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SKOPJE • MACEDONIA



## Macedonia

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The Republic of Macedonia is a parliamentary democracy with a population of approximately 2.1 million. Legislative authority is vested in the unicameral Sobranie (parliament). Parliamentary elections held in July generally met international standards, although the campaign period and election day were marred by some isolated instances of violence and irregularities. The new prime minister, Nikola Gruevski, was confirmed in office in August and presides over a multiethnic governing coalition. President Branko Crvenkovski was elected to a five-year term in April 2004 in elections that were generally free and fair but contained some election-day irregularities. Civilian authorities maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Police abuse of suspects continued to be a problem, and there were allegations of police harassment of ethnic minorities, particularly members of the Roma community. Corruption and political pressure in the interior and justice ministries, the courts, and the public prosecutor's office impeded the investigation of some human rights abuse allegations and the process of bringing the accused to trial. The country continued to be a transit and destination country for victims of trafficking in persons for sexual exploitation and labor. Societal discrimination against ethnic minorities, particularly Roma, continued to be a problem.

There was a slight overall improvement in the human rights situation compared to the previous year, including improved internal controls and professionalism of security forces and a decrease in the prevalence of interethnic discrimination.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces allegedly caused the wrongful death of a Romani youth suspected of theft.

On March 2, police shot Enver Xhaferi while serving arrest warrants on three ethnic Albanian men in the Skopje suburb of Kondovo. Xhaferi died from gunshot wounds en route to the hospital. Police shot and seriously injured a second man, Fatmir Ljuri, while the third man, Sokol Bega, was arrested without injury. Police reported that force was used to prevent the suspects from attacking other officers. A Ministry of Interior Professional Standards Unit (PSU) investigation concluded that police use of firearms was "founded, justified, and in accordance with the regulation for use of force with a firearm." International police advisers concurred with the findings.

On May 11, Trajan Bekirov, a Romani youth, was reported missing, and on May 27, his body was found in the Vardar River, which runs through Skopje. Police reported that they had approached and identified themselves to Bekirov and another Romani youth, Orhan Iseni, while patrolling a Skopje neighborhood following reports of thefts from vehicles. Bekirov and Iseni allegedly ran from the police officers. Iseni was apprehended but Bekirov went missing. Bekirov's family and Romani community members accused the police of beating and killing Bekirov and depositing the body in the river. The Macedonian Forensic Institute and a doctor representing a local human rights NGO performed separate autopsies on the body. The cause of death was determined to be drowning; there were no signs of other bodily harm or indications of wrongful death. However, the ombudsman's office filed charges with the public prosecutor's office against the Ministry of Interior for endangering Bekirov's life, alleging that the police chase led to the youth's flight and subsequent death by drowning. In September the public prosecutor decided not to bring an indictment against the Ministry of Interior as the evidence provided did not support any wrongdoing on the part of the police.

On February 3, the Skopje appellate court upheld the April 2005 Skopje trial court verdict that 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. The ruling and judicial procedure were met with wide criticism by the public, judicial officials, and international experts. The prosecution submitted a request for protection of legality with the Supreme Court, which challenged the legality of the basic and appellate court rulings based on an alleged violation of the Code of Criminal Procedure. The Supreme Court had not issued an opinion by year's end. High-ranking judicial officials stated that, while the Supreme Court could not reverse the acquittal, its ruling could influence the civil court's decision on monetary awards to the defendants for being unjustly detained. The prosecution had charged that former interior minister Ljube Boskovski ordered the killings, claiming that the immigrants were terrorists who threatened foreign embassies in Skopje. At year's end, Boskovski remained in prison in the Hague awaiting trial on unrelated war crimes charges and was not party to the proceedings in Skopje.

At year's end the Kumanovo trial court was retrying, for the third time, the case against one of the 12 original defendants charged with terrorism for planting explosives in the center of Kumanovo and on railway tracks near that city, killing one person and injuring several others in 2003. Four of the 12 defendants continued to serve prison sentences after their convictions were affirmed by the Skopje appellate court. The remaining seven defendants had outstanding arrest warrants against them but had not been tried by year's end.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

The International Commission on Missing Persons closed its offices in the country in 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 14 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 occasionally used violence against or otherwise harassed persons, particularly members of the Roma community, without legal justification. A coalition of local NGOs recorded 62 allegations of police abuse involving 75 victims over the twelve months ending in November. The alleged victims included nine ethnic Albanians, 48 ethnic Macedonians, and 11 Roma. The PSU reported receiving 152 credible citizen complaints of police misconduct during the year; of that number, 83 complaints were for excessive use of force. The ombudsman filed 112 complaints; various nongovernmental organizations (NGOs) filed 93. The PSU recommended disciplinary action be taken against officers in 58 cases and that criminal procedures be initiated in 42 cases. Less stringent punishments, such as a pay reduction, suspension from the police force, or reassignment, were delivered in 216 cases.

