



# Human Rights Report

**Country Report on Human Rights Practices - 2003  
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## **Macedonia, The Former Yugoslav Republic Of**

Macedonia is a parliamentary democracy with multiethnic party representation and a popularly elected president. From February to July of 2001, the country experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the Framework Agreement (FWA) with international facilitation. By year's end, Parliament had completed nearly all FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. In parliamentary elections held in September 2002, which were deemed generally free and fair, opposition parties, including an ethnic Albanian party primarily formed by former insurgents, won a majority of seats. The Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party of Macedonia (LDP), and Democratic Union for Integration (DUI) constituted an ethnically mixed government led by Prime Minister Branko Crvenkovski. The Constitution provides for an independent judiciary; however, corruption and political influence at times limited its ability to function efficiently.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MOI), which oversees the uniformed police, the non-uniformed police, the police reservists, and the internal intelligence service, is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense has responsibility for border security. Some members of the security forces committed human rights abuses.

The country, with a population of approximately 2 million, had a mixed market-based economy. Gross domestic product grew by 3.1 percent during the year. According to the labor force survey, unemployment increased from 31.9 percent in 2002 to 36.7 percent; however, these figures did not reflect the large gray economy.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Security forces killed at least four persons during the year. Law enforcement officers occasionally beat suspects, particularly during initial arrest and detention. Arbitrary arrest and prolonged pretrial detention were problems. The Government did not investigate many human rights abuse cases from previous years; however, the Government made progress on investigating allegations of human rights abuses that arose during the year. The judiciary, on many occasions, did not effectively investigate or prosecute state agents and civilians for alleged human rights abuses. In some cases, police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires police first to obtain a court order. Implementation of an Amnesty Law for former 2001 combatants not accused of war crimes was nearly complete at year's end, although a few problems remained. While most judicial authorities cooperated, some obstructed implementation of the law. The International Criminal Tribunal for the Former Yugoslavia (ICTY) continued to investigate alleged war crimes cases.

Violence and discrimination against women (particularly in the Roma and ethnic Albanian communities) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, and ethnic Turks, remained a problem. Continued adoption of FWA-mandated legislation, including the adoption of the Law on the Ombudsman, laid the legal groundwork for improving civil and minority civil rights. Trafficking in women and girls for prostitution was a problem.

## **RESPECT FOR HUMAN RIGHTS**

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

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

There were no political killings; however, security forces killed at least four individuals during the year. The Macedonian Army Border Brigade, while following its rules of engagement for illegal border crossings, killed two individuals in separate incidents; these cases were under review by a commission of officials from the Ministry of Defense (MoD) and the Chief of General staff at year's end. There were two other legitimate police law enforcement actions that resulted in deaths.

On June 18, elements of the Macedonian Army's Border Brigade shot and killed an Albanian at a range of 400 meters, as he attempted to return to Albania after illegally crossing the Macedonian-Albanian border. In the days following this death, the Government commission, in consultation with NATO, reviewed and changed the Border Brigade's rules of engagement to bring them in line with international standards. A similar shooting occurred along the border in February.

On June 12, police shot and killed Nexhbedin Demiri, a fugitive wanted for violent crime and assault charges, in Skopje after Demiri pulled out a gun during his arrest. The MOI captured the incident on videotape and determined that it was a legitimate use of force.

On November 21, police shot and killed Dime Ickovski, in Skopje, during an

exchange of fire in an attempt to arrest him on charges stemming from his escape from prison and charges of theft. At the time of the incident, Ickovski was in possession of a pistol, a large amount of ammunition, and two hand grenades.

The case of 13 members of the "Tigers" special police unit who beat Alberto Stojcev to death and severely injured 3 others during an altercation in a bar in Vinica in 2002 resulted in 6 month prison terms for six Tigers who were directly involved in the fight and 3 month prison terms for three Tigers who participated briefly in the fight. The others were released without convictions.

There were no new developments in the Government's investigation of the Rostanski Lozija case, involving the police killing of seven illegal immigrants in March 2002. After the killing, the police had planted weapons and National Liberation Army (NLA) uniforms next to the bodies. Former Minister of Interior Boskovski, changing his account of the incident several times, claimed that the seven men had ambushed four police officers, and that in returning fire, the police killed all of their assailants. Some of the immigrants were shot as many as 56 times. A MOI investigation, during the previous Government, exonerated the policemen involved of wrongdoing, and the former chief public prosecutor failed to adequately investigate or prosecute the incident. International observers and human rights organizations continued to press the Government to investigate the incident thoroughly.

In August 2002, unknown assailants shot and killed two ethnic Macedonian police officers near Gostivar. Among the suspects detained by police was Selam Selami, who was severely beaten by police and sustained permanent injuries (see Section 1.c.). Selam Selami's hearing was postponed eight times, and Selami spent several months in pretrial detention before being released on bail. On September 9, the public prosecutor determined that there was insufficient evidence, and dropped all charges against Selami.

There were no new developments in the following cases from 2002: The ethnic Albanian who was killed by the Macedonian Border Brigade after the car he was in ran through an illegal crossing in the village of Belanovce; the "Lion" who shot and killed an ethnic Albanian man on the Tetovo-Gostivar highway; and the police killing of an ethnic Albanian man at a checkpoint in Tetovo.

An ICTY investigation was ongoing at year's end into the killing of ethnic Albanian civilians by police at Ljuboten in 2001 (see section 4).

On May 4, two Polish NATO soldiers and two Macedonian citizens were killed by a land mine in Sopot. In June, a Macedonian Army patrol ran over a mine near the northern border, killing one soldier. In October, a farmer from the village of Kondovo, near the border with Kosovo, was wounded when his tractor ran over a land mine. All three mines were reported to have been planted recently.

All government-controlled stocks of landmines were destroyed by March; however, demining and unexploded ordnance disposal efforts in former conflict areas continued at year's end. An International Committee of the Red Cross (ICRC) program to educate children on the risk of unexploded devices, begun in 2001, was handed over to a national body (trained by the U.N. Mine Action Office) in June; this National Body was expected to be integrated into the Ministry of Defense.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee on Missing Persons (ICMP) continued to work with the Government and family members to assist in resolving the cases of 20 persons—13 ethnic Macedonians, 6 ethnic Albanians, and 1 Bulgarian citizen—missing since the 2001 conflict. The Government made no progress in resolving these cases.

On July 18, the ICMP held a conference, "The Right to Know," in Skopje. The conference gathered families, government representatives, foreign government officials, and representatives from numerous nongovernmental organizations (NGOs) to discuss concrete steps to determine the fate and whereabouts of those missing from the 2001 conflict. Both the ICRC and the ICMP remained in contact with the families of the missing persons; however, none of the families were willing to assist investigators by giving blood and DNA samples. On December 8, the Government appointed two coordinators to develop and implement a working plan to deal with the humanitarian aspects of the case. On December 19, President Trajkovski, Prime Minister Crvenkovski, Minister of Interior Kostov, and DUI leader Ahmeti met with family members of the missing persons and ICMP officials to discuss developments in the case.

