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Macedonia, The Former Yugoslav Republic of

Country Reports on Human Rights Practices -2000

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Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In multiparty parliamentary elections held in October and November 1998, opposition parties defeated parties of the governing coalition in voting that international observers concluded was conducted fairly and reflected the will of the electorate. International observers considered the conduct of the first round of voting for president on October 31, 1999, to be satisfactory; however, there were allegations of fraud and ballot stuffing in the second round on November 14, and the Supreme Court ordered another vote in most of the country's ethnic Albanian polling stations, which was conducted on December 5. That final round also was marred by irregularities; however, international observers concluded that these likely did not affect the final outcome and resulted in the election of President Boris Trajkovski. The judiciary is generally independent, although at times inefficient.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, large money-losing state enterprises are being restructured, and inflation has remained below 4 percent in recent years. However, during the year, the transitive effects of introducing a new Value Added Tax system, coupled with a year-end surge in fuel prices, caused inflation to reach about 10 percent. The economy improved substantially after the lifting of the Greek embargo and the suspension of international sanctions against Serbia, both in 1995, before which the gross domestic product (GDP) had fallen an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate until the outbreak of the Kosovo crisis in the spring of 1999. The crisis cut many firms off from customers in Serbia and made the transportation of goods to and from other parts of Europe more difficult and expensive. The overall economic effects of the Kosovo crisis were quite negative, but the local and regional influx of international funds related to humanitarian efforts and the NATO Kosovo Force (KFOR) mission has helped stem the economic decline and generated positive growth. The economy made broad-based gains during the year, and GDP grew about 6 percent. Unemployment was high; the gray economy was large. Some workers received their pay weeks or months late.

The Government generally respected the human rights of its citizens; however, serious problems remained in several areas. Police were accused of extrajudicial killings involving at least two deaths of detainees in custody, and the Government took inadequate steps to clarify the circumstances or discipline responsible officers. Police on occasion abused suspects and prisoners, in particular Roma and ethnic Albanians. Arbitrary arrest and detention were problems. The Government was working to end the practice of police compelling citizens to appear for questioning, pursuant to a 1997 law; however, incidents involving the use of such practices still occurred. Another 1997 law imposes some limitations on religious practices. The Government took inadequate measures to ensure the security of the electoral process during nationwide local elections, resulting in incidents of violence and procedural problems that were strongly criticized by the OSCE. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, was a problem. Ethnic minorities continued to make progress in securing more representation in Government and politics, although ethnic Macedonians still hold a disproportionately high number of positions. Violence and discrimination against women remained problems; trafficking in women and girls for prostitution was also a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, there were credible reports of at least two deaths in police custody. An ethnic Albanian suspected of involvement in the January 11 murder of three police officers died under suspicious circumstances while in police custody in January. The official report stated that the suspect died of a drug overdose, but friends and family members who saw the body before the burial charged that he was shot. No autopsy report has been made public. A second ethnic Albanian suspect died in police custody in February after his arrest for theft. Authorities reported his death to be a suicide, but his family claimed that he

died due to injuries received while being questioned. On May 14, an ethnic Albanian man died in a Skopje prison. The Government did not take adequate steps to investigate, to inform the public, or to discipline the responsible officers in any of these cases. During a December 1998 police raid on the home of an ethnic Albanian suspect believed to have stockpiled illegal arms, the suspect's father was killed by police gunfire. A government inquiry cleared the police of any wrongdoing, but the incident remained controversial.

b. Disappearance

There were no reports of politically motivated disappearances attributed to government agents.

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

The Constitution prohibits such treatment and punishment; however, police occasionally used excessive force during the apprehension of criminal suspects, and they occasionally abused prisoners, especially members of ethnic minorities.

Following the killing of three police officers outside Aracinovo on January 11, police beat numerous ethnic Albanian residents, destroyed property, and used tear gas in raids. One of the three suspects arrested in connection with the killings died in police custody (see Section 1.a.). Human Rights Watch reported that nine other suspects were arrested and beaten in custody and that some were forced to sign confessions. An investigation by the Office of the Ombudsman found that the police had used excessive force in Aracinovo and recommended an internal investigation. Although some families were compensated for damage to their property, the Government did little to address police abuse in the wake of the incident.