In May a number of ethnic Albanian military recruits reported being physically mistreated by their commanding officer, an ethnic Macedonian lieutenant. After the incident was brought to the attention of high-ranking Ministry of Defense officials, the lieutenant was temporarily relieved of his duties pending an investigation. An internal military investigation found the lieutenant guilty of abuse of authority and violation of the dignity of a subordinate soldier. In accordance with military regulations and national law, he was suspended from possible promotion for one year.

In September 2005 the ombudsman announced that he had referred five cases against interior ministry employees to prosecutors for the mistreatment of civilians and other

unspecified abuses. Prosecutors agreed to investigate one case and rejected another in 2005; the other three cases remained under review for the second consecutive year.

In June 2005 three Romani men were called into the Kicevo police station for questioning after persons under interrogation there accused one of the individuals of participating in an altercation. A local NGO reported that police did not notify these men of their legal rights or provide explanation for their detention. The police then insulted them and beat them with rubber truncheons. The men filed charges in July 2005, but the public prosecutor dropped the investigation, citing insufficient evidence to prove that the men's injuries occurred while in police custody. The men subsequently submitted a private lawsuit, which was still pending before the trial court at the end of the reporting period.

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

On February 13, the public prosecutor dropped criminal charges filed in 2005 against police officers involved in the 2004 case of two ethnic Albanians whom police arrested and allegedly beat near Stenkovec.

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

Prison conditions barely met international standards, but the government permitted visits by independent human rights organizations. In September a prisoner in Idrizovo prison committed suicide, but there was no direct evidence his action was linked to prison conditions. There were no reported cases of death in prison facilities as a result of adverse conditions during the year. Juvenile prisoners were separated from adults in all prison facilities. In the pretrial detention facility in Skopje, however, juvenile and adult living and eating facilities were separate, while common spaces were collocated.

The government routinely granted permission for visits to convicted prisoners by independent humanitarian organizations (such as the Council of Europe's Committee for the Prevention of Torture (CPT) and the ICRC) and the ombudsman's office. The law allows access to pretrial detainees for family members, physicians, chiefs of diplomatic missions, and representatives from the CPT and ICRC with the approval of the investigative judge. Unlike in 2005, there were no reports of human rights organizations being denied permission to visit detainees during the reporting period.

In January the Council of Europe released a report on the prison system based on a visit in November 2005. The report found that overcrowding continued to be a significant problem, along with poor hygienic conditions, inferior medical services, and inadequate state funding. However, the report also noted that reforms in the prison system were being implemented to decentralize authority and increase the efficiency and effectiveness of the prison system.

#### **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 Ministry of Interior that consists of uniformed police, criminal (civilian) police, and border police.

The NGO International Crisis Group reported during the year that the police did not function as a fully "transparent and accountable community-based service." The report cited a lack of staff and resources available for investigating reports of internal corruption and abuse, as well as needs for merit-based career incentives, more police districts, and greater cooperation with other government agencies.

In June the 30-member EU Police Advisor Team's (EUPAT) six-month mandate ended. EUPAT was replaced by the EU's Twinning Project, which, along with representatives from the Organization for Security and Cooperation in Europe (OSCE) and the US government, will continue to advise the Ministry of Interior on police reforms and monitor police operations.

The police force remained largely ethnic Macedonian; however, the government maintained a 25 percent recruiting quota for ethnic minority officers in order to achieve a police force that accurately reflected the population at large (see section 5). According to the Ministry of Interior, at the end of the year, 80 percent of the police force was ethnic Macedonian, a decrease of 12 percent from 2002.

Ministry of Interior officials were slow 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.

International observers and local NGOs cited corruption within the Ministry of Interior as a continuing problem in effectively fighting crime, particularly organized crime. International organizations focused their efforts on police reform and training to professionalize the ministry and aid in fighting corruption.

At the end of the year, the Kavadarci trial court was retrying the case against a Ministry of Interior administrator on charges of corruption stemming from 2004. The appellate court ordered the retrial after overturning the Kavadarci trial court's original October 2005 conviction and five-month prison sentence.