In 2002, a European Union (EU) commissioned report criticized the MOI for a "lack of serious investigations" into the fate of these missing persons. The report also concluded that at least 8 of the 13 missing ethnic Macedonians had been abducted by the NLA, and that the others had been in areas where they had likely encountered NLA units. Former NLA combatants and leaders attributed the disappearance of the ethnic Albanians to a particular "rogue unit," but refused to disclose more information, according to the EU report.

Two of the cases in which the ICTY has asserted primacy deal with missing persons (see Section 4).

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

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

In May, several days before a police raid in Sopot, police officers detained Ramadan Bajrami and reportedly tortured him for 3 days. Bajrami was charged with counterfeiting foreign currency; the only evidence consisted of one counterfeit 100 euro note. He was the main witness in the trial against Sulejman Sulejmani. On October 22, Bajrami was released from detention due to lack of evidence.

On May 25, police officers arrested Sulejman Sulejmani, who was suspected of planting a land mine in Sopot, and charged him with a criminal act of terrorism. The land mine killed two Polish NATO soldiers and two Macedonian citizens. During the arrest of Sulejmani, local citizens alleged that police used excessive force in searching homes in the vicinity. The MOI formed a mixed ethnic committee headed by one of the Minister's deputies to investigate the allegations against the police.

After a thorough investigation, no abuses of police authority or excessive use of power or force were found to have occurred. International organizations and the ethnic Albanian governing partner DUI contended that the raid should have included ethnic Albanian police officers. A report on the outcome of the case was sent to the Helsinki Committee on Human Rights and to the Ombudsman's Office; however, it was not made public.

On September 18, in Kumanovo, the first session of Sulejmani's trial took place, with Bajrami as the key witness. Sulejmani denied the allegations against him and described harassment by the police and detention in an unknown location for 2 days after his arrest. Bajrami recanted his initial statements to the police and insisted that he made the statements under duress. On November 19, a court sentenced Sulejmani to 10 years' imprisonment. The case was under appeal at year's end.

On June 8, Macedonian security and counter-intelligence officers in Kumanovo allegedly unlawfully detained and severely mistreated Avni Ajeti, who was suspected of planting a mine on the Skopje-Belgrade railroad and a bomb in the Kumanovo central square. Ajeti reportedly had no initial access to an attorney and his initial statements were allegedly coerced. On December 1, Ajeti was sentenced to 7 years' imprisonment for terrorism; his lawyers appealed his case and the appeal remained pending at year's end.

There were credible reports of occasional police violence and harassment against Roma. On February 7, uniformed police officers and inspectors physically assaulted two ethnic Roma in the Kumanovo police station. The police had arrested the men on suspicion of involvement in a theft, but they were later released due to a lack of incriminating evidence against them. One of the men was also allegedly kept in custody in excess of the 24-hour legal limit. Due to their injuries they both sought medical attention at the Kumanovo Medical Center.

The two men filed complaints with the Kumanovo police in February. In March, the European Roma Rights Center (ERRC) publicly issued a letter to Prime Minister Crvenkovski expressing concern about allegations of human rights violations of Roma persons in the country and mentioned the allegations of these two men. On May 29, a MOI Disciplinary Commission convened by the Professional Standards Unit in Skopje concluded that the four police officers accused of physically abusing the two ethnic Roma men at the Kumanovo Police Station acted in violation of the law. The Commission sanctioned the 4 police officers with a 15 percent salary reduction for 6 months. The Roma men filed civil charges against the police officers; their cases remained pending at year's end.

In May 2002, during a Lions live-fire training exercise, former Minister of Interior Boskovski injured four persons. Although charges were pressed against the former Minister, the investigation was stalled because the Gostivar court did not pay the Institute of Forensics and Criminology in full for forensic work conducted during the investigation. At year's end, the case was in court procedure and the injured parties filed civil charges against Boskovski.

After an arrest in August 2002, Gostivar police severely beat Selam Selami who sustained permanent injuries to the head, and remained in a coma until the end of October 2002 (see Section 1.a.). The ICRC and the Organization for Security and Cooperation in Europe (OSCE) repeatedly and unsuccessfully tried to gain access to

Selami. In November 2002, following the change of government, the ICRC was able to visit him. He remained in pretrial detention through 2002, and allegedly was denied adequate medical attention during that time. In December 2002, he was released on bail pending trial, and left the country. Selami was acquitted of all charges in September.

In March, the Court dismissed the case regarding the 2002 beating of then-Acting Director General of Customs, Vancho Lazarov, due to insufficient evidence.

There were no developments during the year in the following cases from 2002: The police beating of Plasnica Mayor Ismaili Jaoski; the alleged torture by police of Dusko Aranglovi; the reservist police officer shooting of an 11-year-old girl in Skopje; the beatings of 17 ethnic Albanians by Lions.

The case of six to eight police officers who severely beat an OSCE observer at a bar in 2002 remained unsolved; however, the Public Prosecutor's office was reviewing the case at year's end.

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. Pretrial detainees were held separately from convicted criminals. Juvenile prisoners were supposed to be physically separated from adults; however, due to poor conditions in the penitentiary institutions, juveniles often served their sentences with adults.

The Government permitted visits to convicted prisoners by independent humanitarian organizations such as the ICRC and the Human Rights Ombudsman. However, the law prohibits visits to pretrial detainees by any person other than the accused person's lawyer, and this provision was commonly enforced. The European Committee for the Prevention of Torture (CPT) was authorized to visit all places of detention on a regular and ad hoc basis, as well as numerous police stations.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were problems.

The Macedonian National Police, within the MOI, is a centralized force with two major components: uniformed police and criminal (civilian) police. MOI officials in Skopje control, supervise, and direct all subordinate regional offices, which allows little opportunity for regional and local commanders to design and implement policies needed for the area where they perform their duties. As police reform continued, competencies were expected to be transferred from the central authority to regional police units.

The police force remained overwhelmingly ethnic Macedonian; however, progress was made in assigning ethnically mixed patrols to predominantly ethnic Albanian areas. According to the MOI, ethnic Albanians constituted approximately 10 percent of the national police force (including state security and counterintelligence agencies). The Government for several years had set a recruiting quota of 22 percent for enrolling minority students at the police secondary school; however, attrition detracted from the anticipated progress.

MOI officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. The Professional Standards Unit (PSU), which is responsible for investigating corruption, improved its investigations; the MOI strengthened the role of the PSU by increasing its staff to reflect better the ethnic diversity of the country, adopted a new PSU rulebook, and investigated all matters related to the non-professional conduct on the part of any employee. During the year, the PSU completed an investigation of three senior MOI officials accused of misusing their positions. All three were dismissed from the MOI, criminal charges were filed, and a trial was ongoing at year's end.

The former director of the Gevgelija Medical Center Slobodanka Sukleva was in pretrial detention for 4½ months during the criminal investigation on charges of corruption and embezzlement.

The MOI took concrete steps to reform the police. The Government adopted a strategy for police reform in August, and the MOI established a working group for its implementation. Parliament passed legislation regarding the police academy, which was expected to establish a new approach to the selection process, continuing education, and the training of police officers designed to create a merit-based, professional police cadre; however, the legislation had not been implemented by year's end. The MOI approved the Community Policing Pilot Project to transform the police from a "force" into a "service" for the citizens. The process of improving the equitable representation within the police force continued with OSCE training and the induction of 1,000 ethnic minority recruits.