There are credible reports of occasional police violence against Roma, including beatings during arrest and while in detention. Roma rights organizations also complained of police harassment of Roma and accused the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma.

On April 21, police reportedly beat an "Egyptian" couple (the country's Egyptians consider themselves distinct from Roma) near Ohrid at a traffic stop. The husband, a taxi driver, was arrested for not presenting the necessary permits, although he later claimed that he had presented them. Police allegedly beat the man in custody and kept him in jail for 8 days. According to the European Roma Rights Center (ERRC), a police officer reportedly beat a 20-year-old Romani man with a truncheon at the police station in Stip on January 9. Police reportedly beat a 16-year-old Romani boy in the village of Krivolak on May 14. Police officers and non-Romani civilians reportedly attacked and severely beat six Romani men in Stip on May 26.

The vast majority of Kosovar refugees returned to Kosovo during the second half of 1999; most of those who remain are Roma. Several thousand Roma refugees are housed in collective centers or in private accommodations. According to the ERRC, the police allegedly beat and detained a Romani refugee from Kosovo on September 10. In October the Roma residents of the Suto Orizari collective center began a series of protests over the food served to them. The World Food Program (WFP) inspected the facility and reviewed the food situation; WFP concluded that the water system at the center was barely adequate and needed improvements, but that the food rations given to refugees were up to international standards.

There were three attacks on police stations during the year. On February 2, a bomb exploded in front of the Directorate of Interior in Kumanovo. No one was reported injured in the explosion.

There were some incidents of violence during the September elections. Police beat an opposition supporter; several police officers were suspended pending an investigation. There were a few shootings by members of political parties. In another incident, a Member of Parliament fired into a crowd of demonstrators (see Section 3).

Prison conditions meet minimum international standards; however, there were two deaths in custody. Prisons meet basic needs of food, hygiene, and access to medical care. Men and women are held separately. While juveniles are also supposed to be held separately, limited facilities sometimes result in older juveniles being confined with adults.

The Government permits prison visits by human rights monitors and the Human Rights Ombudsman. The Government agreed to allow the International Committee of the Red Cross (ICRC) to visit prisons under procedures which the ICRC finds acceptable, but has not yet agreed to commit to those procedures in a binding, written agreement with the ICRC.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pretrial detention was increased in 1998 from 90 to 180 days by constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Arbitrary arrest and detention are problems. Although the law requires warrants for arrests, this provision frequently is ignored, and it is not uncommon for a warrant to be issued some time after an arrest. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour time period within which a suspect must be arraigned and deny immediate access to an attorney.

The Government has not yet ended completely the practice of police compelling citizens to appear at police stations through an "invitation" for "informative talks." Although a law on criminal procedures was passed in 1997 that states that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued to be applied on occasion. Roma rights organizations accuse the police of arbitrarily arresting and detaining Roma, and there are credible reports of such police actions.

The police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the political opposition. The police initiated a series of raids on businesses in 1999, seized records, and briefly detained some 20 enterprise directors and officers to question them on charges of corruption and failure to pay taxes. Almost all of the individuals who were questioned or whose offices were raided were connected to opposition political parties, and the raids were widely viewed as having been politically motivated. The Government publicly defended itself against media criticism of its actions by releasing information on the alleged crimes under investigation, but no charges were ever brought against the subjects of the raids. During the year several opposition-oriented media outlets and other firms were the subject of tax inquiries; in one case official action was initiated to tear down an illegally constructed building erected by an opposition-oriented media owner (see Section 2.a.). The authorities defended their actions as being based upon law, but the individuals and firms involved noted that while tax and construction offenses are very common, the Government appeared to take enforcement actions mostly against entities linked to the opposition. A similar police raid in December 1999 against the director of a company involved in a dispute with the Government resulted in a media outcry and the suspension by the Ministry of Interior of the local chief of police who conducted the operation.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow.