## **Arrest and Detention**

The law requires warrants for arrest and detention, and police generally followed 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; however, such access must be approved by the warden of the detention facility and, in rare cases, also by the investigative judge. While wardens and investigative judges 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. Two ethnic Albanian suspects in a July 2005 bomb attack on a Skopje police station claimed they were detained without proper legal authority. The ombudsman's office reported that they were unable to file criminal charges with the public prosecutor's office regarding the allegations because the Ministry of Interior would not provide information on the identity of the officers involved in the alleged misconduct. A PSU investigation determined there were no irregularities involved in the arrest and detention of the two men.

The law sets the maximum length of pretrial detention at 180 days; however, NGOs, as well as some legal experts, contended that the judiciary at times abused its detention authority by ordering pretrial detention in cases where other means of guaranteeing the presence of defendants at trial (e.g., bail, home confinement, or relinquishment of the passport) could have been utilized. In addition, there were some reports of government pressure to order pretrial detention in certain instances. However, for the second consecutive year, reports of both these practices decreased.

### **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 weak, at times inefficient, and occasionally influenced by political pressure, intimidation, and corruption. The government

also used its budgetary authority and modest allocations to the court system as instruments to exert control over the judiciary. Programs for witness protection began to operate with limited capacity during the year. A law enforcement agent successfully testified as a protected witness in a drug smuggling case, and the police also provided protection for a victim of trafficking who testified in court during the year.

The country has a three-tiered court system composed of trial 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.

The NGO International Crisis Group noted in a January report that judiciary reform was an area of critical concern in the country. The report called for increased judicial and investigative training for officials, removal of corrupt or nonperforming judges, and additional courts to deal with serious crimes and administrative misdemeanors.

In May the parliament adopted a number of judicial reform laws, to be implemented on January 1, 2007. The laws reformed numerous aspects of the judicial system, including reducing executive branch influence over the judiciary, establishing stronger safeguards for citizens' rights, enhancing the ability to file damage claims against judges who violate the law, establishing a system of specialization for judges, and creating separate civil and criminal trial courts in Skopje and a separate administrative court at the Supreme Court level. As a result of judicial reforms adopted in 2005, the process of hiring 140 new law clerks began during the year to help the judiciary reduce its backlog of 1.2 million cases. Based on unofficial reports from government authorities, the judicial backlog was reduced by 15 to 20 percent during the year.

The chief public prosecutor continued to accuse some lower courts of being inefficient or influenced by political factors, which resulted in prolonged trials and an inability to reach final judgments in high-profile corruption or other sensitive cases. In particular, the prosecutor criticized the judiciary for the acquittal of the four defendants in the Rastanski Lozja trial, which involved suspects linked to former Interior Minister Boskovski (see section 1.a.). He also publicly complained that his position did not grant him sufficient independence to fully exercise his powers. The government discharged the chief public prosecutor on October 18 on the grounds of his alleged failure to perform his duties. Some international and local observers saw this move as politically motivated. The position was vacant at year's end.

The Commission for the Prevention of Corruption reviewed cases of alleged corruption, conflict of interest, and nepotism. It issued several opinions that included recommendations that the prosecutor initiate criminal actions against judges and other state officials where there was sufficient evidence of corruption. The commission accused the public prosecutor of ignoring their recommendations, while the public prosecutor accused a number of the commission members of unevenly applying standards to cases and of blatant conflict of interest in high profile cases. A retrial, ordered by a December

2005 Supreme Court decision, concluded on June 14 with the acquittal of the former public prosecutor of Stip on bribery charges brought in 2005 by the special prosecutors' Unit Against Organized Crime. The public prosecutor's office appealed the case and the Stip appellate court confirmed the ruling on December 20.

## 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 were 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 as long as they are repeated if the convicted individuals later become accessible to justice officials.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

## Civil Judicial Procedures and Remedies

Separate civil and criminal trial courts in Skopje, along with a separate administrative court at the Supreme Court level to hear cases against state institutions, were created by a law adopted by parliament in May, to be implemented on January 1, 2007.

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

The law prohibits such actions and the government generally respected these prohibitions in practice. There were no reports that the government illegally used wiretaps to collect information on suspected criminals, although some opposition politicians alleged that the Ministry of Interior used wiretaps for political purposes.

On November 15, the parliament adopted a law to allow for legal monitoring of communications only with a court order and as directed by the minister of interior. Strict conditions, in line with international standards, are stipulated for the use, storage, and application of the data obtained.

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

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

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, the law prohibited speech that incites national, religious, or ethnic hatred. Media institutions and reporting 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. International 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. The head of MRTV was replaced after the new government was formed in August. There were five 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 and private Makfax.