Although the law requires warrants for arrest and detention, this provision was at times ignored, and on occasion warrants were not issued until some time after arrests. Investigative judges adopted a practice of generally approving arrests or search and seizure warrants post facto. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Police at times violated the 24-hour time period within which a suspect must be arraigned, often by transferring the suspect from one police station to another so as not to exceed a 24-hour period of police detention in the location. Detainees were at times denied access to an attorney during police and investigative proceedings, which then caused additional problems during the later stages of the criminal proceedings. Also, suspects claimed alleged ill-treatment by the police during initial detention periods (see Section 1.c.). There were no reports of falsified arrest warrants during the year.

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

The maximum length of pretrial detention is 180 days; however, pretrial detention exceeding 180 days after indictments entered into force was a problem, and detainees at times were held on weak evidence. Investigative judges determine the legality of detention. The law provides for access by attorneys and other interested individuals to pretrial detainees, but such access has to be approved by an investigative judge and the warden of the detention facility; in practice, investigative

judges and wardens regularly approved such access. If the judge determines that an arrested person should be further detained, the judge must immediately inform the public prosecutor. If the prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person.

NGOs, as well as other legal experts, contended that the judiciary abused pretrial detention. There were allegations that the judiciary succumbed to pressure by the executive branch to order long detentions. The opposition claimed that investigative judges, under pressure from the Government, improperly extended pretrial detention for politically motivated reasons in multiple corruption related cases.

Mechanisms for investigating allegations of unjustified detention were underutilized. The Ombudsman stated that no complaints regarding unjustified detention were submitted for his review. The Law on Criminal Procedure provides for possible compensation if the detention was ordered due to an error or unlawful act of the responsible body.

The Amnesty Law was regularly implemented and respected. Under provisions of the Law, persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in September 2001 were granted amnesty; however, the law did not apply to persons accused of war crimes as defined in the ICTY statute. More than 900 persons were given amnesty; however, a few cases remained pending at year's end. Former NLA members were frequently detained but only for periods long enough to allow authorities to verify that they were eligible for amnesty.

On a few occasions, police had accused former combatants of war crimes without providing sufficient evidence, which resulted in prolonged detentions that later could not be justified. There were a few unresolved cases at year's end. The ICTY continued to investigate alleged war crimes, and is expected make its decisions regarding indictments in 2004.

The police have no legal powers to bring in a person coercively for an interview unless the police arrest the person in the act of committing a crime; however, there were several reports of police bringing individuals in for "informative talks." For example, the media reported that the police brought in several employees of the OKTA refinery for questioning about the alleged unlawful privatization of the refinery. The report did not state that any force had been used; however, the employees claimed that they were kept by the police for several hours and denied immediate access to an attorney. Legislation provides that the Interior Ministry (police) can invite a person for an interview; however, there is no obligation for that person to give any statement to the police. The Constitution and the Law on Criminal Procedure provide that a person is generally entitled to an attorney during the police procedures.

At year's end, a trial was ongoing in a basic court in Skopje regarding 10 ethnic Albanians who were accused of abducting 5 ethnic Macedonians along the Tetovo-Gostivar highway in 2002.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was at times inefficient and subject to political influence. The judiciary was generally weak and was sometimes influenced by political pressure and corruption; however, there were no reports of widespread abuse or systemic corruption.

Members of various commissions, human rights organizations and independent observers described the judiciary as inefficient, politicized and, at times, corrupt. The replacement of former members of the Republican Judicial Council (RJC) became a significant political issue after the Parliament approved an amendment resulting in the retirement of six of the seven members of the RJC, in order to fulfill FWA provisions regarding ethnic representation on the body. Appointments to that body were not completed by year's end.

The media reported that the Chief Prosecutor accused some lower courts of being biased or influenced by certain political factors, which resulted in prolonged trials and the inability to reach final judgments in politically sensitive cases. The State Anti-Corruption Commission, after reviewing cases of alleged corruption among prosecutors and judges, submitted its recommendation for dismissal of 13 judges to the RJC, which is obliged under the law to review these cases and submit its opinion on a course of action to the Parliament. Also, the State Anti-Corruption Commission reviews cases of alleged corruption, conflict of interest, and nepotism. It issued opinions, which frequently included recommendations that the prosecutor initiate criminal actions against those judges for whom there is sufficient evidence of corruption. The Government publicly expressed its discontent with the low number of court judgments in general.

The court system is three-tiered and composed of basic courts, appellate courts, and a 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.

Trials were presided over by judges appointed by the RJC (an independent agency) and confirmed by Parliament. Two to three community-member consulting jurors assist each judge in determining the verdict, although the judge makes the final decision regarding the sentence. The Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates; the Office of the People's Ombudsman serves this function (see Section 4).

Ministry of Justice statistics from this year showed that 88 percent of judges were ethnic Macedonians, 6.4 percent were ethnic Albanians, 2.2 percent were ethnic Vlachs, 1.6 percent were ethnic Serbs, and 0.5 percent were ethnic Turks. While these numbers do not meet equitable representation levels as mandated by the FWA, the Government was gradually making efforts to increase the number of ethnic minorities in the judiciary.

The Constitution provides for a fair public trial. The law also provides for the

presumption of innocence, to the right to a lawyer in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges have been pressed. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials could only be televised when authorized by the Supreme Court under special circumstances. International community members, including NGOs and other human rights observers, were regularly allowed to monitor high profile trials.

The law provides that trials may be held in absentia so long as the trial is repeated if the convicted individual is accessible to justice officials. In November, the Kumanovo Court convicted nine defendants on "terrorism" charges for planting a mine along the Skopje-Belgrade railroad and bombs in the center of Kumanovo, injuring three persons and causing extensive material damage. Only one defendant was present at the trial, while the other eight co-defendants were tried in absentia. One of the eight co-defendants who was tried in absentia was detained by the U.N.-authorized, NATO-led peacekeeping force in Kosovo; at year's end, the defendant remained in U.N. Interim Administration Mission in Kosovo detention.

During the year, 21 war crimes cases were brought to trial, but they were withdrawn by prosecutors due to insufficient evidence or because the Amnesty Law applied. However, the Government did prosecute one war crimes case during the year; Ibrahim Sulejmani was convicted of war crimes committed in 2001 in Drenovec and sentenced to 15 years' imprisonment.

The criminal justice system provides for specialized treatment of juvenile delinquents, separate from that of adult criminal offenders. Children below 14 years of age cannot be held criminally liable; however, private civil suits for compensation of damages can be filed against the parents of the child for failure to oversee and control the behavior of the child. Juveniles between 14 and 18 years of age can be criminally liable and divided by the criminal law into two groups: Juveniles aged 14-16 are considered younger juveniles and can only be sentenced to educational and disciplinary sanctions; juveniles aged 16-18 can be sentenced to prison terms ranging from 1 to 10 years.

There are specialized judges for juvenile delinquents in all Basic Courts and cases involving juvenile delinquents are tried by a single judge (as opposed to adult offenders, who are tried by a combined panel of lay and professional judges). Experts from the Centers for Social Work are included in criminal proceedings against juveniles, providing a socio-psychological profile of the juvenile and their opinion as to what sanction would work best for each individual. The penitentiary system provides for specialized treatment of juvenile convicts, and places emphasis on an educational approach.