The court system is three tiered and comprises municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation.

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition 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 was created and became functional in 1997 (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge makes the final decision. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is of concern. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court in certain cases can authorize the presence of television and film cameras.

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

The Constitution prohibits such practices, and government authorities generally respect these prohibitions. Opposition political leaders accused the Government of wiretapping their telephones and released some transcripts of telephone conversations from late in the year that they claimed proved the truth of their charges. An investigation into the charges is underway.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented toward opposition political parties. The media that remain partially state owned are government oriented but report on opposition press conferences and statements and in general provide coverage of the major opposition parties. The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks. Following the parliamentary elections in late 1998, influence over this publisher passed to the new Government. International monitors noted that the media provided generally unbiased coverage of the full spectrum of political debate. However, media outlets often reflected the views of one or another political party.

Distributors of foreign newspapers and magazines must obtain the permission of the Ministry of Interior. All such requests during the year were approved. Media reports indicated that one edition of the Albanian newspaper Bota Sot was confiscated in Gostivar and Tetovo because it contained articles critical of the leadership of the Democratic Party of Albanians (DPA). The party denied any involvement and quickly arranged for the articles in question to be reprinted and run in the local Albanian language newspapers. Foreign newspapers, including those from neighboring countries, are available throughout the country.

State-run radio and television is in countrywide competition with two private television stations and one private radio station that are licensed to broadcast nationally. The state broadcast media also face the competition of dozens of small independent local radio and television stations throughout the country. The Broadcast Council issues licenses to broadcasters, in a process that international observers consider generally meets international norms. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections are inconsistent. Dozens of illegal, "pirate" radio and television stations operate without licenses and pay no fees.

Individuals and opposition political groups criticize the Government, but during the year media complaints arose over alleged intimidation of newspapers and television companies critical of the Government. The intimidation took the form of law enforcement action against the media companies and their financial backers in areas such as tax collection and checks of building permits, areas in which there is widespread noncompliance among private companies. One notable case involved the Government's order to tear down a building belonging to the owner of an opposition-oriented media company because of a supposed failure to obtain the proper building permit. The Government eventually reversed its order, but the incident left the impression that officials were selectively enforcing laws in an effort to control the behavior of the media (see Section 1.d.).

On May 12, the Government introduced a draft law on information to replace existing regulations from the Communist era. Local journalists and international press groups criticized the draft law and provisions that would require local journalists to obtain government-issued press accreditation. The law remained pending at year's end.

The Government respects academic freedom. Because government-recognized higher education is not yet available in the Albanian language (except for teacher training), some ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorized Albanian-language Tetovo University gain legal status, or a new accredited private institution to be established, so that they can study in their native language at the university level (see Section 5).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see Section 2.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the 1997 Law on Religious Communities and Groups limits some aspects of religious practice, although the law does not appear to be enforced consistently. While the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

The law places some limitations on religious practices. For example, only a citizen may found a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific requirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Subsequently there was considerable confusion over which procedures still applied, and several foreign religious groups experienced delays in their efforts to register. During the year, the Government acted to make the remaining requirements more transparent, but the process remained slow and cumbersome. At least one international Protestant church was granted legal registration, and several others are at some stage of the process. One Islamic group withdrew its 1998 application for registration but continues to operate openly without taking further steps toward legal registration, and the Government has not taken any enforcement actions against the group. The Government no longer keeps a count of registered religious groups and communities.

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The refusal of the Serbian Orthodox Church to recognize the self-proclaimed Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On several occasions in 1998 the Government refused Serbian Orthodox priests permission to enter the country because of the recognition issue. No Serbian Orthodox priests attempted to enter the country for religious purposes during the year. In December 1999 a delegation from the Macedonian Orthodox Church traveled to Istanbul to consult with Orthodox leaders on ways to end the impasse with the Serbian Orthodox Church.

On March 10, the Jewish community of Skopje inaugurated a new synagogue. The Government supported the opening of the synagogue; the mayor of Skopje and former President Gligorov attended the events.

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

The law provides for these rights, and the Government generally respects them in practice.

Citizenship in the old Yugoslav system was national, but all records and processing were at the level of the individual republics, so some residents at the time of independence had Yugoslav citizenship that became citizenship in other newly independent former republics. During the first year of independence, beginning with the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence (of any duration) in the republic could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, and under its transitional provisions citizenship was granted essentially automatically to any legal resident who applied before November 1993. Despite this 2-year window of opportunity for residents to become citizens by simple application, several thousand residents did not regularize their status before November 1993. Some of these persons, and others who arrived in the country later, have complained that the provisions of the Law on Citizenship that followed the transition period are too restrictive and have prevented them from obtaining citizenship. For example, after the transition period the law required applicants for naturalization to have 15 years of residency. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encountered in establishing residence and meeting requirements of a regular income. During 1999 the 15-year residence requirement was lowered to 10 years, in conformity with the Council of Europe Convention on Citizenship, but the enabling legislation needed to fully implement the change still was not completed. New procedures instituted in 1998 have made the citizenship application process considerably more transparent; the Macedonian Helsinki Committee has full access to all files, and the office within the Ministry of Interior that processes the cases works closely with the U.N. High Commissioner for Refugees (UNHCR) and with the Organization for Security and Cooperation in Europe (OSCE) mission in Skopje. A total of 2,124,599 citizens have established their status since independence; since the end of the early procedures for gaining citizenship, 140,495 individuals have applied through the Ministry of Interior, and about 96 percent of those applications have been approved. About 2,000 new applications for citizenship are received annually by the Ministry of Interior.

During the 1999 crisis, over 360,000 Kosovars found refuge in Macedonia. Following the conclusion of the crisis, the great majority of those refugees still in the country returned to Kosovo; the exception were the Roma, who feared returning because of dramatically deteriorated relations with the ethnic Albanian Kosovars. During the year, the overall number of refugees continued to decrease, and at year's end only 7,600 registered refugees remained. In addition officials estimate that about another 2,000 unregistered individuals remain. Of the registered refugees, approximately 60 percent are Roma. The largest number of registered Roma refugees (about 1,200) reside in the Suto Orizani collective center. Roma also reside in collective centers at Dare Bombol, Llubanci, Saraj, and Struga. Ethnic Albanian refugees all reside at the Radusa collective center. In all only about 2,100 of the total registered refugee population reside in centers; however, the remaining 5,500 live with host families or in rental accommodations. During the year there were several Roma protests about living conditions and food at the collective centers, although international donors and administrators judge conditions to meet generally accepted standards.

Continued tensions in the Presevo region of southern Serbia also generated potential for refugee flows during the year, but by year's end only a small number of Presevo residents had chosen to come to Macedonia; they did not enter as refugees, but rather as temporary visitors.

Macedonia provides first asylum, and there were no reports of persons being returned to a country where they feared persecution.

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 exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country's third parliamentary elections were held in October and November 1998 and resulted in an opposition victory and a peaceful change of government. 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 Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

The Government was accused by opposition leaders and the media of harassing members of the opposition

prior to the presidential elections held in October 1999. In the summer of 1999, police conducted a number of raids on businesses and charged some 20 enterprise directors with corruption and failure to pay taxes. Almost all of the enterprise directors singled out for this treatment belonged to an opposition party (see Section 1.d.).

On October 31, 1999, the first round of balloting in the presidential election was held. 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 candidates who received the most votes advanced to the second round. The ruling VMRO (Internal Macedonian Revolutionary Organization) candidate Trajkovski gained the majority of the votes cast in round two on November 14, but the opposition SDSM (Social Democratic Alliance of Macedonia) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country in the second round, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which were predominantly ethnic Albanian. The voting held on December 5, 1999, was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15, 1999.

Nationwide local elections held in September 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. The worst election day problems included some blatant cases of ballot stuffing, some smashing of ballot boxes, incidents of unauthorized persons being present at polling stations in an intimidating manner, and shooting incidents in Debar and Ohrid that left four persons wounded. In Debar a Democratic Party of Albania (DPA) activist shot a Party for Democratic Prosperity (PDP) activist on September 10, although investigators concluded that the incident was personally -- rather than politically -- motivated. In Ohrid two opposition members belonging to the SDSM were shot, one in the head, causing serious injury. Several arrests were made in these cases, and charges were brought against individuals who had been identified as participants in violent acts; however, in several cases the perpetrators remained unknown at year's end. These problems caused the elections to be rerun in several areas, and the Government did not act decisively to prevent some repetition of the same difficulties during the reruns. During the campaign period, six Members of Parliament (M.P.'s) from the ruling party defected to an opposition party, and their homes were surrounded briefly by crowds of angry party loyalists; some property damage occurred before police moved to protect the homes. Following an incident in which an opposition supporter was beaten by police during the campaign, several police officers were suspended pending an investigation. In Skopje approximately 200 demonstrators threatened a Member of Parliament at his home; in response he fired several pistol shots into the crowd, lightly injuring two persons. The police, slow to respond to the initial disturbance, later charged the M.P. with illegal use of a firearm. A local NGO reported the alleged beating of a group of Roma in the town of Strumica on September 24, the day of the second round of the local elections. Non-Romani men allegedly beat Roma in the street with their fists and rubber truncheons. Many electoral difficulties were judged by international observers to have resulted from a weak and ambiguous Law on Local Elections, and they criticized the State Electoral Committee for not acting to anticipate or overcome those weaknesses.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers. In the Parliament, 9 of 120 members are women, an increase from 4 women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 5).

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic Albanian parties and the Roma party have members in the Parliament; the ruling government coalition includes one of the two major ethnic Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic Albanian members, 1 Macedonian Muslim, 1 Rom, and a small number of Vlachs. Minorities nonetheless maintain that political structures continue to be biased against them. Party to address these concerns, the electoral law includes elements of proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma complain that discrimination against them in citizenship decisions effectively disenfranchises them (see Section 2.d.).

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

The Government generally is responsive to the concerns of human rights groups. Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent.

The Office of the Ombudsman, established in 1997, is active; however, most complaints filed with the office do not relate to human rights issues.

The Government allows independent missions by foreign observers. The Kosovo crisis led many international NGO's to establish new offices in the country, staffed by scores of international workers; many of these organizations have a strong interest in human rights issues. The Government generally has been cooperative in its dealings with these and other international organizations concerning such issues.

Section 5 Discrimination Based on Race, Sex, Religion, 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 or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights remain problems.

Women

Violence against women, especially in the family setting, is a persistent and common problem. Criminal procedures are available to victims of rape, including limited legal recourse in the case of marital rape. Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by NGO's. A hot line remains open but has limited hours. The Government offers some limited support for victims of domestic violence, but relies heavily on international donor support to maintain a hot line and shelter.

Trafficking in women and girls for prostitution and pornography is a growing problem (see Section 6.f.). Traffickers have recruited women and girls from other countries, especially Bulgaria, Moldova, Romania, and Ukraine, to work as prostitutes in several towns (see Section 6.c. and 6.f.).

Sexual harassment of women in the workplace is a problem, but no statistics are available to indicate its scope. Maternity benefits include 9-months' paid leave, and benefits are received in practice. Women also retain the right to return to their jobs for 2 years after giving birth.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is strongly patriarchal, and the advancement of women into nontraditional roles is limited. Women are underrepresented severely in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 3).

Women's advocacy groups include 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 is committed to the rights and welfare of children; however, in some areas it is limited by resource constraints. Education is compulsory through the eighth grade, or to the age of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Ministry of Education encourages ethnic minority students, especially girls, to enroll in secondary schools. Secondary education is free to all. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

Trafficking in girls for prostitution and pornography is a growing problem (see Section 6.f.).

There is no societal pattern of abuse against children.

People with Disabilities

Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law; however, in practice this mandate is not enforced. No laws or regulations mandate accessibility to buildings for disabled persons.

National/Racial/Ethnic Minorities

The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices regarding the means to achieve this goal (hiring quotas, affirmative action in school admissions, education in minority languages, etc.).

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The

underrepresentation of ethnic Albanians in the military and police is a major grievance in the community. Despite government efforts to recruit more ethnic Albanians, the police force remains overwhelmingly Slavic Macedonian, even in areas where the ethnic Albanian population is large. Members of ethnic minorities constitute 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic Albanian cities of Tetovo and Gostivar the respective figures are 17 percent and 12 percent. To raise the percentage of ethnic minority police officers, the Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school. Attrition has kept the graduating classes from retaining that percentage of ethnic minorities.

The military continues efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks is estimated to be about 25 percent, but the proportion is significantly lower in the officer corps. Minorities constitute about 12 percent of the total of officers, noncommissioned officers, and professional soldiers; about 15 percent of the cadets at the military academy are from ethnic minorities. Ethnic minorities constitute about 11 percent of Ministry of Defense civilian employees. The Deputy Minister of Defense and 2 of a total of 10 general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their native languages is increasing and was about 15 percent in 1999, up from 14 percent in 1998. However, only about half of ethnic minority students go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, particularly girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since independence in 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. In 1991 302 ethnic minority students attended university; in 1998 1,073 attended, representing about 16 percent of all university students; no updated figures were available for the year. Most university education is conducted in the Macedonian language; there is Albanian-language university education only for students at Skopje University's teacher training faculty, for students studying to be teachers at Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians and Roma, especially for girls, is their low but slowly increasing enrollment in secondary education.

In July the Government adopted legislation to address longstanding demands by ethnic Albanians for university-level courses taught in the Albanian language with the passage of a new Law on Higher Education. The new law authorizes private institutions of higher learning and, under an OSCE sponsored plan, a new internationally funded institution is being created which would be designed to conduct classes in Albanian, English, and Macedonian, with initial funding coming from foreign donors. Plans have been made for construction to begin early in 2001. This legislation was designed to resolve the question of Tetovo University, a private Albanian-language institution that the authorities declined to accredit but tacitly allowed to function. The new, internationally funded institution would allow ethnic Albanians to study in their own language; however, courses in Macedonian must also be provided in at least two subjects. The law received the support of the Albanian party in the ruling government coalition; however, many ethnic Albanians, who favor recognition and funding of Tetovo University, did not support the new institution.

The new Government met one major demand of the ethnic Albanian community in 1999 by agreeing to change the 15-year residence requirement for naturalization to 10 years (see Section 2.d.); however, enabling legislation still is pending to complete that change. The new Government has continued previous governments' rejection of demands for legalizing use of the Albanian language in dealings with the central Government and in the Parliament and for allowing official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the native languages of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

Ethnic Serbs, who constitute about 2 percent of the population, also complain about discrimination and their inability to worship freely in the Serbian Orthodox Church (see Section 2.c.).

There were credible reports of occasional police violence and harassment against Roma during the year. Roma rights organizations also complain of police harassment of Roma and accuse the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma (see Section 1.c.).

In June five Romani houses in Stip burned under suspicious circumstances; police suspected arson.

Relations between Roma and other citizens were strained during 1999 as a result of dislocations of Roma caused by the Kosovo crisis. According to the 1994 census, there were 43,700 Roma in the country (2.0

percent of the population). Romani leaders claim that the 1994 census seriously undercounted the actual number of Roma. There were incidents of societal violence against Roma (see Section 1.c.). In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country. They left not only because of the direct dangers of the conflict, but also because of the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The new Roma arrivals initially were sheltered in a refugee camp (about 2,000 persons) and under host family arrangements (about 4,000 persons) that were underwritten by the international relief community. During the year, all of the registered Romani refugees were staying with host families or in collective centers. The presence of these Romani refugees is not popular among ethnic Albanians, who largely share the view of the ethnic Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also express irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequent busy traffic intersections to beg, wash car windows, or sell small items. The Macedonian Roma already tended to occupy the lowest economic position of society, and the new arrivals added to the ranks of the very poor. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. 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. There is some Romani-language broadcasting.

There are also a number of ethnic Macedonian Muslims and Bosnian Muslims in the country. Some ethnic Macedonian Muslims contend that they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic Macedonian Muslims often disagree.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form trade unions, but this right is restricted for members of the military, police, and civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. However, there is still a national trade union. The Confederation of Trade Unions of Macedonia is the successor organization to the old Communist labor confederation. It maintains the assets of the old unions and is the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. While its officers may tend to oppose strikes because of the legacy of the past, they appear to be genuinely independent of the Government and committed to the interests of the workers they represent.

The total number of strikes during the year was 100 to 150, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes were generally small and confined to company grounds, although in September 1999 striking workers at a government-owned smelting plant blocked a major highway for several hours, protesting government plans to close the plant if a private purchaser or partner could not be found. Most strikes were calm and well organized and took place without serious incident.

b. The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively, a concept that nonetheless is still in its infancy. Collective bargaining takes place, but in the country's weak economic environment employees have very little practical leverage. Legislation in this area has yet to be passed by Parliament.

An export processing zone is being developed with the advice and financial support of the Taiwanese Government and various Taiwanese businesses. No date has been set for the beginning of operations.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and bonded labor, including that performed by children; however, trafficking of women and girls for prostitution and pornography is a growing problem (see Section 6.f.).

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

The constitutional minimum age for employment is 15 years. Children legally may not work nights or more than 40 hours per week. Education is compulsory through grade eight, or to the ages of 14 or 15. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children. These laws are generally enforced; however, the authorities are reluctant to attempt to enforce these laws on Roma. The law prohibits forced or bonded labor by children; however, trafficking in girls for prostitution and pornography is a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The average monthly wage was about \$158. The minimum wage is by law two-thirds of the average wage; however, it was not sufficient to provide a decent standard of living for a worker and family. The average month's worth of food for a family of four exceeded average incomes by about 20 percent. This economic situation meant that few workers could support a family on their wages alone. Many households are dual-income, and many persons take on additional work, often in the gray market.

Yugoslavia had extensive laws concerning acceptable conditions of work, including an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. The Government adopted many of these provisions, including the workweek and rest period. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although laws and regulations on worker safety remain from the Yugoslav era, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled legally to leave the dangerous situation without losing their jobs; however, this does not happen often, if ever, in practice.

f. Trafficking in Persons

The law specifically prohibits trafficking for the purpose of prostitution; however, trafficking in women and girls for prostitution and pornography is a growing problem. Trafficking in persons for the purpose of illegal immigration is not prohibited specifically by law but is covered by immigration regulations. The country is a source, transit, and destination point for trafficking in persons. Traffickers have recruited women from other countries, especially Bulgaria, Moldova, Romania, Russia, and Ukraine, to work as prostitutes in several towns. Women are trafficked through the country on their way to West European countries, especially Italy. There are no reliable estimates of the number of victims of trafficking in the country.

Trafficking in women is not treated as a priority on either the governmental or nongovernmental level. Trafficking is handled by the Interior Ministry Department on Organized Crime. The Government cooperated with the International Organization for Migration (IOM) to provide shelter and assistance to trafficked women on an ad hoc basis in several cases, and late in the year a small center was opened to establish such services on a more regular basis.

Police expelled 108 prostitutes from Serbia, Ukraine, Belarus, and Russia in December. Deputy Interior Minister Rifat Elmazi said the police intend "to deport all prostitutes from other countries." The Government cooperated with the IOM to arrange passage of these and other trafficking victims to their home countries. Very few traffickers have been caught, and the owners of the establishments where the women worked have either fled or managed otherwise to avoid prosecution.

[End.]

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