On April 3, Rajmonda Malecka, a journalist from Albania, and her father, Bujar Malecka, were released from prison and expelled from the country after serving one year in prison. The two were convicted by the Skopje trial court in November 2005 for 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 2005. The prison sentence was reduced from five years to one year in March by the Skopje appellate court, which also ordered their immediate expulsion from the country.

In May the parliament amended the law to decriminalize defamation, libel, and slander. The new law provides that such offenses can be punished only by fines. Offenders who apologize to the injured party before the court can be relieved of any punishment.

On June 15, a Skopje trial court ordered Nikola Mladenov, owner of the weekly Fokus, to pay \$39,700 (1.84 million denars) in damages to President Branko Crvenkovski. On April 28, the same court ordered Mladenov to pay \$25,800 (1,223,600 denars) to former prime minister Hari Kostov, for Mladenov's unfounded accusation that both men had secret personal bank accounts in Switzerland. On September 19, the Supreme Court acquitted A1 Television journalist Biljana Sekulovska of libel charges related to her criticism of the judge presiding over a trafficking in persons case involving Dilaver Bojku Leku. Goran Mihajlovski, owner of the tabloid Vest, was acquitted on November 2 of libel charges related to his newspaper's allegations that the pharmaceutical company Replek tried to sell unlicensed medications in the country.

Zoran Bozhinovski, a journalist from Kumanovo, was imprisoned on November 18 to serve a three-month sentence for defamation. The conviction and prison sentence were handed down by the Kumanovo trial court in 2004, prior to the adoption of the law to decriminalize defamation, for the use of offensive expressions in a 2003 article in the weekly Bulevar. Bozhinovski had 14 additional convictions for similar articles and numerous other charges pending. Following a hunger strike and pressure from NGOs, the Kumanovo court freed Bozhinovski on November 21 and stated its intention to retry this case under the amended law, which went into effect on January 1, 2007.

## **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. A survey conducted in April found that 27 percent of the population used the Internet regularly, and the majority of those users accessed the Internet at an Internet cafe or in their homes.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

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

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

### **c. Freedom of Religion**

The constitution 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 defines the constitutional provision for religious freedom, designating the Macedonian Orthodox Church, the Islamic Community of Macedonia, the Roman Catholic Church, the Jewish Community, and the Methodist Church as religious communities. All other registered religious associations are considered to be religious groups and must register with the State Commission on Relations with Religious Communities and Groups. In 1998 and 1999, however, the Constitutional Court struck down several provisions of the law on religion, which has resulted in inconsistent enforcement of the remaining provisions.

In November 2005 the Supreme Court rejected the appeal of the "Orthodox Archbishopric of Ohrid," an affiliate of the Serbian Orthodox Church, to a November 2004 state

commission decision to deny it registration. The commission'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 the country's independence.

The law requires a group to have a government "opinion" in order to obtain a permit to build a religious facility. However, past court rulings restricting government authority to provide such opinions have effectively blocked 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 2005 religious service in a private apartment in Dracevo and asked the worshippers to produce their identification documents.

On August 8, Zoran Vraniskovski, a defrocked Macedonian Orthodox Church bishop now recognized by the "Orthodox Archbishopric of Ohrid" as Bishop Jovan, returned to prison to serve a one-year sentence for embezzlement. The charges stemmed from a September 2005 conviction by the Veles trial court. The sentence was reduced from two years to one year by an appellate court in March. Vraniskovski was acquitted by the Veles trial court on separate embezzlement charges on April 3.

Vraniskovski had been released from prison in March after serving seven months of an 18-month sentence on a separate conviction for "inciting religious or ethnic hatred." A February Supreme Court decision had reduced the sentence to time served and suspended a sentence for "falsely assuming religious authority." The 18-month sentence was based on charges that Vraniskovski held private religious services in union with the Serbian Orthodox Church and that he was responsible for the content of a religious calendar calling the Macedonian Orthodox Church "the last fortress of communism" and its believers heretics. The suspended sentence resulted from charges that Vraniskovski allegedly baptized a relative in a Macedonian Orthodox Church near Bitola in 2003, after Vraniskovski had been defrocked by the Macedonian Orthodox Church.

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 and Groups. 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 2004, the Ministry of Interior 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. Followers of the church report that the nun entered the country as a tourist during the year and therefore could not remain in the country continuously for a period longer than 90 days.

The restitution of religious properties expropriated by the former Yugoslav government had not been fully resolved. Virtually all churches and many mosques have been returned to the ownership of the appropriate religious community, but that was not the case for most of the other properties, such as larger parcels of land or community centers. Restitution or compensation claims often are complicated by the fact that the seized properties have changed hands many times or have been developed. The Islamic Community of Macedonia claimed it was not able to regain rightful use of several mosques that the government was to have returned to it. In addition, the Islamic community alleged that the government in some cases delayed the process of restitution by selling or starting new construction on disputed property and questioning the historical legal claim of the Islamic community to religious properties.