There were no reports of political prisoners.

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

The Constitution prohibits such actions and the Government generally respected these prohibitions in practice. In December, Parliament approved a constitutional amendment legalizing wiretapping for police investigations.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Roma, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro (see Section 5).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the media was not completely independent, as some media outlets were aligned with a political interest, and some news and information were reported from a political perspective.

Eight major daily newspapers as well as numerous weeklies or periodicals were published in Skopje. There was nationwide distribution of dailies and weeklies. Some towns and municipalities continued to publish local newspapers. The top three national dailies were Dnevnik, Utrinski Vesnik, and Vest. In July, German media conglomerate Westdeutsche Allgemeine Zeitung (WAZ) became a major shareholder in these three dailies. WAZ announced that the three dailies would maintain full, independent editorial control; however, there were fears that WAZ would create a monopoly in the Macedonian-language-daily market. The three other dailies in the Macedonian language--Nova Makedonija, Vecer and Makedonija Denes--had minimal circulation and impact. The Government continued to provide a yearly financial subsidy to all print media, including the two Albanian-language national newspapers, Fakti and Flaka, and the Turkish-language newspaper Birlik.

The largest publishing house was Nova Makedonija, which published two national dailies in Macedonian (Nova Makedonija and Vecer), one national newspaper in Albanian (Flaka), and one national daily in Turkish (Birlik). The publishing house was liquidated on October 23, following a June court determination that NIP Nova Makedonija was bankrupt. In August 2002, on the eve of parliamentary elections, Nova Makedonija sold 70 percent of its share to a Slovenian-registered company, but an investigation determined that the sale was illegal. Nikola Tasev, former General Manager of Nova Makedonija, and Besnik Fetaj, former Minister of Economy, were charged with abuse of power. Court trials in both of these cases started, and the two defendants were released on bail. Criminal charges were also filed against four other persons for abuse of position. In December, Nova Makedonija, Vecer, and Birlik were sold to the private companies Ideja Plus, Zonik, and Euroazija-tehnika, respectively.

Distributors of foreign newspapers and magazines had to obtain permits from the MOI; however, there were no known reports of such requests being denied during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. In addition to the existing MTV and MTV2 channels in Macedonian language, MTV3 was in its second year in accordance with the FWA. Programs on MTV3 were broadcast primarily in Albanian, and to a limited extent in Turkish, Vlach, Romani, and Serbian.

MRTV broadcast in Macedonian and, while there was improvement during the year, MRTV generally favored the government point of view. MRTV faced challenges in being perceived as a national public broadcaster. The General Manager of MRTV launched a program to transform MRTV into an effective public broadcaster, and received widespread support from the international community, particularly the OSCE; however, the transformation will not become effective unless there are changes in the broadcasting law. There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia recommended concessions that the Government awarded to radio and television broadcasters.

A1 Television and Sitel Television were the primary private television broadcasters, both based in Skopje and with nationwide distribution. There were several private Macedonian language television stations in Skopje including Skynet TV, Telma and Kanal 5. There were two private Albanian language television stations in Skopje, TV Era and TV Toska, as well as two stations that broadcast in the Romani language, TV-BTR, and TV Sutel. TV EDO was a Bosniak language station.

There were two news agencies: the state-owned Macedonian Information Agency (MIA) and the privately run Makfax. A request by MIA to the Parliament to receive funds from the state budget triggered a strong negative reaction by the Association of Print Media. The State Budget, which was adopted in Parliament in late December, did not include funding for the MIA.

In the Skopje village of Aracinovo in June, local residents physically prevented MTV, Sitel TV and Telma TV from reporting on an incident and several journalists sustained injuries. Journalists' associations, along with political parties and the international community, unanimously condemned the attack. No investigation results were reported by year's end.

In November, the Skopje Court 1 reached verdicts for three separate cases on slander charges pressed in 2001. Utrinski Vesnik journalist Sonja Kramarska was fined \$417 (20,000 denars) for slandering former Parliament Speaker Stojan Andov. Former A1 TV journalist Dragan Antonovski was fined \$2,083 (100,000 denars) for insulting former Chief of Army General Staff Jovan Andrevski. The third case involved Zum weekly journalist Zoran Markozanov, who was convicted and received a sentence including a conditional 3-month prison term for publishing libel about then-Parliament Speaker Stojan Andov. The Association of Print Media strongly protested against these court decisions stressing that they were attempting to intimidate journalists and impose control over the media.

There was a hearing in September regarding charges filed in 2002 by former Minister of Interior Ljube Boskovski against Start journalist Marjan Gjurovski for slander pertaining to a story about the Government's role in the former crisis. The trial was ongoing at year's end.

No investigation results were reported regarding the September 2002 unknown gunman attack on the printing facility of Global magazine in Mala Recica and the destruction of the vehicle of Global's co-owner and Start owner Ljupco Palevski.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. The FWA called for enhanced access to higher education in their own language for ethnic Albanians, and the private Southeast European University in Tetovo provided some Albanian language instruction, although its principal language was English (see Section 5).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, had to be approved in advance by the MOI, and could only be convened by registered religious groups (see Section 2.c.).

Political parties and organizations are required to register with a court. More than 64 political parties were registered, including parties of Albanians, Turks, Serbs, and Roma.

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 and parochial schools. The Constitution (as modified in 2001 as agreed in the FWA) specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church, the Methodist church, Islam, Catholicism, and Judaism; however, none of these religious communities had official status or privileges.

The Government requires that religious groups be registered, and in practice religious groups needed to register to obtain permits to build churches and to request visas for foreigners and other permits from the Government. Churches and mosques often were built without the appropriate building permits; however, the Government did not take any actions against religious buildings that lacked proper construction permits.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. A provision exists for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. 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 of the law but acted upon complaints when they were received.

The Law on Religious Communities and Religious Groups also requires that foreigners carrying out religious work and religious rites register with the Government's Commission on Relations with the Religious Communities; however, this law was generally not enforced. When applying for visas, persons associated with religious groups must obtain a letter from the Commission but the Commission no longer maintained an updated list of registered groups and the mandatory letter

was normally issued within 2 days.

The Constitution and law specifies that primary school children must be taught in the Macedonian language, and may not be taught by foreigners, even if the children themselves are foreigners and do not speak Macedonian. Foreigners were not permitted to operate educational institutions, manage classrooms, or give grades to non-citizens. However, in 2002 the Government granted work visas to employees at the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children, and legally registered the school as an NGO. Nonetheless, during the year, the Timothy Academy's initial request for renewed work visas was denied due to insufficient documentation; the applications were resubmitted in December but a final decision was not made by year's end.

Some progress was made in restitution of previously state-owned religious property. Many churches and mosques had extensive grounds or other properties that were expropriated by the Socialist government of Yugoslavia. Virtually all churches and mosques have been returned to the appropriate religious community, but that was not the case for many other properties. Often the claims were complicated by the fact that the seized properties have changed hands many times or have been developed. In 2002, the Ministry of Finance and the Jewish community reached a settlement on the restitution of Jewish communal property; the Ministry of Finance agreed to return to the Jewish Community three buildings in Bitola, one piece of real estate in Skopje, and bonds valued at approximately \$2.76 million (165 million denars). According to the Jewish community in Skopje, in May and August, two additional properties were returned.

