomy Law on Papua.

Lebanon made significant progress in ending the 29-year Syrian military occupation and regaining sovereignty under a democratically elected parliament. However, continuing Syrian influence remained a problem.

Liberia emerged into the international democratic arena with its dramatic step away from a violent past and toward a free and democratic future. On November 23, Ellen Johnson Sirleaf was declared the winner of multiparty presidential elections, making her Africa's first elected female head of state and marking a milestone in the country's transition from civil war to democracy. The transitional government generally respected the human rights

of its citizens and passed legislation to strengthen human rights. However, police abuse, official corruption, and other problems persisted and were exacerbated by the legacy of the 14-year civil war, including severely damaged infrastructure and widespread poverty and unemployment.

Sixth, progress on democratic reform and human rights is neither linear nor guaranteed. Some states still have weak institutions of democratic government and continue to struggle; others have yet to fully commit to the democratic process. Steps forward can be marred with irregularities. There can be serious setbacks. Democratically elected governments do not always govern democratically once in power.

In 2005, many countries that have committed themselves to democratic reform showed mixed progress; some regressed.

The Kyrgyz Republic's human rights record improved considerably following the change in leadership between March and July, although problems remained. President Akayev fled the country after opposition demonstrators took over the main government building in the capital to protest flawed elections. The July presidential election and November parliamentary election constituted improvements in some areas over previous elections. However, constitutional reform stalled and corruption remained a serious problem.

In Ecuador, congress removed democratically elected President Lucio Gutierrez in April following large scale protests and public withdrawal of support by the military and the national police leadership. Vice President Alfredo Palacio succeeded Gutierrez, and elections were scheduled for 2006.

Although the transitional government of the Democratic Republic of Congo postponed national general elections until 2006, the country held its first democratic national poll in 40 years. Voters overwhelmingly approved a new constitution in a largely free and fair national referendum, despite some irregularities.

In June, the Ugandan parliament approved a controversial amendment to eliminate presidential term limits, clearing the way for President Museveni to seek a third term. However, citizens voted in a national referendum to adopt a multiparty system of government, and the parliament amended the electoral laws to include opposition party participation in elections and in government.

The Egyptian government amended its constitution to provide for the country's first multiparty presidential election in September. Ten political parties fielded candidates, and the campaign period was marked by vigorous public debate and greater political awareness and engagement. Voter turnout was low, however, and there were credible reports of widespread fraud during balloting. Presidential runner-up Ayman Nour, his parliamentary immunity stripped away in January, was sentenced in December on forgery charges to five years' imprisonment after a six-month trial that failed to meet basic international standards. The November and December parliamentary elections witnessed significant gains by candidates affiliated with the outlawed Muslim Brotherhood. These

elections were marred by excessive use of force by security forces, low turnout, and vote-rigging. The government refused to admit international observers for either the presidential or parliamentary elections. The National Council for Human Rights, established by the Egyptian parliament, issued its first annual report, frankly describing government abuses.

During the Ethiopian parliamentary elections in May, international observers noted numerous irregularities and voter intimidation. Scores of demonstrators protesting the elections were killed by security forces. Authorities detained, beat, and killed opposition members, NGO workers, ethnic minorities, and members of the press.

Azerbaijan's November parliamentary elections, while an improvement in some areas, failed to meet a number of international standards. There were numerous credible reports of local officials interfering with the campaign process and misusing state resources, limited freedom of assembly, disproportionate use of force by police to disrupt rallies, and fraud and major irregularities in vote counting and tabulation. Thus far, additional actions taken during the postelection grievance process have not fully addressed the shortcomings of the electoral process.

Kazakhstan showed improvements in the pre-election period for the December presidential election, but overall it fell short of international standards for free and fair elections. The Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights noted serious limitations on political speech that prohibited certain kinds of criticism of the president, unequal access to the media for opposition and independent candidates, and violent disruptions of opposition campaign events. Legislation enacted during 2005, in particular the extremism law, national security amendments, and election law amendments, eroded legal protections for human rights and expanded the powers of the executive branch to regulate and control civil society and the media. But the Constitutional Court deemed unconstitutional a restrictive NGO law.

Uzbekistan's human rights record, already poor, worsened considerably in 2005. A violent uprising in May in the city of Andijon led to disproportionate use of force by the authorities and a wave of repressive government actions that dominated the remainder of the year. The uprising started after a series of daily peaceful protests in support of businessmen on trial between February and May for Islamic extremism. On the night of May 12-13, unidentified individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, killed several guards, and released several hundred inmates, including the defendants. They then occupied the regional administration building and took hostages. On May 13, according to eyewitness accounts, government forces fired indiscriminately into a crowd that included unarmed civilians, resulting in hundreds of deaths. In the aftermath, the government harassed, beat, and jailed dozens of human rights activists, journalists, and others who spoke out about the events and sentenced numerous people to prison in trials that did not meet international standards. The government forced numerous domestic and international NGOs to close and severely restricted those that continued to operate.

In Russia, efforts continued to concentrate power in the Kremlin and direct democracy from the top down. To those ends, the Kremlin abolished direct elections of governors in favor of presidential nomination and legislative approval. In the current Russian context, where checks and balances are weak at best, this system limits government accountability to voters while further concentrating power in the executive branch. Amendments to the electoral and political party law amendments, billed as intended to strengthen nationwide political parties in the longer term, could in fact reduce the ability of opposition parties to compete in elections. This trend, taken together with continuing media restrictions, a compliant parliament, corruption and selectivity in enforcement of the law, political pressure on the judiciary, and harassment of some NGOs, resulted in an erosion of the accountability of government leaders to the people.

Pakistan's human rights record continued to be poor, despite President Musharraf's stated commitment to democratic transition and "enlightened moderation." Restrictions remained on freedom of movement, expression, association, and religion. Progress on democratization was limited. During elections for local governments in 2005, international and domestic observers found serious flaws, including interference by political parties, which affected the outcome of the vote in parts of the country. Police detained approximately 10 thousand Pakistan People's Party activists in April prior to the arrival for a rally of Benazir Bhutto's husband, Asif Ali Zardari. The security forces committed extrajudicial killings, violations of due process, arbitrary arrest, and torture. Corruption was pervasive throughout the government and police forces, and the government made little attempt to combat the problem. Security force officials who committed human rights abuses generally enjoyed de facto legal impunity.