The Jewish community is the only religious community in the country whose communal property has been fully restituted. However, the Jewish community continued to work with the government for the full restitution of private property of heirless victims of the Holocaust whose property was later nationalized by the former Yugoslav government. The process of private property restitution has been slow due in large part to the extensive documentation required to show the flow of ownership and lack of heirs. However, there was some noticeable progress during the year. Approximately 450 individual property restitution cases were in the settlement process with the government, and 1,000 cases remained to be documented.

### **Societal Abuses and Discrimination**

There were isolated reports of vandalism of religious properties. The Macedonian Orthodox Church considered the acts of vandalism to its property to be incidents of petty theft or crime and did not believe they were motivated by religious discrimination.

At year's end the long running ownership dispute between the Bektashi religious group and the Islamic community over a religious facility in Tetevo remained unresolved. The Bektashis 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 Bektashi community

members from the majority of the property. There were a number of incidences of vandalism and harassment reported by members of the Bektashi community during the reporting period.

The Jewish community estimated that approximately 600 Jewish persons lived in the country during the year. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 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.

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 a problem. A 2004 "transitory clause" temporarily eased naturalization requirements for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status; however, the transitory clause expired in March.

By year's end, no survey had been undertaken to determine the number of residents without citizenship status. The Office of the UN High Commissioner for Refugees (UNHCR) urged the government to be flexible in interpreting the citizenship law, and the government indicated it might consider reinstating the transitory clause. UNHCR continued to provide legal assistance to persons wishing to change their citizenship status and generally received good cooperation from the Ministry of Interior.

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

At year's end the government reported a total of fewer than 725 IDPs, most of whom were in collective centers, compared with 1,180 IDPs reported earlier in the year.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for engaging in income-generating activities.

Some IDP groups claimed that ethnic Macedonian IDPs could not return to their homes in ethnic Albanian areas due to security threats. Some IDPs asserted the government was not providing adequate support for them to return to their homes. Other IDPs claimed they had been able to return to homes in predominately ethnic Albanian areas such as the Skopje suburb of Aracinovo and had not faced any threats since doing so.

During the year government relations with IDPs improved, but there were still pressures on some IDPs to return to their homes of origin in areas now considered safe by the

government. The government informed some IDPs that their monthly benefits would eventually be reduced or eliminated if they did not comply with orders to relocate, but there were no reports that such reductions were undertaken during the year.

## **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 205 registered asylum seekers, only 28 had been granted humanitarian protection status, and none had received asylum. A total of 1,191 persons had been granted humanitarian protection, a decision subject to annual review. The decline in the numbers of registered asylum seekers and those granted humanitarian protection was due, in part, to some voluntary repatriations and some cases in which the government discontinued humanitarian protection.

According to 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 shortcomings in refugee interview techniques and worked with Ministry of Interior 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 humanitarian 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 was subject to nonrenewal by the government at any time, which occurred during the year.

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

In contrast with the previous year, there were no reports that authorities abused or mistreated refugees. In response to reports in 2005 of sexual abuse or violence against female refugees, UNHCR investigated and called in police authorities for follow-up action where necessary. No arrests or formal charges related to these allegations had been made by year's end.

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 constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage.

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

National parliamentary elections were held on July 5. International observers characterized the elections as generally in accordance with international standards but noted serious irregularities in some areas, such as voter intimidation, ballot stuffing, and family or proxy voting. The official 20-day campaign period was marred by several violent incidents, including attacks on campaign offices, fights among party activists, and nonfatal shooting incidents. Most of these incidents occurred in the northwest part of the country and involved the rival ethnic Albanian political parties, Democratic Union for Integration and Democratic Party of Albanians.

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

There were 36 women in the 120-seat parliament and three women in the 21-member Council of Ministers. The law requires that one in every three positions on each political party's list in both national and municipal elections must be from the less represented gender, which had the practical effect of increasing the number of female members of parliament.

There were 28 ethnic Albanians, two Roma, two Turks, one Serb, one Bosniak, one Macedonian Muslim, and one Vlach in the 120-seat parliament. There were five members of minorities in the 21-member Council of Ministers.