Although there was a decrease in vandalism of religious properties, churches in Setole, Jedoarce, and Matejce were damaged or vandalized during the year. At year's end, the ongoing ownership dispute between the Bektashi religious sect and the Islamic community over the Bektashi religious facility remained unresolved. Although armed interlopers had left by the end of 2002 under international community pressure, Islamic leaders continued to hold services on these grounds.

There were ethnic Macedonian Muslim and Bosniak Muslim minorities in the country. Some ethnic Macedonian Muslims contended that the state sometimes confused them with ethnic Albanians and ethnic Turks because of Muslim surnames and mixed marriages and, in some instances, assigned their children to Albanian language classes.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice. The Amnesty Law made it possible for former NLA combatants to cross borders; however, many continued to fear imprisonment due to unresolved amnesty cases. At year's end, there were no permanent military checkpoints or roadblocks.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who

had legal residence in Macedonia could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship; over 10 years after the promulgation of provisions of the Citizenship Act of 1992, they remained without effective citizenship, often without valid identity documents. As a result, they lacked most civil, political, economic, and social rights, including the right to work, as well as the right to social welfare assistance, social protection services, unemployment registration, and access to health insurance. The state regarded them as aliens, either legal or illegal. Further, children born in the country to parents with unresolved citizenship status inherited the problem. Although these children were permitted to attend school, UNICEF and NGOs reported that these children were not graded or given certificates of completion.

On December 5, the Parliament approved the law on citizenship, which would reduce the residency requirement for aliens from 15 to 8 years and provide more favorable conditions for acquiring citizenship for foreigners married to Macedonian citizens, persons without citizenship, and with refugee status; however, President Trajkovski vetoed the legislation.

At the height of the country's internal conflict, the U.N. High Commissioner for Refugees (UNHCR) estimated that approximately 170,000 persons, approximately 8 percent of the population, were displaced from their homes. During the year, a majority of these internally displaced persons (IDPs) and refugees returned to their homes. According to ICRC, at the beginning of the year, there were approximately 9,000 IDPs and in October, the number had decreased to approximately 2,820 persons (down from 170,000 in 2001). The Red Cross family (International Federation of Red Cross, Macedonian Red Cross, and ICRC) stopped food and non-food distributions to this group by year's end; however they were expected to continue to support the most vulnerable IDPs with grants. According to the UNHCR, approximately 1,550 refugees had not returned from Kosovo.

Many persons did not return because their houses were badly damaged or entirely destroyed. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild badly damaged homes. As of October, approximately 6,258 homes, of a total of some 6,643 destroyed or damaged homes, had been rehabilitated or rebuilt. In some cases, persons did not return to their homes in ethnically mixed locales because they felt unsafe. Arsonists reportedly burned some of the rebuilt homes in Opaje and Jeduarce.

On August 2, the Government passed the Asylum Law, which took effect on October 6. The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Approximately 2,321 persons applied for asylum by year's end. The 1992 Law on Movement and Residence of Aliens governs refugee status determinations. In practice, the Government provided some protection against refoulement; however, in September the Government expelled two Kosovo refugees by dropping them off at the Serbian (not the Kosovo portion of the Serbian border) border after a Bitola court ruled that they had committed several misdemeanors and the refugees withdrew their right to an appeal. They were banned from returning to the country until September 2005; the UNHCR continued to investigate and monitor

this case at year's end.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and made an effort to accommodate more than 300,000 Kosovar refugees in 1999. During the year, 194 people voluntarily returned to Serbia and Montenegro (including Kosovo). The total number of remaining refugees from Kosovo, almost all of whom are Roma, was 2,478. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. There were approximately 2,000 refugees sheltered with host families and 448 refugees sheltered in a collective center in Katlanovo, near Skopje. The UNHCR continued to provide material assistance to the refugees.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Romani, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro.

In May, 600 Roma refugees staged a protest at the Macedonian-Greek border in order to seek possible resettlement in a western European country. In August, UNHCR, in coordination with the Government, convinced the refugees to return from the border to private accommodations in Skopje.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other ministers may not be Members of Parliament. The President, who is head of state, chairman of the security council, and commander-in-chief of the armed forces, nominates a mandator, who often subsequently becomes the Prime Minister, to constitute the Government. The winning coalition's nomination for Prime Minister must be approved by Parliament.

From February to July of 2001, there was an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the FWA with international facilitation by the United States and EU. Officials estimated that approximately 100 laws would be affected by the FWA to some extent, approximately 80 of which are specific to decentralization and local self-governance. In February, the Government adopted the action plan for the implementation of the FWA and in March, the Government reached an official agreement on passport issuance and the use of languages. By year's end, Parliament had nearly completed implementing FWA-mandated legislative actions, which provided for enhanced minority civil rights and devolution of power to local governments. By year's end, the Government had submitted draft legislation to Parliament on decentralization, including laws on local government finance and municipal redistricting.

Opposition parties won a decisive victory in the September 2002 national

parliamentary elections, which were free, fair, and peaceful, with a turnout of 73 percent of the population. The technical conduct of the elections met international standards despite heavy-handed efforts by then Interior Minister Boskovski to have the election annulled. The mostly ethnic Macedonian "For Macedonia Together" coalition (led by the SDSM and LDP) won 60 of 120 parliamentary seats, defeating the governing VMRO-DPMNE party and its pre-election coalition partner, the Liberal Party, which together obtained 33 seats. The Macedonian Socialist Party won one seat. Among ethnic Albanian political parties, the DUI, led by former NLA commander Ali Ahmeti, won 16 seats. The ethnic Albanian DPA won seven seats, the PDP two seats, and the National Democratic Party (NDP) one seat.

President Boris Trajkovski, the candidate from the VMRO-DPMNE, was elected in 1999 in elections characterized by irregularities. The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the two candidates who received the most votes advanced to the second round. The ruling VMRO-DPMNE candidate, Boris Trajkovski, gained the majority of the votes cast in the second round in November 1999, but the opposition SDSM candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country during the second round, and the Supreme Court ruled that the second round should be rerun at 230 predominantly ethnic Albanian polling places. International observers again reported numerous incidents of ballot box stuffing and other problems during the December 1999 rerun elections. Claiming that the Government was incapable of conducting a fair vote in the contested areas, the SDSM did not press for another repeat of the voting.

Nationwide local elections held in 2000 drew OSCE and other international criticism due to poor organization, sporadic violence, and voting irregularities. While the voting was calm and orderly in most of the country, serious incidents of violence caused the polls to be closed in several municipalities. Irregularities and intimidation in other areas further marred the process.

A national census, specifically called for in the FWA, was carried out in November 2002 with EU assistance and oversight. All significant local groups accepted the census enumeration, which met international standards. Preliminary results of the census were published in January indicating the total population at 2,061,800. Among them, 23,741 were foreign citizens who resided in the country less than a year. These foreign citizens were mainly refugees or displaced persons currently accommodated in the country. As many as 1,991,893 citizens were present in the country, while 46,166 citizens lived abroad.

There were 22 women in the 120-seat Parliament, 21 of whom were ethnic Macedonians and one of whom was an ethnic Albanian (the first female ethnic Albanian M.P.). Two of 19 ministers in the Government were women. In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family/proxy voting through which male family members voted on their behalf (see Section 5).