Despite hard realities and high obstacles, there is an increasing worldwide demand for greater personal and political freedom and for the spread of democratic principles. For example, in the Broader Middle East and North Africa (BMENA) region, recent years have witnessed the beginnings of political pluralism, unprecedented elections, new protections for women and minorities, and indigenous calls for peaceful, democratic change.

At the November 2005 Forum for the Future held in Manama, Bahrain, 40 leaders representing civil society organizations from 16 BMENA countries participated alongside their foreign ministers. The civil society leaders outlined a set of priorities with a particular focus on rule of law, transparency, human rights, and women's empowerment. Among those serving on this civil society delegation were representatives from the Democracy Assistance Dialogue (DAD), who presented the outcomes of discussions and debates held over the course of the year between civil society leaders and their government counterparts on the critical topics of election reform and the development of legitimate political parties. The growing DAD network includes hundreds of civil society leaders from the BMENA region. To better support growing reform efforts in the region, a Foundation for the Future to provide support directly to civil society and a Fund for the Future to support investment in the region, were also launched at the Forum. The level and depth of civil society participation at the Forum for the Future was historic and positive and set an important precedent for genuine dialogue and partnership between civil society and governments on issues of political reform.

The Forum for the Future is just one of the many mechanisms through which the United States, other Group of 8 countries, and regional governments support the indigenous desire for reform in the broader Middle East and North Africa.

The growing worldwide demand for human rights and democracy reflected in these reports is not the result of the impersonal workings of some dialectic or of the orchestrations of foreign governments. Rather, this call derives from the powerful human desire to live in dignity and liberty and from the personal bravery and tenacity of men and women in every age and in every society who serve and sacrifice for the cause of freedom.

## Macedonia

Macedonia is a parliamentary democracy with a population of approximately 2.1 million. Legislative authority is vested in the unicameral Sobranie (parliament). The president, Branko Crvenkovski, was elected to a five-year term in April 2004 in elections that were generally consistent with international standards, although there were election-day irregularities in some areas. Vlado Buckovski, prime minister since December 2004, presided over a multiethnic governing coalition. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights abuses were reported:

- police abuse of suspects, particularly during initial arrest and detention
- police harassment of ethnic minorities, particularly Roma
- impunity and corruption in the police force
- political pressure on the judiciary
- societal violence and discrimination against women, children and ethnic minorities, particularly Roma
- trafficking in women and girls for sexual exploitation
- government interference with union activity

The government took some steps to improve the protection of human rights. The interior ministry's sector for internal control and professional standards (PSU) worked to strengthen its ability to investigate charges of police abuses and corruption, and reports of such abuses were less frequent compared to past years. In November the interior ministry and international observers concluded a series of investigations into nine unresolved cases involving allegations of human rights abuses; the government provided information uncovered during the investigations to prosecutors. The government also somewhat strengthened efforts to prosecute trafficking cases.

## RESPECT FOR HUMAN RIGHTS

### *Section 1 Respect for the Integrity of the Person, Including Freedom From:*

#### *a. Arbitrary or Unlawful Deprivation of Life.*

Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In December 2004 the PSU found the use of force justified in the police killing of a 21-year-old male student earlier that month during an attempt to arrest an armed fugitive in the student's apartment.

On April 22, a Skopje district court acquitted four persons--three former police officers and a businessman--implicated in the Rastanski Lozja case involving the 2002 police killing of seven South Asian illegal immigrants. Two other persons implicated in the case testified against their former coworkers in exchange for reduced sentences.

The prosecution had charged that former interior minister Ljube Boskovski ordered the killings, ostensibly because the seven immigrants were terrorists who threatened foreign embassies in Skopje. The prosecution appealed the innocent verdict, but the appellate court had taken no action by year's end. The government applied for Boskovski's extradition from Croatia but was unable to secure extradition before Croatian authorities transferred Boskovski to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague to stand trial on unrelated charges.

During the year the working group established in 2004 by the interior ministry and the international community to review unresolved human rights cases completed its investigation into all nine cases under its consideration. Although the identities of some officers responsible for reported abuses could not be determined, the working group supplied additional information to prosecutors in a majority of the cases under investigation.

At year's end an appeals court was reviewing the 2004 conviction of six of seven ethnic Albanians on terrorism charges for planting explosives in the center of Kumanovo and on railway tracks near that city that killed one person and injured several others in 2003. The appeals court rejected the appeal of the seventh defendant.

#### *b. Disappearance*

There were no reports of politically motivated disappearances.

The International Commission on Missing Persons closed its offices in the country in November 2004 after collecting blood samples from relatives of all persons missing from

the 2001 conflict. The International Committee of the Red Cross (ICRC) estimated that 23 persons remained missing from the conflict.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

The law prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes abused prisoners.

There were credible reports that police used violence or harassed persons, particularly members of ethnic minorities. A coalition of NGOs recorded 100 allegations of police abuse involving 122 victims in the first 10 months of the year. The victims included 47 ethnic Albanians, 52 ethnic Macedonians, and 18 Roma. The PSU reported receiving 54 complaints in 2004 that police used excessive force in the conduct of their duties; the PSU found that 22 of the complaints were justified. The interior ministry took a total of 331 disciplinary actions against police officers for misconduct.

In September the ombudsman announced that he had referred five cases against interior ministry employees to prosecutors for the mistreatment of civilians and other unspecified abuses. By year's end prosecutors had agreed to investigate one case and rejected another; the other three were still under review. The ombudsman also alleged that the interior ministry had failed to cooperate with his office's investigation, refusing to disclose the identities of officers involved in certain operations.

On June 30, according to one NGO, a Romani man was called into the Kicevo police station for questioning after persons under interrogation there accused him of participating in an altercation. The man alleged that the police then beat him, a Romani friend who came to his assistance, and a third Romani man who was also being questioned. The men filed charges on July 6, but the public prosecutor had not acted on them by year's end.

There were no developments reported on the European Roma Rights Center's (ERRC) filing of a criminal complaint in connection with the July 2004 police beating of two Romani men, Trajan Ibrahimov and Bergiun Ibrahimovic, in Skopje.