#### **Government Corruption and Transparency**

Corruption was a significant problem in the executive, legislative, and judicial 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 Commission for the Prevention of Corruption was responsible for investigating charges of corruption as well as complaints submitted by citizens. During the year the commission received 679 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases. For the third straight year, the country received a score of 2.7 on Transparency International's 10-point index of the degree to which corruption is perceived

to exist among a country's politicians and public officials, indicating a perception that the country has a serious corruption problem.

During the year there were several high-profile cases reviewed by the State Commission for the Prevention of Corruption. On September 15 the Skopje trial court refused to rehear a 2004 case that awarded \$942,000 (44.7 million denars) in damages to Isnifaris Xhemali in compensation for sheep and other livestock allegedly killed by a bombing conducted by the Ministry of Defense during the 2001 conflict. The commission questioned the high amount of damages awarded to the plaintiff and accused government authorities, including the public prosecutor's office, the Ministry of Defense, and the courts, of failing to perform due diligence in the case. On November 30, a number of individuals were detained on suspicion of corruption, including allegations of receiving a portion of the settlement awarded to Xhemali.

Another high-profile case involved the privatization of property. The commission accused a number of landowners, members of the government's denationalization commission, and lending institutions of working together to defraud the government by evading taxes through questionable land acquisitions. Landowners allegedly took out small loans on properties recently restored by the government, then defaulted on the loan, resulting in foreclosure by the lending institution. The lender was subsequently able to cite the amount of the loan as the price of the land, not the actual market value, resulting in artificially deflated taxes levied on the property. This case remained under review by the public prosecutor's office at year's end.

At the end of the year the government was awaiting a decision by the Serbian government on an extradition request for Metodija Smilenski. Smilenski was arrested on June 15 in Serbia on charges filed in Macedonia in 2003 for embezzling approximately \$20 million (one billion denars) in state funds through his now bankrupt Export-Import Bank. Smilenski is accused of colluding with the then governor of the Macedonian National Bank, Ljube Trpevski, to embezzle funds by using the nation's currency reserves to guarantee the debts of Smilenski's Export-Import Bank. Trpevski was detained in Skopje on November 23 and was released on bail at the end of the year pending trial. The criminal investigation into Smilenski's business dealing was completed in September, and the special prosecutor's office was preparing an indictment to bring this case to trial.

In March a trial court convicted Vojo Mihajlovski, former director of the state health fund, on charges of abuse of state funds and corruption and sentenced him to four years in prison. In addition, three of his accomplices, all former directors of medical centers, each received 10-month prison sentences.

At year's end a retrial was ongoing in the case against Nikola Tasev, the former general manager of the Nova Makedonija publishing house, on charges of abuse of position for selling 70 percent of the company on the eve of 2002 parliamentary elections. Tasev was sentenced to four years in prison by the Skopje trial court in April 2005. Both the defendant and the prosecution appealed the verdict, and the appellate court ordered a

retrial. Besnik Fetaj, who was the economy minister 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.

On January 25, the parliament adopted a law guaranteeing citizens' access to government information, which went into effect on September 1. The law requires each public institution to appoint a public relations officer, who must respond to a request for information within 40 days. A fine of \$400 to \$1,000 (20,000 to 50,000 denars) may be levied if the law is not followed.

#### **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 responsive to the views expressed by these groups and cooperative in working with them.

There were more than 4,000 domestic and international registered NGOs operating in the country, including FORUM, 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, and OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman office has a mandate to improve nondiscrimination and equitable representation of minority communities. The ombudsman's office operated six local branch offices around the country. Representatives from the ombudsman's office have the legal right to visit all persons detained, including those in pretrial detention; this right was exercised without restraint during the year. The ombudsman found that government institutions violated individuals' rights in 623 cases, or approximately 20 percent of the complaints received during the year. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The government acted on the ombudsman's recommendations in 70 percent of these cases but in some instances did not provide information requested by the ombudsman's office in the course of their investigations. During the year the ombudsman's office noted increased cooperation and communication with the government compared to previous years.

The government generally cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). In March 2005 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, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on gender, race, disability, religion, or national, social or political affiliation; 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, conducted by a local NGO working on family violence issues, found that 56 percent of women claimed to have been a victim of psychological domestic violence, and 18 percent of women claimed to be victims of physical 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 criminalizes domestic violence and prescribes substantial punishments for violators, the law was rarely applied in practice. 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 did not require training for police, prosecutors, or judges; however, international organizations provided training on combating domestic violence to a number of law enforcement officials.

The government operated six crisis centers for women at risk 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 one 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; 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 in the public sector, including a female deputy prime minister, interior minister, and economy 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 UN Committee on the Elimination of Discrimination against Women during the year expressed concern over the "vulnerable and marginalized situation" of rural and ethnic minority women, in particular Romani and Albanian women.