There were 26 ethnic Albanians, 1 Macedonian Muslim, 1 Roma, 2 Turks, 2 Serbs, and 2 Bosniaks in the 120-seat Parliament. Four ethnic Albanian parties and a

Roma party had members in Parliament; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party, a Bosniak party, a Serb party, and a Turk party.

The FWA states that the judiciary should better reflect the ethnic composition of the population and that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council should be chosen by the Parliament, including by a majority of the ethnic minority M.P.s to ensure minority representation. Of the nine judges on the Constitutional Court, six were ethnic Macedonians, two were ethnic Albanians, and one was an ethnic Turk. Five of the seven positions of the Republican Judicial Council were filled; of the five, there were three ethnic Macedonians, one ethnic Serb, and one ethnic Albanian. Of the 24 Supreme Court Justices, there were 17 ethnic Macedonians, 6 ethnic Albanians, and one Macedonian Muslim.

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 11 percent; and other minorities held approximately 4 percent. Ethnic minorities complained that they were disproportionately assigned to lower-ranking positions. Under a political agreement, the 11 percent of civil service posts were to be increased to 14 percent; however, this had not been implemented. The EU began a training program for some 600 lower-level ethnic Albanian civil servants.

#### Section 4 Governmental Attitude Regarding International And Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The OSCE led international community efforts to engage the Government on human rights issues. Government officials were generally receptive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, EURO Balkan, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific purposes, including Roma rights, human trafficking, and voters' rights.

OSCE and EU monitoring missions continued to assist with implementation of the FWA and work on restoring confidence between ethnic Macedonians and ethnic Albanians. A 340-person strong EU military force called "Operation Concordia" provided security from March to December, carrying on the mission previously provided by NATO forces. In December, an EU police advisory force was deployed with a mandate to assist the Macedonian police in the former conflict areas and to reform the MOI.

In October 2002, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The ICTY continued to investigate alleged war crimes at year's end, including the killing of ethnic Albanian civilians by police at Ljuboten in August 2001. Two of the cases in which the ICTY asserted primacy dealt with missing persons.

The revised Law on the Ombudsman, a requirement of the FWA, was adopted by Parliament on September 10 and came into force on October 1. The mandate granted by the FWA to the Ombudsman is to improve nondiscrimination and equitable representation of non-majority communities. A key element of the Ombudsman's Office was the establishment of six decentralized offices in Bitola, Kumanovo, Tetovo, Stip, Strumica and Kicevo, which was expected to occur by April 2004. Another power available to the Ombudsman is the ability to visit all persons detained, including those in pretrial detention, at any time, in private and without prior authorization. Prior to the new law, no person, including representatives of the ICRC, had these rights relating to pretrial detainees as the rights remained within the discretionary powers of investigating judges.

In 2002, the Ombudsman ascertained that state institutions violated individuals' rights in 900 cases, approximately 50 percent of the total complaints received. Approximately half of these cases involved violations of housing and property rights.

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

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political beliefs, property, or social status. The FWA states that "The principle of nondiscrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development." However, societal discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

#### Women

Domestic and other violence against women was a persistent and common problem. Legal recourse is available to rape victims, including victims of marital rape; however, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. The Criminal Code does not contain articles that relate to family violence, nor does the Code actively hold familial perpetrators responsible for abuse. Victims of family violence were often reluctant to bring charges against perpetrators because of the shame it would inflict on the family and police were limited in their ability to respond to allegations of domestic violence and spousal rape if the crime did not occur in police presence.

According to some surveys, one out of every fourth woman in the country has been a victim of domestic violence, either physical or psychological. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs operated shelters for victims of spousal abuse. A hotline remained open, but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain the hotline and shelter.

Trafficking in women for prostitution and pornography was a problem (see Section 6.f).

Sexual harassment of women in the workplace was a problem. Women remained underrepresented in the higher levels of the government and private sectors,

although some professional women were prominent. A law enacted in 2001 stipulated that women comprise a minimum of 30 percent of each political party's list of candidates for the 2002 parliamentary elections, and as a result, at year's end, the Parliament had the highest number of women M.P.s in the legislature's history. Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, women were disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits included 9 months' paid leave, and women also retained the right to return to their jobs for 2 years after giving birth. In practice, benefits were generally fully respected in state organizations; however, some private firms and organizations placed restrictions on maternity benefits.

Women's advocacy groups included the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

### Children

The Government was committed to the rights and welfare of children; however, it was limited significantly by resource constraints. In June, the Parliament ratified two EU protocols: the EU Protocol for Prohibition of Child Trafficking, Child Prostitution, and Child Pornography, and the EU Protocol for Prohibition of Involvement of Children in Military Conflicts. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF.

Education was mandatory through the eighth grade, or to the age of 15 or 16; however, some children did not enter the education system at all. The Ministry of Education quoted 95 percent enrollment; however, no other official data was available on children's 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. Public transportation was subsidized for students.

Almost 90 percent of the children that finished primary school continued on to secondary school. At both the primary and secondary levels, girls in some ethnic Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students went on to high school. This was due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encouraged ethnic minority students, particularly girls, to enroll in secondary schools. Medical care for children was adequate; however, it was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

In April, ethnic Albanian parents reached a political compromise with the Minister of Education over the issue of the displacement of 500 ethnic Albanian high school

students due to overcrowding; however, dissatisfied with the proposed solution, students undertook a hunger strike. Tensions escalated, and on May 16, approximately 2,000 ethnic Albanian high-school students and their parents set up roadblocks in Kumanovo, with threats to continue such roadblocks if no solution was found. The roadblocks continued until May 20 when the Minister met with the ethnic Albanian Parents' Council and reached an interim agreement on the transfer of ethnic Albanian secondary school students out of the two overcrowded elementary schools to which they had been moved. The transfer, while a solution to the space problem in the two ethnic Albanian elementary schools, left unsolved the matter of re-integration of students in Kumanovo.

Inter-ethnic fights and beatings remained commonplace in the country's public schools. In September, approximately 5,000 ethnic Macedonian students staged protests in Skopje and Bitola to block the opening of ethnic Albanian classes in their schools. As a result of the increased tensions, the Minister of Education, with the approval of the Prime Minister, postponed the transfer of the Albanian classes to these schools. The ethnic Macedonian students in Bitola and Skopje subsequently returned to classes. Ethnic Macedonian students beat four ethnic Albanian bystanders during the course of these protests.

There were reports of the abuse of children, although there was no societal pattern of such abuse. According to MOI statistics, there were an increasing number of reported cases of sexual abuse against children; there were 52 reported cases during the year. The social service's instruments for collecting and analyzing data in this field remained underdeveloped.

Romani children were often organized into groups and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see Section 6.d.).

The criminal justice system provides for specialized treatment of juvenile delinquents (see Section 1.e.).

The Ombudsman's Office for Children continued to investigate complaints regarding violations of children's rights. In October, the Parliament adopted the Declaration for Child Protection, which should provide further protection of children's rights.

### Persons with Disabilities

The law prohibits discrimination on the basis of disability; however, in practice this provision was not enforced. No laws or regulations mandate accessibility to buildings for persons with disabilities. There was societal discrimination against persons with disabilities.