The ombudsman and public prosecutor continued to review the cases of two ethnic Albanians arrested and allegedly beaten by police near Stenkovec in October 2004. The suspects were charged with attempted murder of a taxi driver and illegal possession of firearms. The PSU investigation, conducted in cooperation with the European Union's (EU) Proxima police mission and completed in 2004, did not confirm the abuse allegations. The officers involved received additional training on the appropriate use of force.

In September border police fired several shots at persons illegally crossing the border from Greece and severely wounded an Albanian woman. A PSU investigation that month determined that the shooting was justified.

In April Ministry of Interior officials and international observers completed an investigation of allegation that security and counterintelligence officers in Kumanovo unlawfully detained and severely mistreated Avni Ajeti, who was convicted of mining the Skopje-Belgrade railroad and placing a bomb in the Kumanovo central square. The observers noted serious irregularities in authorities' handling of the case, including officers' failure to record Ajeti's detention or to obtain legal authority for detaining him longer than twenty-four hours. The observers further noted that these administrative failures prevented them from confirming or refuting the allegations against the counterintelligence officers.

An interior ministry investigation monitored by international observers into allegations that Selam Selami was illegally detained and abused by counterintelligence officers in 2002 ended in April without determining the exact circumstances of his detention. International monitors noted that the counterintelligence agency's inability to produce records relative to the case made it impossible to establish the cause of severe medical problems experienced by Selami while being held by the officers. Selami had been detained in connection with the shooting of two ethnic Macedonian police officers; charges against him were dropped the following year.

### **Prison and Detention Center Conditions**

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. In July the director of Skopje's Idrizovo prison was dismissed after one detainee was killed in an armed altercation between prisoners. Juvenile prisoners were supposed to be physically separated from adults; however, in one prison, juvenile and adult detention facilities were colocated.

The government generally routinely granted permission for visits to convicted prisoners by independent humanitarian organizations such as the ICRC and by the human rights ombudsman. The law allows access to pretrial detainees for family members, physicians, chiefs of diplomatic missions, and representatives from the European Committee for the Prevention of Torture (CPT) and the ICRC with the approval of the investigative judge. However, the ICRC was denied permission to visit two Albanian journalists detained for allegedly planning terrorist acts with an armed ethnic Albanian group of criminals in the Skopje suburb of Kondovo.

In November a delegation affiliated with the European Institute for Crime Prevention and Control conducted a visit of prisons. At the visit's conclusion, the delegation's chief publicly criticized the hygienic conditions and small cell sizes in the prison system.

The CPT was authorized to visit all places of detention, including numerous police stations, on a regular and ad hoc basis. In July 2004 the CPT carried out a week-long visit to the country; a report on the visit had not been released by year's end.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

## **Role of the Police and Security Apparatus**

The national police are a centralized force subordinate to the interior ministry that consists of uniformed police, criminal (civilian) police, and border police. In August the border police assumed full control of border operations from the military.

By year's end the EU's 185-member Proxima police mission, deployed in 2003 to assist police in former conflict areas and advise on interior ministry reforms, had departed and was replaced by a EU police advisory team consisting of approximately 30 police officers and advisors.

The police force remained largely ethnic Macedonian; however, the government took steps to improve ethnic minority representation, such as maintaining a 25 percent recruiting quota for ethnic minority recruits. During the year an additional 345 ethnic minority police officers completed training. The interior ministry has appointed 1,500 ethnic minority police officers since 2001. Ethnically mixed patrols usually operated in predominantly ethnic Albanian areas.

Interior ministry officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. International observers noted improved ministry response to investigating individual cases of police misconduct and more frequent and consistent disciplining of officers found guilty. However, they cited a limited range of disciplinary options and a restrictive statute of limitations for the punishment of police misconduct as factors that sometimes precluded appropriate sanctions.

The PSU, which is responsible for investigating corruption, completed a major corruption-related investigation in May. As a result of the investigation, charges were brought against seven police officers for abuse of their authority and soliciting bribes.

During the year PSU investigations resulted in the discharge of four officers from the police force, reductions in pay for two others, and the voluntary retirement of a seventh. In September a Kavadarci court opened proceedings against an interior ministry administrator involved in a 2004 corruption case, while prosecutors investigating a second administrator in Skopje declined to pursue the case, citing insufficient evidence.

## **Arrest and Detention**

The law requires warrants for arrest and detention and police generally appeared to follow those requirements in practice. While the law provides that a detainee must be arraigned in court within 24 hours of arrest, police at times violated this requirement, often by transferring the suspect from one police station to another to avoid exceeding a 24-hour period of detention at a location. Detention of suspects for longer than 24 hours may only

be ordered by investigative judges upon request of a prosecutor, and this generally occurred in practice.

There is a functioning bail system that was used primarily by the courts in property-related crimes such as fraud, tax evasion, embezzlement, and abuse of official position. The courts were reluctant to approve bail for defendants accused of violent crimes or crimes against children.

The law permits a detainee to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings, but such access must be approved by an investigative judge and the warden of the detention facility. While investigative judges and wardens generally approved such access, there were occasional reports that detainees were denied access to an attorney during police and investigative proceedings.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. At year's end the ombudsman was investigating allegations that two ethnic Albanian suspects in a July 15 bomb attack on a Skopje police station were detained without proper legal authority; a PSU investigation determined there were no irregularities involved in the arrest and detention of the two men.

There were no reports of political detainees. In the Rastanski Lozja case, opposition parties backing the defendants alleged that investigative and trial judges, under pressure from the government, improperly extended pretrial detention for political reasons.

The law sets the maximum length of pretrial detention at 180 days; however, NGOs, as well as some legal experts, contended that the judiciary sometimes abused its detention authority. Defendants freed on bail often failed to show up for court proceedings. There were some reports of government pressure to order pretrial detention in cases where other means of guaranteeing the presence of defendants at trial could have been utilized; however, there were fewer reports of this practice than in 2004.

#### *e. Denial of Fair Public Trial*

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary was generally weak, at times inefficient, and occasionally influenced by political pressure, intimidation, and corruption. Programs for witness protection did not operate effectively. The court system is three-tiered and composed of basic courts, appellate courts, and the Supreme Court. The Constitutional Court is not considered part of the judicial branch and deals with matters of constitutional interpretation and certain human rights protection issues.

In December parliament adopted constitutional amendments that envisage a series of administrative reforms to improve the independence and effectiveness of the justice system, including a new procedure for the selection of judges and establishment of a separate court system for minor offenses. The amendments are part of the government's

judicial reform strategy, which entails an increase in salaries for prosecutors and judges, as well as the recruitment of approximately 140 new law clerks to help the judiciary reduce the backlog of 1.2 million cases.

The chief public prosecutor accused some lower courts of being inefficient or influenced by political factors, which he said resulted in prolonged trials and an inability to reach final judgments in high-profile corruption or other sensitive cases. In particular he criticized a series of delays in the Rastanski Lozja trial, which involved suspects linked to former interior minister Boskovski. He also publicly complained that his position did not grant him sufficient independence to fully exercise his powers.

The state anticorruption commission reviewed cases of alleged corruption, conflict of interest, and nepotism. It issued several opinions, which frequently included recommendations that the prosecutor initiate criminal actions against judges where there was sufficient evidence of corruption.

During the year the republic judicial council (RJC) proposed to the parliament that 10 judges be dismissed on grounds of unprofessional or unethical behavior; 6 were removed, including the president of the largest court of first instance in the country. In one case a former judge from Kocani was sentenced to nine months in prison for abuse of official position. The new special prosecutor's Unit Against Organized Crime brought bribery charges against the former public prosecutor of Stip, and the Kocani basic court sentenced him to one year in prison.

## **Trial Procedures**

Court proceedings were open to the public except in limited cases, such as trials involving minors or in which the personal safety of the defendant was at risk. Juries are not used. Trials are presided over by judges; two to three community member consulting jurors assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence.

The law provides for the presumption of innocence, the right to consult an attorney in a timely manner in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges are filed. These rights were generally respected in practice; however, lengthy legal procedures and delays were a problem, and access to attorneys was sometimes not granted in a timely manner.

Defendants were entitled to have access to government-held evidence, but this did not always occur in practice. The law requires that indigent defendants be given access to attorneys, and this requirement was generally respected in practice.

The law provides that trials may be held in absentia so long as they are repeated if the convicted individuals later become accessible to justice officials.

## **Political Prisoners**

There were no reports of political prisoners.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that the government illegally used wiretaps to collect information on suspected criminals, although some opposition politicians alleged that the interior ministry used wiretaps for political purposes.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Media were divided along ethnic lines, with the most striking divisions visible in reports on controversial political issues.

There were no official government-controlled print media. Foreign newspapers and magazines were available throughout the country.

Macedonian Radio and Television (MRTV), which generally favored the government view on political issues, was the sole public broadcaster in the country.

There were 5 private television broadcasters with national coverage and more than 50 private local television stations. A variety of independent radio stations broadcast throughout the country.

There were two news agencies, the state-owned Macedonian Information Agency (MIA) and private Makfax.

In November a Skopje district court sentenced a journalist from Albania, Rajmonda Malecka, and her father to five years in prison for allegedly planning terrorist acts in the Skopje suburb of Kondovo. Police reportedly found a videocassette with footage of an armed group in Kondovo in the suspects' possession when they arrested them in April. An appeals court had remanded the case to the district court in September.

The law provides that defamation, libel, and slander may be punished by prison sentences and fines. During the year media representatives and some international observers pushed for the decriminalization of libel and slander. Some new cases of libel or slander were brought before the courts, and there were developments in earlier slander cases. Goran Mihajlovski, owner of the tabloid Vest, appeared in court in December on libel charges related to his newspaper's allegations that the pharmaceutical company Replek tried to sell unlicensed medications in the country. In December A1 Television journalist Biljana Sekulovska appeared in court on libel charges related to her criticism of the judge presiding over a trafficking-in-persons case involving Dilaver Bojku Leku. During the year

Start journalist Marjan Gjurovski was acquitted on charges of slander filed in 2004 by former director of the Public Security Bureau Goran Mitevski.

No progress was made in the two police investigations into a 2003 incident in Aracinovo, where local residents physically prevented MTV, Sitel, and Telma television from reporting on local protests. Several journalists sustained injuries in the confrontation.

There were no government restrictions on the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

##### **Freedom of Assembly**

The law provides for the freedom of assembly, and the government generally respected this right in practice; however, the interior ministry requires approval of any religious gathering held outside of specific religious facilities and limits such gatherings to registered religious groups (see section 2.c.).

Unlike in the previous year, there were no reports of police using force or tear gas to break up protests.

##### **Freedom of Association**

The law provides for the freedom of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship.

The law requires religious groups to register with the State Committee on Relations with Religious Communities. A number of specific requirements for the registration of religious groups were struck down by the Constitutional Court in 1998 and 1999. Consequently there was confusion over which registration procedures still applied.

At year's end the appeal of the Orthodox Archbishopric of Ohrid, an affiliate of the Serbian Orthodox Church, of a November 2004 state committee decision to deny it registration was pending before the Supreme Court. The committee's decision was based on a law that allows only one religious community to be registered for each confession; the Macedonian Orthodox Church had been registered as a religious community since Macedonia's independence.

The law requires a group to have a government "opinion" in order to obtain a permit to build a religious facility. However, Constitutional Court rulings in 1998 and 1999 struck

down sections of the law that authorized the government to provide an opinion, thereby effectively blocking religious groups from obtaining construction permits for worship facilities. In practice the government generally did not take action against religious buildings lacking permits.

The law somewhat restricts the establishment of places of worship, for example, by requiring that a permit be obtained at least 15 days in advance for services in places not specified in the law. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The government did not actively enforce most of these provisions but acted upon complaints when they were received.

Although a permit or permission is not required to perform religious rites in a private home, members of the Orthodox Archbishopric of Ohrid reported that police interrupted an April 30 religious service in a private apartment in Dracevo and asked the worshipers to produce their identification documents.

On July 26, the Orthodox Archbishopric's Zoran Vraniskovski, whom the Serbian Orthodox Church recognizes as archbishop of Ohrid, began serving an 18-month prison sentence for inciting religious intolerance. The charges against Vraniskovski referred to private religious services held in union with the Serbian Orthodox Church, and his alleged responsibility for a religious calendar calling the Macedonian Orthodox Church "the last fortress of communism" and its believers heretics. An appeals court and the Supreme Court rejected his appeal. Vraniskovski admitted to writing the calendar's text but not to producing and distributing it. Vraniskovski was also ordered to serve a previously suspended 12-month sentence for illegally assuming religious authority by baptizing a relative in a Macedonian Orthodox church near Bitola in 2003. In addition Vraniskovski was found guilty of embezzlement by the Veles district court in September and sentenced to two additional years in prison; a trial on a separate embezzlement charge had not concluded by year's end.

The law requires that foreigners entering the country with the intent to carry out religious work or perform religious rites receive approval from the state commission on relations with religious communities. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the commission, which then issues a letter of approval to be submitted with the visa request. Approvals were normally issued within one week.

A Polish-born nun associated with the Orthodox Archbishopric of Ohrid claimed that, in September 2004, the interior ministry declined to extend her residency permit; the Archdiocese is not legally entitled to sponsor foreign religious workers because it has been denied registration under the law permitting only one group per confession.

At year's end the Jewish community reported that all outstanding property claims of the community involving the former Yugoslavia's nationalization of religious properties had been resolved. However, the community expressed some frustration regarding the restitution of property of heirless victims of the Holocaust as envisaged in a 2000 law. While enough land was returned to allow the Jewish community to begin construction of a

Holocaust memorial center in September, only a small fraction of other restitution claims in the name of the Jewish and other religious communities had been adjudicated by the government.

### **Societal Abuses and Discrimination**

There were isolated reports of vandalism of religious properties. The Orthodox Archbishopric of Ohrid reported that private apartments belonging to their members were broken into or vandalized at least five times. Members of the group alleged that on June 25 and July 11, police officers discouraged them from reporting future acts of violence or vandalism directed at the group.

At year's end the ownership dispute between the Bekteshi religious sect and the Islamic community over their religious facility at Tetevo remained unresolved. The Bekteshis filed suit against the government to reverse the former Yugoslavia's nationalization of the property and against the Islamic community, which seized the complex in 2002 and continued to hold services there, excluding Bekteshi community members.

The Jewish community estimated that approximately 600 Jewish persons live in the country. Unlike in the previous year, there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 International Religious Freedom Report.

#### **d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation**

The law provides for these rights, and the government generally respected them in practice.

#### **The law prohibits forced exile, and the government did not employ it.**

Under the constitution, any Yugoslav citizen who had legal residence in the country in 1991 could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem.

The interior ministry claimed that this problem has been resolved; a 2002 amendment to the Law of Citizenship temporarily eased the naturalization requirements for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status.

## **Internally Displaced Persons (IDPs)**

At year's end the government reported a total of 831 IDPs, most of whom were in collective centers. That number was down from over 1,180 IDPs reported earlier in the year.

IDPs received basic assistance, mostly from the international community, and had few opportunities for engaging in income-generating activities. The ICRC had supported some of the IDPs with income-generating projects in the agricultural, livestock-rearing, and handicraft sectors, but phased out its program in 2004. The Ministry of Labor and Social Policy was responsible for IDP programs.

Some IDP groups, overwhelmingly ethnic Macedonians, claimed they could not return to their homes of origin due to security threats in those areas. There were unsubstantiated reports of arson attacks on homes reconstructed by IDPs in some of those areas, notably in the predominantly ethnic-Albanian municipality of Aracinovo. Some IDPs claimed the government was not providing adequate support or incentives for returning to their homes. Other IDPs claimed they had been able to return to their homes, in Aracinovo, for example, and had not faced any threats since doing so.

During the year the government pressured many IDPs to return to their homes of origin by informing them that their monthly benefits would eventually be reduced or eliminated if they did not comply.

## **Protection of Refugees**

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared prosecution. The government granted refugee status and asylum, but only in rare cases. As of October, out of 751 registered asylum seekers, only 34 had been granted humanitarian protection status, and none had received asylum. A total of 1,204 persons had been granted humanitarian protection, a decision subject to annual review.

According to the Office of the UN High Commissioner for Refugees (UNHCR), the refugee status determination (RSD) mechanism was accessible and active, and the overall process was handled in a generally satisfactory manner. The country's RSD laws were considered satisfactory, but implementation of the RSD procedure in some cases was inadequate. The UNHCR noted significant shortcomings in refugee interview techniques and worked with interior ministry officials to improve them. A more serious shortcoming in the RSD process noted by the UNHCR was the lack of an effective appeals system for those not initially granted either refugee or asylum status. UNHCR reported that appeals rejected by the administrative courts were usually given only cursory review by the

Supreme Court, which simply rubber-stamped the commission's decision to deny the appeal.

The government provided temporary protection status to most refugees and asylum seekers in the country. However, that status was valid for only 12 months and had to be renewed. In addition, it could be terminated by the government at any time.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

While there were no reports that authorities abused or mistreated refugees, some female refugees were the victims of sexual abuse committed by nonofficials. There was no evidence to suggest the female refugees had been targeted because of their refugee status.

There was strong evidence to suggest that Romani refugees were discriminated against in the RSD process, a reflection of general societal discrimination against the Roma. However, Romani refugees in the predominantly Romani municipality of Suto Orizari were generally well tolerated.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

The most recent presidential elections were held in April 2004. International observers characterized both rounds of the election as satisfactory, but noted serious second-round irregularities in parts of the country. The opposition party VMRO-DPMNE challenged the election results on the basis of the irregularities; however, international observers concluded that these did not significantly influence the final outcome.

In March elections were held to select the mayors and council members of the country's 84 municipalities and the city of Skopje. An additional partial round of voting was held on April 10 after irregularities in 20 municipalities forced a rerun of the balloting in those areas. International observers found that the elections, the first since a redrawing of municipal boundaries in 2004, were generally well conducted but failed to meet key international standards in some regions of the country. At least seven polling stations were closed due to violent incidents, and international monitors observed ballot stuffing in a number of polling stations, primarily in areas populated by ethnic Albanians. The ethnic-Albanian opposition party DPA boycotted the second round of elections and subsequently withdrew from parliament, citing serious irregularities in the elections and the government's failure, in its view, to address them adequately.

In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family or proxy voting by male family members on their behalf.

There were 24 women in the 120-seat parliament and 3 women in the 19-member Council of Ministers. The law requires that female candidates make up 30 percent of each political party's list in both national and municipal elections.

There were 26 ethnic Albanians, 1 Muslim, 1 Roma, 3 Turks, 2 Serbs, 2 Bosniaks, and 1 Vlach in the 120-seat parliament. There were 6 members of minorities in the 19-member Council of Ministers.

### **Government Corruption and Transparency**

Corruption was a problem in the executive and legislative branches of the government. Instances of corruption in the police and judicial system were of particular concern (see sections 1.d. and 1.e.). The State Anticorruption Commission was responsible for investigating charges of corruption as well as complaints submitted by citizens. During 2004 the commission received 627 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases. In response the commission initiated 23 investigations and recommended 33 initiatives to counter corruption.

The commission accused government institutions of lacking the political will to fight corruption. After the government significantly reduced the funds available to the commission in a rebalancing of the budget, the commission charged that the government was deliberately impeding its work.

During the year the courts resolved a number of long pending, high-profile corruption cases involving former government officials, largely as a result of criticism from both the public and the international community. In March a court convicted Ljupco Popovski, a former defense ministry official from the ruling Social-Democratic Union of Macedonia party, on bribery charges and sentenced him to more than two years in prison. The former mayor of the predominantly Roma municipality Suto Orizari was also among those sentenced in corruption trials.

In April Nikola Tasev, the former general manager of the Nova Makedonija publishing house charged with abuse of power for selling 70 percent of the company on the eve of 2002 parliamentary elections, was sentenced to 4 years in prison by Skopje Basic Court I. Besnik Fetaj, who was minister of economy at the time of the privatization, was acquitted of similar charges. Nova Makedonija was the country's largest publishing house before its liquidation in 2003. The country does not have a law guaranteeing citizens' access to government information. Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views.

There were more than four thousand domestic and international registered NGOs operating in the country, including FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Roma rights, human trafficking, and voters' rights.

The OSCE led international community efforts to engage the government on human rights issues. The OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman has a mandate to improve nondiscrimination and equitable representation of minority communities and operated six local branch offices around the country. The ombudsman has the legal right to visit all persons detained, including those in pretrial detention, and officials from the ombudsman's office exercised this right freely during the year. The ombudsman found that government institutions violated individuals' rights in 569 cases, or approximately 29 percent of the complaints received in 2004. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The government acted on the ombudsman's recommendations in 73 percent of these cases but in some instances did not provide information requested by the ombudsman's office in the course of their investigations.

The government generally cooperated with the ICTY. In March the ICTY indicted two ethnic Macedonians—former interior minister Ljube Boskovski and former police officer Johan Tarculovski—accused of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten.

## **Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status**

The law provides for equal rights for all citizens regardless of their gender, race, disability, or social status; however, societal discrimination persisted against ethnic minorities, particularly Roma, and the protection of women's rights remained a problem.

### **Women**

Domestic and other violence against women was a persistent and common problem; one survey found that one of four women claimed to have been a victim of physical or psychological domestic violence.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence filed criminal charges only rarely. Although the law specifically defines domestic violence as a crime and prescribes substantial punishments for violators, the government did not provide mandatory training for police, prosecutors, and judges, and the law was rarely applied.

While the law provides for civil restraining orders to protect victims of domestic violence, there were reports that police officers were unaware of provisions of the law that allow them to act ex officio to protect victims of family violence, and police often did not respond to allegations of domestic violence.

The government operated six shelters with limited capacities and funded a national NGO-operated hotline for victims of domestic violence in Skopje. Local NGOs working against domestic violence relied to a large extent on international donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the issue.

While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim. These requirements are more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from 1 to 15 years' imprisonment. Some rape cases were tried during the year. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Although prostitution is illegal, the law was not always enforced. Some foreign women accused of prostituting themselves were deported, and some men were prosecuted for "mediating" in prostitution.

**Trafficking in women for sexual exploitation was a problem (see section 5, trafficking).**

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically address sexual harassment, it could be prosecuted as a criminal act under antidiscrimination legislation; however, this did not occur in practice. Although women remained underrepresented in the higher levels of the government and the private sector, there were several prominent professional women, including a female deputy prime minister, foreign minister, and justice minister.

Women from parts of the ethnic Albanian community did not have equal opportunities for employment and education due to traditional and religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, women were disenfranchised by the practice of men voting on behalf of female family members (see section 3).

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women, but did not have the legal authority to aggressively combat discrimination.

Although the law requires men and women to be paid equally for equivalent work, wage discrimination against women remained pervasive, particularly in the private sector. While the law prohibits dismissal of women on maternity leave, discrimination against pregnant women continued in practice.

Among other activities, women's advocacy groups worked to combat domestic violence through awareness-raising campaigns, increase women's political involvement by training female candidates for local elected office, improve women's access to legal services, and promote female establishment of small and medium enterprises.

## **Children**

The government was committed to the rights and welfare of children; however, it was significantly limited by resource constraints. The ombudsman's office had a special unit for children, partially funded by the UN Children's Fund (UNICEF), that investigated complaints of violations of children's rights. The Ministry of Labor and Social Policy is responsible for children's welfare.

Education is mandatory through the eighth grade or to the age of 16; however, some children did not enter the educational system at all. The Ministry of Education reported that 95 percent of children were enrolled in school; no official data was available on school attendance or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials.

Almost 90 percent of the children who finished primary school continued to secondary school; however, at both the primary and secondary levels, girls in some ethnic Albanian communities did not attend school. Approximately half of ethnic minority students did not go on to high school due to lack of classes in minority languages at the secondary level and to the conviction of many rural, ethnic Albanian families that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did enroll, 50 percent dropped out by the fifth grade and only 35 to 40 percent finished the eighth grade.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the predominantly ethnic Albanian western parts of the country, and parents and students sometimes protested these conditions. Boys and girls generally had equal access to education except in ethnic Albanian areas.

Medical care for children was generally adequate, but was hampered by the generally difficult economic circumstances of the country and by the weak national health system.

Child abuse was a problem in some areas. According to interior ministry statistics, the number of reported cases of sexual abuse against children decreased; there were 37 reported cases during the year. The Centers for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse. NGOs are also active in this area.

Child marriage occurred with some frequency in the Romani community and less frequently in the ethnic Albanian community. It was difficult to estimate the extent of underage marriage in the Romani community because such marriages frequently were not registered. A survey of 960 Romani women during the year by the NGO Daja found that 54 percent had given birth to their first child by the age of 18, while 3 percent had given birth between the ages of 12 and 14.

**Girls were sometimes trafficked for sexual exploitation (see section 5, Trafficking).**

Romani children were often organized into groups by Romani adults and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see section 6.d.). According to some estimates, there were between 500 and 1 thousand street children in the country, most of whom were Roma. With international support, the Ministry of Labor and Social Policy operated a day center for street children. The minister of labor reported that the center has served at least 265 children to date.

**Trafficking in Persons**

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and, to a lesser degree, from the country.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery, or a similar relationship. The law provides for a minimum sentence of four years for most trafficking crimes and a minimum of six months for the destruction of identification documents of trafficked persons. Persons convicted of organizing human trafficking receive a mandatory minimum prison term of 8 years and 1 to 10 years for complicity in the crime of human trafficking. The law provides for a minimum six-month sentence for persons who wittingly use, or enable another person to use, sexual services from a trafficked person. The mandatory minimum sentence for trafficking in children or for knowingly using trafficked children and juveniles for sexual exploitation is eight years.

During the year at least 32 trafficking-related cases were prosecuted, compared to 20 cases in 2004. During the year 83 persons were convicted and sentenced for trafficking. The country's most notorious convicted trafficker, Dilaver Bojku Leku, remained in a Skopje prison after being sentenced in 2004 for "mediation" in prostitution. Since he was in an "open regime" facility with liberal release policies, international observers were concerned that Bojku would be able to intimidate witnesses during his periods of authorized leave from prison.

The national commission for prevention and suppression of trafficking in persons coordinated government efforts to combat trafficking. The interior ministry was also involved in antitrafficking efforts and detailed several law enforcement personnel to work fulltime in its main trafficking unit in Skopje. It also deployed antiorganized crime police

officers to combat human trafficking on a local level. The government routinely cooperated with neighboring countries' national organizations, most notably those in the Southeast European Cooperation Initiative.

In May parliament passed a law on witness protection to facilitate witness testimony in trafficking and other sensitive cases. In at least one case, a trafficking victim who had been repatriated to her home country was allowed to testify against her trafficker using a digital video conference link. In at least 12 cases, the interior ministry and the association of public prosecutors arranged for the travel of witnesses to the trial and provided for their protection.

While the country remained primarily a transit and destination point for trafficking, officials and others acknowledged that it was a point of origin for a small number of trafficking victims.

Women from the country were trafficked throughout the former Yugoslavia. Interior ministry officials reported a downward trend in human trafficking during the year. However, NGOs and the international community reported that there were more cases of internal trafficking. Reliable statistics were not available, but specialists working in the field for the OSCE and other agencies estimated that between 200 and 400 women were trafficked to or through the country during the year, primarily for sexual exploitation. Moldova, Romania, Albania, and Bulgaria were the primary sources of trafficking victims, and victims trafficked through the country were most often en route to Serbia and Montenegro (including Kosovo), Albania, and western Europe.

There were four reported cases of trafficking involving girls during the year. There were reports that female minors were recruited by some massage parlor owners to perform sexual services for clients. In at least one case, authorities shut down a massage parlor operating in this way.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses, or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficking victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance.

There were no developments in the 2004 case involving police complicity in trafficking in Gostivar, which resulted in the suspension from duty of an officer pending his trial on criminal charges for misuse of official position and trafficking in persons. While pretrial procedures had concluded, a hearing had not been scheduled by year's end. At year's end two police officers who testified on behalf of trafficker Dilaver Bojku Leku were under investigation for possible complicity in trafficking.

During the year the International Organization for Migration assisted two victims of trafficking at its local shelter, which it operated with support from the government and a local NGO.

## **Persons with Disabilities**

The law prohibits discrimination on the basis of disability; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provisions of other state services. There are no laws or regulations requiring buildings to be made accessible to persons with disabilities, and many public buildings remained inaccessible for persons with physical disabilities.

Advocates for disabled persons stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented them from fully integrating into society.

The interparty parliamentary lobby group for the rights of people with special needs, in cooperation with NGOs, worked to develop and promote comprehensive legislation promoting the rights of persons with disabilities. The group focused on changes to laws on urban planning and construction.

The Ministry for Labor and Social Policy was responsible for the integration of persons with disabilities into economic life and the payment of benefits. UNICEF implemented several projects aimed at addressing the needs of children with disabilities.

## **National/Racial/Ethnic Minorities**

According to the 2002 census, the population was 64.2 percent ethnic Macedonian; 25.2 percent ethnic Albanian; 3.9 percent ethnic Turkish; 2.7 percent Roma; 1.8 percent ethnic Serb; 0.8 percent Bosniak; and 0.5 percent Vlach.

There were credible reports of police violence against Roma, including beatings during arrest and while in detention (see section 1.c.), as well as incidents of societal violence during the year.

There continued to be incidents of interethnic violence and tension during the year. For example, on August 26, ethnic Albanian villagers in Celopek prevented ethnic Macedonians from commemorating the killing of two ethnic Macedonians at the site of the Motel Brioni, which was destroyed shortly after the end of the 2001 conflict. The motel site remained the subject of an ethnically charged property dispute between ethnic Albanian villagers and the ethnic Macedonian owners of the destroyed building. In September three ethnic Albanians accused of organizing the crowd that prevented the ethnic Macedonians from commemorating the event failed to appear in a Tetovo court for a hearing into charges against them.

In September police intervened to stop a large fight between ethnic Macedonian and ethnic Albanian students in a high school in Struga; such altercations have been common in the town since 2003. Although interethnic tension in schools remained a problem, there were fewer cases than in 2004 of serious disputes between parents and school authorities over ethnic issues. Students from different ethnic groups sometimes studied in

separate shifts or entirely separate facilities, usually at their parents' request. For example, in Shemsevo, ethnic Macedonian parents refused to send their children to mixed local schools, and instead sent them to monoethnic schools in the nearby towns of Jegunovce and Zilce.

While interethnic relations remained strained, a survey conducted in May found that, for the first time in seven years, a majority of both ethnic Albanians and ethnic Macedonians held favorable opinions of the other ethnic group.

Ethnic Albanians continued to complain of widespread official discrimination. They were concerned about the slow progress in reaching what they considered to be equitable representation in government ministries, while ethnic Macedonians often claimed that they were targeted for downsizing regardless of job performance. Some ethnic Albanians reported that they were effectively disenfranchised by discrimination in citizenship decisions. In at least one case an ethnic Albanian woman complained that her application for citizenship was denied despite her insistence that she met the relevant criteria.

Although some progress was made, and recruitment efforts were in place, ethnic Albanians remained underrepresented in the military and police.

The law establishes that languages of ethnic minorities must be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens had the right to communicate with local offices of the central government in the language of the minority group and to receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, this did not always occur in practice.

The law provides for primary and secondary education in the languages of the ethnic minorities, and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

Ethnic minorities remained underrepresented at the university level, although there was progress in increasing the number of minority students. In July the government accredited the University of Tetovo, whose primary language of instruction is Albanian. More than six thousand students were enrolled in the university's four faculties.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the slow progress in achieving equitable representation in government institutions, the absence of Turkish majority municipalities in the 2004 municipal redistricting, and a lack of Turkish language education and media.

Roma complained of widespread ethnic discrimination. NGOs and international experts reported that Roma were often denied job opportunities, access to public welfare funds, and entrance to establishments such as restaurants and cafes.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest mortality rates of any ethnic group in the country. The government provided few social services to Roma despite the belief that unemployment among the Romani population was above 70 percent.

At year's end there were 2,169 Romani refugees remaining in the country from the 1999 conflict in Kosovo. The country's ethnic Albanians and, to a lesser degree, ethnic Macedonians held hostile views of the refugees, many of whom settled in Skopje and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. These Roma were often targets of harassment and verbal abuse.

### **Other Societal Abuse and Discrimination**

There was societal prejudice against homosexuals.

### **Section 6 Worker Rights**

#### **a. The Right of Association**

The law provides for the right to form and join unions, and workers did so in practice; however, at times the government interfered with union activity.

While the law provides that independent unions may freely register with the Ministry of Labor and Social Policy, some unions reported encountering obstacles, particularly delays in the registration process. Without registration a union cannot operate legally. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector.

Unions are not required to belong to the Confederation of Trade Unions of Macedonia (SSM), which maintained close ties with government officials. Several new unions formed outside of the SSM in recent years, including unions of journalists, police officers, and farmers.

In July the largest SSM branch union, the Union of Education, Science, and Culture (SONK), severed ties with SSM and became independent. Some SONK members alleged that, after the split, local political leaders with ties to the government attempted to pressure local SONK union members to oppose the decision by the union's leaders. In September the government severed wage negotiations with SONK. The government resumed negotiations in November after SONK demonstrated it had strong support from its members as well as from international unions and labor organizations. In December

SONK and several other unions that were formerly members of SSM formed a new, independent union federation, the Confederation of Free Unions.

The law prohibits antiunion discrimination; however, antiunion discrimination existed in practice, and workers in private companies were fired on several occasions for participating in union activities. Because of the delays in the court system, it could take a worker two to three years to regain employment through the courts.

Employers sometimes interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections. At times these practices resulted in the election of company managers to company union leadership positions. As a result workers were sometimes afraid to run for local union office, and union elections were not always free and fair.

#### *b. The Right to Organize and Bargain Collectively*

The law allows unions to conduct their activities without interference; however, the government did not always actively enforce these laws in practice. The law protects the right of employees to bargain collectively, and most branch and local unions had collective bargaining agreements. All legally employed workers are covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. While collective bargaining took place, employees had very little practical negotiating leverage due to the country's weak economic environment, and many collective bargaining agreements failed to keep pace with changes in the environment and workplace.

In August parliament passed a new labor relations law. The law legalizes part-time and temporary workers, who had not been recognized under the previous law, and protects the right of employees to bargain collectively and to strike. However, it allows employers to "exclude," or temporarily release, up to 2 percent of a company's workers during a strike if the company considers these workers to be potentially violent or disruptive. The "excluded" workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

The SSM negotiated two national collective bargaining agreements with the government, covering the public and private sectors, that established minimum standards for working conditions. In the private sector, branch unions negotiated at the national level with the respective chambers of commerce, and local unions negotiated with individual companies. Collective agreements in the public sector were negotiated between branch unions and the respective ministries.

The law provides for the right to strike, and workers exercised this right in practice during the year. The law allows members of the military and the police to strike but only if they adhere to restrictive guidelines and continue to perform essential duties.

There is one export processing zone in the country, but it was not operational during the year.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

While there are laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor, government enforcement has been uneven. The law provides that anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation shall receive a prison sentence of at least eight years.

The minimum age for employment is 15 years. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors under the age of 18 from working nights or more than 40 hours per week.

There were no official reports of child labor during the year; however, there was evidence that child labor was used in the "gray economy," including for begging on the street and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were almost exclusively Roma. Officials did not punish such violations and children remained vulnerable to exploitation.

**Children were sometimes trafficked for sexual exploitation (see section 5, Trafficking).**

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate child labor abuse have been largely ineffective and, while the necessary laws are in place, there has been little practical implementation of the policy and laws.

While the government did little to raise public awareness on child labor abuse, NGOs were active in organizing workshops on children's rights. International donors supported programs to prevent children from working on the street and to increase school enrollment of children at risk for such work.

e. Acceptable Conditions of Work

The country does not have a national minimum wage established by law. The average monthly wage according to official statistics was approximately \$250 (12,464 denars) and did not provide a decent standard of living for a worker and family. The government statistics office estimated that 29.6 percent of the population lived below the poverty line.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees cannot legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year. According to the collective agreement between the government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition employees who work more than 150 hours of overtime per year are entitled to a bonus of one month of salary. However, high unemployment and fragile economic conditions led many employees to accept work that did not comply with the law. In particular small retail businesses often required employees to work well beyond the legal limits.

Although there are laws and regulations on worker safety, they were not strictly enforced by the Ministry of Labor and Social Policy. Workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, but employers did not always respect this right in practice.