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. The Law on Equality, implemented in May, established gender commissions at the municipal council level. During the year a gender equality commission established by the parliament began revising laws to ensure equal protection for all genders.

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 the establishment of small and medium enterprises owned by females.

## Children

The government was committed to the rights and welfare of children but provided only limited resources to this end. The Ombudsman's Office had a special unit for children 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. Students sometimes protested these conditions by refusing to attend school. Boys and girls generally had equal access to education, although there were instances of discrimination against girls in educational institutions in some 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. During the year, according to Ministry of Interior statistics, there were 56 reported cases of sexual abuse against children, including 53 cases of sexual assault against a child, two cases of showing pornography to minors, and one case of incest with a minor. 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 in 2005 by a local NGO 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 adults often organized their children into groups and made them 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 1,000 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.

### **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 and within the country.

While the country remained primarily a transit and destination point for trafficking, officials and others acknowledged that it was a point of origin for an undetermined number of trafficking victims. The government and NGOs reported a downward trend in transborder human trafficking. The government also reported a downward trend in internal human trafficking; however, NGOs and the international community reported an increase in cases of internal trafficking. Since there was no central database for trafficking victim information, NGOs and government officials often disagreed on who was a trafficking victim, resulting in disputed or generally unreliable statistical data. The National Commission for Prevention and Suppression of Trafficking in Persons launched a new Web site on December 28 to serve as a medium for sharing and comparing data on trafficking.

Local NGOs estimated that 100 to 150 women were trafficked to or through the country during the year, primarily for sexual exploitation. Local NGOs reported an increase in the number of victims trafficked for labor exploitation, but there were no specific data due to the lack of information from the Ministry of Labor.

Government data provided on victims of trafficking did not identify the age of the victims; however, local NGOs estimated that 20 percent of victims were minors. There were reports that female minors were recruited by some massage parlor owners to perform sexual services for clients. During the year authorities shut down one such massage parlor, arrested the owner, and charged him with "mediation in prostitution."

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 a small number of trafficking victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents. NGOs and international community representatives reported that an increasing number of victims were paid a small amount of money for services and were granted limited freedom of movement to ensure they did not identify themselves as victims if questioned by the police.

An analysis conducted by the Ministry of Labor found that young, uneducated women and children from the eastern rural areas of the country were at the highest risk of becoming victims of internal trafficking.

The majority of internal trafficking victims were trafficked by a member of their family or a friend. There were fewer reports of traffickers in the country who were linked to regional trafficking-in-persons networks. The networks typically began in the country of origin, extended through the country, and ended in destination countries in Western Europe.

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 eight years and one 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 30 trafficking-related cases were prosecuted, 100 individuals were indicted, and 56 persons were convicted and sentenced for trafficking. There were a number of high-profile cases against traffickers completed or ongoing. On July 18, a case in Kumanovo trial court ended with all seven defendants convicted on trafficking charges and sentenced to prison terms of five to seven years. At year's end an appeal in this case was pending.

On November 14, a Skopje trial court convicted all 28 defendants for trafficking in persons and smuggling of migrants in the country's largest-ever trafficking in persons case, which began in February. Three law enforcement officers who worked at the border crossing with Greece were among the individuals convicted. The defendants received prison sentences of five to 13 years, and their property was seized.

On November 27, the Skopje trial court found 21 defendants guilty of organizing a group for trafficking and smuggling of migrants. The defendants received prison sentences ranging from three to 12 years in prison.

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.

For the second consecutive year 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. Two police officers who testified on behalf of trafficker Dilaver Bojku Leku were under investigation for possible complicity in trafficking.

In March the government adopted a national action plan and strategy to combat trafficking. The two documents called for increased training, programs for awareness and prevention, and for establishment of a national coordinator for trafficking. By year's end many of the provisions in the action plan had yet to be implemented. Once established, the national coordinator's office will be the chief body responsible for coordinating government efforts to combat trafficking. At year's end the National Commission for Prevention and Suppression of Trafficking in Persons continued to serve this function. The commission is an interministerial effort with representatives from the ministries of interior, justice, labor and social policy, education, and foreign affairs. However, at year's end only some ministries had designated representatives, and the commission had not met for over

six months. The Ministry of Interior detailed several law enforcement personnel to work full time in its main trafficking unit in Skopje. It also deployed 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 and the Transnational Referral Mechanism project administered by the International Centre for Migration Policy Development.