### National/Racial/Ethnic Minorities

The population of approximately 2 million people was composed primarily of ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, Vlachs and others. The State Statistical Office released the final results of the 2002 census on December 1. According to the statistics, the population in Macedonia totals 2,022,547, with the highest concentration of the

country's population (23 percent) residing in Skopje. Regarding the ethnicity data, 64.18 percent of the country's population are ethnic Macedonian; 25.17 percent are ethnic Albanian; 3.85 percent are ethnic Turkish; 2.66 percent are Roma; 1.78 percent are ethnic Serb; 0.84 percent are Bosniak; and 0.49 percent are ethnic Vlach.

On May 16, groups of young ethnic Macedonians and ethnic Albanians fought in the center of Tetovo. In the beginning, stones, bottles and other objects were thrown, followed by gunfire from surrounding buildings. Later in the evening, an ethnically mixed police team was attacked in Tetovo.

In September, homes of ethnic Macedonians in the Skopje suburb of Arachinovo were vandalized and set on fire. The mayor accused ethnic Macedonians of setting the fires themselves, to show that Arachinovo was not safe; however, 1 week later, police concluded that one of the fires was set by a group of juveniles. Media reported that this was the only 1 out of 12 arson cases in Aracinovo that was solved.

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

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The FWA reaffirms these rights and mandates several explicit rights related to use of minority languages, including access for ethnic Albanians to state-funded higher education in their language. However, ethnic tensions and prejudices remained problems and some governmental institutions discriminated on the basis of ethnicity. Implementation of the FWA mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchised them (see Section 2.d.).

Under representation of ethnic Albanians in the military and police was a major grievance in the ethnic Albanian community; however, authorities continued to address the problem with the assistance of the international community although progress was slower in the military (see Section 1.d.).

In accordance with the FWA, by July, 1,267 new "non-majority" police officers received basic training from the OSCE and foreign governments. Of that number, there were 877 ethnic Albanians, 24 Bosnians, 2 Croatians, 5 Macedonian Muslims, 42 Romas, 27 Serbs, 76 Turks, and 11 Vlachs. Additionally, 202 ethnic Macedonian officers graduated from the international training. Approximately, 15 percent of these graduates were women.

The military continued efforts to recruit and retain minorities; however, little progress was made in the officer corps. The Government cancelled the freshman class of 2004 at the military academy, and as a result, it will have to find other ways to bring in ethnic minority candidates for the officer corps. The military was composed mostly of short-service conscripts, drawn from all ethnic groups.

According to figures from the Ministry of Defense, minorities constituted approximately 4 to 5 percent of the total of officers, 14 percent of the noncommissioned officers, and 8 percent of the professional soldiers. Ethnic minorities constituted approximately 4 percent of Ministry of Defense civilian employees. The Ministry of Defense intends to raise the percentage of ethnic Albanians to 22 percent by 2007 through the following programs: An increased recruitment program, with 450 recruiters in the field; a significant increase of noncommissioned officers (NCOs) through the NCO academy, with minorities numbering almost half of each graduating class (approx 100-150 candidates); and the pursuit of officers in a variety of specialist fields such as medical and technical areas.

The constitutional amendments mandated by the FWA provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population. The FWA stipulated that the Albanian language would be used officially in Parliament for the first time in October 2002 by M.P.s newly elected in 2002, with interpretation in the Macedonian language provided for ethnic Macedonians and others. In March, the Parliament approved the decision to use the Macedonian language only when chairing the Parliament commissions, while members of the commissions may use their native language during discussions. Progress in implementing other FWA mandated use of minority languages was steady. In areas where ethnic minorities comprise more than 20 percent of the population, the FWA called for citizens to be able to communicate with local offices of the central Government in the language of the minority group and receive responses in the same language. In addition, the law provides that citizens in these areas should receive personal documents in the language of the minority group, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, in practice this did not occur because, at year's end, the law had not been implemented.

In May, the MOI began issuing bilingual personal identity cards in Macedonian and Albanian languages as a part of the process for full implementation of the FWA and in accordance with the constitutional amendments and the law on the personal ID cards. The forms for requesting a personal ID are also bilingual. By year's end, MOI was in the process of implementing changes to other personal documents, such as bilingual passports, driving licenses, car registration cards as well as other certificates.

On March 21, Parliament adopted the law on travel documents, which provides for the printing of Macedonian passports in two languages--Macedonian and English--with the addition of the Albanian language upon request of citizens.

The FWA allowed for ethnic minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority; however, the Government had not implemented the legislation by year's end.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the FWA. Primary education was available in Macedonian, Albanian, Turkish, and Serbian. Albanian language education remained a crucial issue for the ethnic Albanian community; it

was seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children received 8 years of education in Albanian language schools.

Over the past two years, inter-ethnic tensions in many areas have affected schools, which were exacerbated by overcrowding and competition for scarce resources. These tensions continued throughout the year.

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.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. There were eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of available places, although the quota was not always filled. Most university education was conducted in the Macedonian language; until 2001 there was Albanian language university education only for students at Skopje University's teacher training faculty. The FWA required the state to provide publicly funded higher education to ethnic Albanians in their language. The private Southeast Europe University offered classes in Albanian, English, and Macedonian. Despite complaints about the private university's relatively high prices, enrollment continued to increase.

Ethnic Turks, who make up approximately 4 percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish majority municipalities in the new municipal redistricting proposal as well as a lack of Turkish language education and media.

Roma had the highest rate of unemployment, the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 2002 census, Roma comprised 2.66 percent of the population, but Romani leaders claimed that the actual number of Roma was 3 or 4 percent higher due to difficulties in enumerating the Roma population. Optional Romani language education has been offered at several primary schools since 1996; however, there was limited demand and no pressure for a more extensive curriculum.

In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars. Approximately 2,500 of these Romani refugees remained in the country at year's end. The presence of these Romani refugees was not welcome among the country's ethnic Albanians, who largely had hostile views concerning Roma (see Section 1.f.). Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. Roma tended to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the country's very poor.

## Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form trade unions. Independent trade unions have been allowed to organize since 1992; however, there was still a national trade union. The Confederation of Trade Unions of Macedonia (SSM) was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy.

The Confederation reportedly was independent of the Government and committed to the interests of the workers it represents. More than 50 percent of the legal workforce was unionized, and unions were particularly strong in the garment industry. Trade unions were widespread.

The SSM encompassed approximately 17 separate unions organized according to the industry sectors. It has become an interest-based autonomous labor organization. Membership was voluntary and activities were financed entirely by membership fees. Fee-paying members comprised almost 75 percent of all the employed labor force. In recent years, there have been several newly formed unions, including journalists, policemen, and farmers.

The law prohibits anti-union discrimination; however, it existed in practice. Workers in private companies at times were fired for participating in union activities, and because of the slow pace of the court system, at times it took 2 to 3 years to legally regain employment.

Unions may affiliate freely with international labor unions and many did so.

b. The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed, and the concept of collective bargaining remained in its infancy. Collective bargaining took place, but in the country's weak economic environment employees had very little practical leverage. Collective agreements were negotiated among the unions and the Ministry of Labor and Social Welfare.

The Constitution provides the right to strike. During the year, there were frequent work stoppages at many companies. The reasons for the strikes included demands for overdue pay, demands for unpaid contributions for health and retirement, objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Unlike 2002 when the unions were very active in organizing strikes all over the country, strikes were less common during the year. With a few exceptions, strikes were small, non-violent, and confined to company grounds.

Some members of the military may strike if they adhere to restricted guidelines. Members of the police were prohibited from striking; however, in practice, some members of the police did. In January, approximately 700 armed members of the special police unit, the Lions, staged a protest and erected roadblocks on the road from Skopje to the Blace border crossing to protest their unregulated employment status. The unit was disbanded shortly thereafter.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Child labor was used in the "gray economy" and in illegal small businesses (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution sets the minimum age for employment at 15 years, and 17 for work considered hazardous. Working minors were placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality. The Law on Employment also establishes special protection for minors, women, and workers with disabilities.

There were no studies or official data on the employment of children under 15, although reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and thus children remained vulnerable to exploitation. Children legally could not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the years. While the necessary legal infrastructure was in place, there has been little practical implementation of the policy and laws and little was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from working, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the MOI's Transition Center for women and children involved in prostitution.

e. Acceptable Conditions of Work

The average monthly wage was approximately \$186 (11,160 denars). The minimum wage is set differently across sectors; however, the average wage did not provide a decent standard of living for workers and their families. Many persons took on supplemental work, often in the "gray market." The Government Statistics Office estimated that 22.3 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. According to the Collective Agreement, employees have a right to overtime of 35 percent of regular pay and employees cannot work over 10 hours of overtime per week. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. Small retail businesses in particular often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they were not enforced strictly. The Ministry of Labor and Social Welfare was responsible for enforcing regulations pertaining to working conditions. Under the law, if workers had safety concerns, employers were obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs. Employers did not always respect this right in practice.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. The 2002 trafficking law resulted in the arrest, prosecution, and sentencing of important traffickers; however, significant challenges, primarily in the judiciary, remain in eliminating trafficking and related activities. In some isolated instances, police were complicit in the trafficking of persons.

Trafficking offenses mandate a minimum of 4 years imprisonment for most trafficking crimes and a minimum of 6 months is mandated for the destruction of identification documents of trafficked persons. The same minimal sentence of 6 months is also mandated for persons who wittingly use or enable another person to use sexual services from a trafficked person. Stronger penalties are mandated for those who traffic children. It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery or a similar relationship and for the illegal transplant of human body parts. Trafficking in persons for the purpose of illegal immigration is not specifically prohibited by current trafficking law but was covered by other immigration regulations.

Proposed amendments to the trafficking law under consideration would increase the penalty for trafficking from the sentence of 5 years imprisonment to 8 years for severe forms of the crime. Proposed amendments to Article 418, Section A of the Trafficking in Persons Law would make the use of persons for pornography, forced marriages, forced fertilization and illegal adoptions a criminal offense. Penalizing legal entities that are found to be criminally liable for crimes is also under consideration as proposed amendments to the existing trafficking laws. Other changes include amending the law on criminal procedure to include the use of wiretapping, strengthen witness protection measures, and permit the use of plea bargaining in trafficking cases. In December, Parliament approved a constitutional amendment legalizing special investigative methods to be used in trafficking investigations, including wiretapping.

MOI officials stated that there were approximately 100 persons arrested for a range of more than 70 criminal offenses, including human trafficking, mediation in prostitution, illegal border crossings, and transportation of people in slavery.

Three cases prosecuted late in the year reflected a marked improvement in the judiciary's handling of trafficking cases. In October in the city of Gostivar, five defendants in a human trafficking case in the village of Dobri Dol each received a 12-year prison sentence and one defendant received a 7-year sentence for trafficking in persons charges and related crimes. In this case, three trafficked victims were killed in January in an engage of gunfire between two nightclub owners

over the women. On October 8, in Skopje, five people were convicted on trafficking in persons charges and each given between 5 and 8 years' imprisonment. In another case five defendants each received between 4 and 7 years' imprisonment from the Strumica Court on trafficking in persons charges stemming from their attempts to traffic two Moldovan women into the country and then onto Greece.

In December, the Bitola Basic Court convicted Dilaver Bojku on seven counts of mediation in prostitution and sentenced him to 3 years and 8 months in prison. Four of Bojku's associates were sentenced to 1 year' imprisonment. Bojku also faces pending charges related to a previous mediation in prostitution case and his escape from the Struga detention center. On June 20, while serving a 6-month sentence for trafficking crimes, Bojku escaped from a work release prison in Struga. He was arrested 2 weeks later on July 4 through a regional law enforcement initiative in Montenegro.

The MOI's Department of Organized Crime was the lead government body on anti-trafficking activities, and detailed several law enforcement personnel to work full-time in its main trafficking unit in Skopje, as well as disbursed anti-organized crime police officers to combat human trafficking on a local level. The Government routinely cooperated with neighboring governments and international organizations, most notably the Southeast European Cooperative Initiative.

During the year, the International Organization for Migration (IOM) assisted 245 victims of trafficking at its local shelter operated with support of the MOI and a local NGO. Reliable trafficking statistics were not available, but according to experts, including the OSCE and others working in the field, the general estimate was that between 2,000 and 4,000 women were trafficked to or through the country during the year. Ukraine, Moldova, Romania and Bulgaria remained the primary sources of trafficked victims and victims trafficked through the country were most often in route to Serbia and Montenegro--including Kosovo, Albania, and Western Europe. While primarily a transit and destination country, officials and others acknowledged that a small number of citizens have been victimized.

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 trafficked victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance. Authorities noted that traffickers increasingly forced trafficked women to service their clients in private apartments, which made detection more difficult.

There was one documented case of police complicity in Gostivar, in northwestern Macedonia, where an officer was suspended from duty pending two criminal charges for misuse of official position and trafficking in persons. The pretrial criminal procedure finished; however, the hearing had not been scheduled by year's end. Two police officers, who testified on behalf of trafficker Bojku, were under investigation for possible complicity in trafficking.

The Government's National Commission for Prevention and Suppression of Trafficking in Persons, which consists of representatives from several ministries, coordinated the Government's efforts to combat trafficking. The National Commission established a Secretariat, which includes police officials, members of the diplomatic community, and officials from NGOs, the OSCE, and the IOM. The

Secretariat provides recommendations to the National Commission and assists in the implementation of the Government's national action plan. Additionally, a sub-group on Trafficking in Children was formed within the Secretariat.

In late 2002, the MOI signed a statement of commitment, which legalized the status of trafficked persons and emphasized a victim-centered approach during arrests. The Government devoted resources to anti-trafficking programs, including an inter-ministerial working group, which focused on legal reform, a special police unit designed to enhance anti-trafficking efforts, and the maintenance of a shelter for victims.

Most services to victims of trafficking were provided by the IOM. The Government cooperated with the IOM to provide shelter and medical and psychological assistance to trafficked women. The Government did not provide funding to NGOs to support victims' services; however, it did support educational and public awareness programs against trafficking in persons.

During the year, the Government began strengthening its prevention measures: Some officers within the Ministry of Foreign Affairs received training on detecting trafficking in persons cases and the MOI began preparations for including trafficking in persons issues in its 2004 curriculum at the police academy.