During the year the International Organization for Migration operated a transit center that assisted 17 victims of trafficking who had crossed international borders. The shelter provides assistance and housing throughout the trial process and until victims can be repatriated to their countries of origin. Four officers from the Ministry of Interior were assigned to the shelter to provide protection to victims. In addition, a local NGO operated a shelter that assisted 14 victims of internal trafficking, who had been referred to the shelter by the National Referral Mechanism of the Ministry of Labor. All victims of trafficking identified in the country are entitled to housing and medical assistance.

### **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 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 persons 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. The UN Children's Fund (UNICEF) sponsored 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.

While interethnic relations remained strained, a survey conducted in October 2005 found that 86 percent of ethnic Albanians hold a favorable opinion of ethnic Macedonians, an increase of 17 percentage points from the previous survey conducted in May 2005. There was a decrease, however, in the percentage of ethnic Macedonians who held a favorable opinion of ethnic Albanians during the same period, from 57 to 48 percent.

Unlike in previous years, the annual commemoration of the destruction of Motel Brioni in the village of Celopek in 2001 was not marred by interethnic violence. Motel Brioni, located in the predominately ethnic Albanian village of Celopek, and owned by ethnic Macedonians, was the site of the killing of two ethnic Macedonians during the 2001 conflict. The motel was destroyed at the end of the conflict, and annual commemoration events of the killings had been an interethnic flash point since 2001.

Although interethnic tension in some schools remained a problem, serious disputes between parents and school authorities over ethnic issues decreased for the second consecutive year. Unlike in previous years, there were no reports of ethnically motivated fights between students at the high school in Struga. Altercations between ethnic Macedonian and ethnic Albanian students had been common in the town since 2003.

In November 2005 the NGO European Roma Rights Center reported that a Romani boy was beaten after school in Tetovo in a confrontation with ethnic Albanian students. As of March, ERRC reported that the boy had not returned to school out of fear and that an investigation into the incident was still ongoing.

Students from different ethnic groups sometimes studied in separate shifts or separate facilities, either due to use of different languages of instruction or at their parents' request.

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 claimed they were effectively disenfranchised by discrimination in citizenship decisions.

Although steady 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; 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 recent years due in part to the accreditation of universities that offer Albanian, English, or multilingual instruction.

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. In some instances, Romani parents resisted sending their children to school due to their inability to pay for books and other fees, or because they preferred for their children to work, either at home or on the streets.

At year's end there were 1,924 Romani refugees remaining in the country from the 1999 conflict in Kosovo. These Roma, many of whom settled in Skopje, were often targets of harassment and verbal abuse.

### **Other Societal Abuses and Discrimination**

There is no general antidiscrimination law that specifies sexual orientation as a protected class, however, the labor law does prohibit discrimination based on sexual orientation. A local NGO representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, including harassment or discrimination by employers and state officials. During the year this NGO began a project to document human rights violations based on sexual orientation, as it believed abuses were underreported.

## **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 in the past 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 2005 the largest SSM branch union, the Union of Education, Science, and Culture (SONK), severed ties with SSM and became independent. The government initially broke off negotiations with SONK after it became independent; however, negotiations later resumed and a wage agreement was signed in March. In December 2005 the SONK and several other unions that were formerly members of SSM formed a new, independent union federation, the Confederation of Free Unions (KCC).

The law prohibits antiunion discrimination; however, antiunion discrimination existed in practice, and there were cases of private companies firing workers who participated in union activities. The companies' justifications for firing the workers were unrelated to their union activities; however, the employees claimed their union activities were the cause of their dismissal. Because of the delays in the court system, it could take a worker two to three years to regain employment through the courts.

Employers were rumored at times to have interfered in the internal affairs of unions, allegedly by dominating union election campaigns or running their own candidates in union elections.

### **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.

The SSM negotiated collective bargaining agreement with the government and an employers' association covering private sector workers, which established minimum standards for working conditions. The other union federation, KCC, contested the right of SSM to negotiate such contracts on its own, and this dispute was not settled by year's end. 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. The law allows members of the military and police to strike, but only if they adhere to restrictive guidelines and continue to perform essential services. However, the law allows private 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 released workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

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 was uneven. The law stipulates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

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 primarily Roma and most often worked for their parents. Officials did not punish such violations, and children remained vulnerable to exploitation. A UNICEF-funded report published in 2005 found that approximately 500 children worked in such activities.

Minors were sometimes trafficked for sexual exploitation (see section 5).

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.

During the year the government funded a center in Skopje that provided education, medical, and psychological services to children who work on the street. The government also worked with UNICEF on developing public awareness campaigns on child labor and trafficking of minors. 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 \$260 (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 difficult 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.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice.