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U.S. Department of State

Macedonia Country Report on Human Rights Practices for 1997

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## THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The Former Yugoslav Republic of Macedonia, which became independent following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. International monitors judged its second multiparty elections in 1994 to be generally free and fair despite numerous procedural irregularities. The judiciary is generally independent.

The Ministry of Interior oversees a security apparatus that includes 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 on occasion were responsible for human rights abuses.

Historically, Macedonia was the least prosperous of the Yugoslav republics. Its economy was closely tied to the other republics, especially Serbia. Conflict in the region and sanctions imposed on Serbia and Montenegro, along with the problems of transition to a market economy, led to severe economic difficulties. A Greek trade embargo imposed in 1994, in a dispute over the country's name, flag, and Constitution was lifted in 1995 following the signing of an interim accord between the two countries. Trade sanctions against Serbia were suspended following conclusion of the Dayton Accords also in 1995. In the circumstances of these two border closures, gross domestic product fell an estimated 50 percent. Growth resumed during 1996 with a slight increase in industrial production, according to government figures. Growth in 1997 was approximately 2 to 3 percent. Official unemployment, which has been very high for several years, is 32 percent, although the gray economy is large. Some workers routinely receive their salaries several months late.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Three people were killed in a clash between police and ethnic Albanian demonstrators in July. Over 200 persons were injured in the demonstration; a parliamentary commission is investigating charges that security forces used excessive force. The Government took no judicial or disciplinary action against the police. There were credible reports of occasional police abuse of prisoners and police harassment of political opponents of the Government. A police practice of compelling citizens to appear for questioning at police stations continued, despite government claims that the practice had ended pursuant to a new law. Violence and discrimination against women remain problems.

Minorities, including ethnic Albanians, ethnic Turks, and ethnic Serbs, raised various allegations of human rights infringements and discrimination. Ethnic minorities made progress in securing more representation in state institutions, although ethnic Macedonians continue to hold a disproportionate number of positions. Ethnic Albanian representation in several government ministries has risen from less than 2 percent in 1990

## RESPECT FOR HUMAN RIGHTS

a.

**b.**

**C.**

The Constitution prohibits such treatment and punishment. However, during the demonstration in Gostivar on July 9, police used excessive force in attacking and beating demonstrators, including some who offered no resistance (see Section 1.a.). International observers witnessed the police beating children.

Police also occasionally used excessive force following the arrest of criminal suspects. Police allegedly beat a number of ethnic Albanians early in the year (see Section 1.d.).

Prison conditions meet minimum international standards and the government permits visits by human rights monitors.

**d.**

### ***Arbitrary Arrest, Detention, or Exile***

The Constitution states that a person must be arraigned in court within 24 hours of arrest and sets the maximum duration of detention pending trial at 90 days. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour requirement and deny immediate access to an attorney. Although the law requires warrants for arrests, this provision is sometimes ignored, and the warrant issued only some time after the arrest. Incommunicado detention is not practiced.

There were no confirmed reports of arbitrary arrest, but there were credible reports that the Government continued the practice of compelling citizens to appear at police stations through an "invitation" for so-called "informative talks." Although a law on criminal procedures was passed in March stating that police cannot force citizens to appear for these sessions without presentation of a court order, there were credible reports that the practice continued.

Ethnic Albanian political leaders reported early in the year that their supporters were picked up by police on the streets or at their places of work, held for up to 24 hours, and interrogated about their political activities and those of their parties. A number of those detained were allegedly beaten by police and deprived of sleep, food, and water.

The Government does not practice 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 outcomes of a small number of cases were suspected of being influenced from outside the judiciary.

The court system is three tiered, comprising municipal courts, district

courts, and a Supreme Court. A Constitutional Court deals with matters

of constitutional interpretation

Human rights activists are beginning to use the judicial system to further their aims. 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 February Parliament passed a law establishing the Office of a People's Ombudsman to defend citizen's constitutional and legal rights. An Ombudsman was appointed in July, and the office began operating late in the year.

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 has the final word. 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 concerned. Trials cannot be televised, pursuant to the criminal procedure code, although the court can in certain cases authorize the presence of television and film cameras. In several high-profile cases this year, trials were easily accessible to international observers.

There were no reports of political prisoners. The two persons jailed in 1996 in connection with the Tetovo University riots were released during the year.

**f. Arbitrary Interference With Privacy, Family, Home, or Correspondence**

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

**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 respects 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 papers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. Some other newspapers and magazines are subsidized by the Government. Several privately-owned publications have a wide distribution throughout the country; some are considered to be oriented towards opposition political parties. The media that remain partially state owned are government oriented but do report opposition press conferences and statements and in general provide coverage of the major opposition parties.

After privatization, 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 most newspaper kiosks. Opposition parties allege that government control and manipulation of the media prevent them from getting their message across. The introduction of competition in the print media resulted in increased investigative reporting in the country and a livelier tone, particularly in regard to several financial and investment scandals during the year. Competition also resulted in price reduction and increased circulation.

Distributors of foreign newspapers and magazines must obtain permission of the Ministry of Internal Affairs. In 1997 all such requests were approved. Foreign newspapers, including those from neighboring countries, are available throughout the country.

There were several incidents in which journalists were threatened or attacked by the targets of their criticism. In one incident, four individuals were charged with misdemeanor offenses after they confronted and threatened the manager of a private television station.

There are dozens of small commercial radio and television broadcasters throughout the country. A new law on broadcasting was passed in April, creating a Broadcasting Council to issue licenses and bring some order to the currently crowded airwaves. The broadcast law directs that broadcast fees collected through individual electric bills subsidize both state-run Macedonian radio and television and the maintenance of infrastructure for other public and commercial broadcasting. There is concern that new broadcast license fees may price small and medium sized stations out of the market. Individual satellite dishes are unregulated and plentiful throughout the country. Cable television is growing.

Individuals and opposition political groups may criticize the Government publicly without reprisal. The media do not appear to practice self-censorship due to fear of government reprisal. The Government does not censor books and other publications, nor does it censor films.

The Government respects academic freedom. Because higher education is not 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 unauthorized Tetovo university gain legal status so that they can study in their mother tongue (see Section 5).

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

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Advance notification of large meetings is optional, and opposition rallies occur regularly without major incident. A July protest demonstration by ethnic Albanians in Gostivar turned violent, and 3 persons were killed and some 200 injured (see Sections 1.a. and 1.c.).

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties and organizations are required to register. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma. However, A new Albanian party was not able to register due to an ongoing judicial proceeding.

c. **Freedom of Religion**

The Constitution specifically provides for freedom of religion for the Macedonian Orthodox Church and other religious communities and groups, and the Government generally does not interfere with the practice of religion. While only the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The Parliament adopted a new law on religious communities and groups in July. The law designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious groups", while all other religions are designated "religious communities." Some religious leaders voiced concerns about the impact of the new law, although its effects were not fully apparent by the end of the year. The law requires, for example, that anyone carrying out religious work and religious rites be registered with the Commission on Interreligious Relations. By year's end, over 20 religious groups and communities were registered. The law also stipulates that religious instruction can only be carried out in public spaces where religious services are held and that foreigners who wish to conduct religious services must obtain a permit from the Commission before they enter the country.

Protestant groups continued to complain that they could not register their churches and obtain regular employment status for employees and that on several occasions they have been prevented from holding religious meetings in venues outside churches.

The refusal of the Serbian Orthodox Church to recognize the independence of the Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On a number of occasions the Government refused Serbian Orthodox priests permission to enter the country and apparently plans to continue doing so until the Serbian Church recognizes the Macedonian Church.

d. Freedom of Movement Within the Country, Foreign Travel,

Emigration, and Repatriation

Citizens are permitted free movement within the country as well as the right to leave and return. These rights may be restricted for security, public health, and safety reasons but are fully respected in practice.

The law on citizenship is highly restrictive, requiring, for example, 15 years of residence for citizenship. This has left some people who were living legally in the country at the time of independence without citizenship. The law particularly affects ethnic Albanians who had moved to the country from other parts of Yugoslavia before independence. As citizens of the predecessor state living legally in the territory of the country at the time of independence, they believe that they have a right to citizenship.

Some Albanian political leaders also charge that Ministry of Interior officials responsible for making citizenship determinations discriminate against Albanian applicants. The officials are said to make more demanding documentary requirements and to act on applications slowly. There were also plausible charges that officials demanded bribes in return for a favorable decision. There is some truth to these charges, but citizenship problems also have affected many ethnic Macedonians and others.

Ethnic Albanians comprise a disproportionately high number of emigrants, due to stronger familial ties outside the country and longstanding economic relationships in other countries.

The Government cooperated with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It continued to provide protective status to several thousand refugees from Bosnia and Herzegovina but ceased admitting new claimants, except for those with close family ties to the country, as of mid-1993. The Government granted admission to several hundred ethnic Macedonians from Albania in March and April, when domestic order in Albania broke down.

There were no reports of persons seeking first asylum or of the forced return of persons to a country where they feared persecution.

The Government is extremely concerned about the flow of economic migrants and other illegal migrants from neighboring Albania. Illegal migration flows increased following the domestic upheaval in Albania, including persons thought to be trafficking in illegal goods. If illegal migrants were caught, they were deported. Over 60 armed incidents occurred during the year on the border, several of which were violent confrontations between police and armed illegal migrants. Several incidents resulted in the deaths of the Albanian migrants, and one resulted in the death of a police captain.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

Citizens elected a President by popular vote for the first time in 1994 and at the same time chose a new Parliament in the second multiparty elections in the country's postwar history, the first since independence. Opposition groups charged the Government with massive fraud, but international monitors found the elections to be generally free and fair despite widespread irregularities attributed largely to poor organization. Local elections in November 1996 were found by foreign monitors to be a considerable improvement over 1994; the governing party won a plurality of the vote. The next parliamentary elections are scheduled for 1998.

The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that can produce a majority in the Parliament. He 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.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. Only 1 of 20 cabinet ministers is a woman, and only 4 of 120 Members of Parliament are women.

Minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma, have political parties to represent their interests. Minorities nevertheless complained that the political structures were biased against them. Some ethnic Albanians claim that Albanian-majority districts had far more voters than ethnic Macedonian ones, thus violating the "one-person, one-vote" principle. There is some merit to this complaint, but the coalition partner ethnic Albanian party was closely consulted by the Government during a redistricting of the country's municipalities in 1996 and obtained changes in the law that it sought. Some ethnic Albanians also complain that alleged discrimination against them in citizenship decisions effectively disenfranchises a large portion of their community (see Section 2.d.).

Ethnic minority Members of Parliament include 19 Albanians, 2 Roma, 1 Serb, and 1 Turk. There are five cabinet ministers from ethnic minorities, all ethnic Albanians.

#### Section 4 Governmental Attitude Regarding International and

##### Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. A forum for human rights exists and operates freely. The Government allows independent missions by foreign observers but objects to being included in the mandates of human rights observers for the former Yugoslavia, particularly the Special Rapporteur from the United Nation's Human Rights Commission. In October the Special Rapporteur recommended that the Commission remove the country from her mandate, although she asked that she retain the right to comment on developments until the commission's next session. The Organization for Security and Cooperation in Europe maintains a monitoring mission in the country with the support and cooperation of the Government.

The Government is generally responsive to the concerns of human rights groups.

#### 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 are problems.

### Women

Violence against women, especially in the family setting, is common. Criminal procedures are available for victims of rape, but no legal recourse exists in the case of spousal 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 nongovernmental organizations. A hot line remains open, but its hours are limited.

The trafficking of women and girls for prostitution and pornography is becoming a problem.

The sexual harassment of women in the workplace is a problem. Maternity benefits are good, with 9-months paid maternity leave. Women also retain for 2 years the right to return to their jobs.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is patriarchal, and the advancement of women into nontraditional roles is limited. Women are severely underrepresented 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. Ethnic Albanian girls are underrepresented in primary and secondary school.

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 but in some areas is limited by resource constraints. Education is compulsory through the eighth grade, or to the ages of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Government encouraged ethnic minority students, particularly girls, to enroll in secondary schools. Medical care for children is adequate but hampered by the general difficult economic circumstances of the country and the weak medical system.

There is no pattern of societal 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. There are no laws or regulations mandating accessibility 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 the persistence of popular prejudices.

Parts of the political opposition object to even modest steps to meet the needs of ethnic minorities. The principal example of opposition attitudes came in February, with protest demonstrations following the Government's approval of teacher training classes in the Albanian language.

Representatives of the ethnic Albanian community, by far the largest minority group with 22.9 percent of the population according to government statistics, are the most vocal in charging discrimination. Underrepresentation of Albanians in the military and police is a major grievance of the community. Even in areas dominated by ethnic Albanians, the police force remains overwhelmingly ethnic Macedonian. The Ministry of Interior says that the police force as a whole is only 4 percent Albanian. To raise this figure, the Ministry introduced in 1992-93 a quota of enrolling 22 percent minorities at the police secondary school, although attrition has meant that graduating classes are not proportionately represented. Albanian leaders allege that there is continued discrimination against those who do apply.

The military has achieved some success in its efforts to recruit and retain minority officers and cadets. Military service is a universal male obligation, and most young men, whatever their ethnic origin, answer their conscription notices. The proportion of Albanians in the ranks is now estimated at 25 percent. There are fewer Albanians in the officer corps, but some progress is being made in this area as well. Eight percent of junior officers are from ethnic minorities, while 14 percent of new cadets at the military academy are from

ethnic minorities. Just over 8 percent of the civilian employees are from ethnic minorities; ethnic Albanians constitute only 2.9 percent of Ministry of Defense civilians. The deputy minister of defense and one of eight 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 mother tongues is increasing, and was 13 percent during the year, up from 10 percent in the previous school year. Still, less than 40 percent of primary students go on to high school, partly because of the lack of available classes in Albanian at the secondary level and partly because the traditional nature of Albanian society leads many families in rural areas to see no need to educate their children, especially girls, beyond the eighth grade.

The Government's response to ethnic Albanian demands for greater access to higher education has been to ease admission requirements for minorities at the universities in Skopje and Bitola for up to 10 percent of entering places, a quota that increased to 23 percent in the 1996-97 school year. The percentage of ethnic Albanian students at Skopje university rose from 4 percent in 1992 to 7.25 percent during the year. In January Parliament passed a government-drafted law that provides for Albanian language university education for students at Skopje University's teacher training faculty who study to teach in Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians is their low but increasing enrollment in secondary schools, especially among girls.

Demands for the legalization of an unofficial Albanian-language university in Tetovo during 1995 led to a violent clash between demonstrators and police in which one ethnic Albanian died and about 30 people were injured. Since then the Government has tacitly allowed the university—which it still considers to be illegal—to function without giving it any official recognition.

The Government has not supported three other demands of some ethnic Albanian leaders that would require parliamentary approval: use of the Albanian language in dealings with the central government and Parliament, relaxing citizenship laws that now require 15 years of legal residence (see Section 2.d.), and official use of the Albanian flag.

Ethnic Turks, who comprise 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 mother tongues, not a foreign language. The parents have banded together to hire teachers of their own, but this kind of private education is not legally authorized.

Ethnic Serbs, who comprise about 2 percent of the population, also complained about discrimination, alleged censorship of the Serbian press, and their inability to worship freely in the Serbian Orthodox Church.

Little tension is evident between the Roma and other citizens of the country, although Roma tend to occupy the lowest economic rung of society. In 1996 optional education in the Romani language started at four elementary schools, although there has been no call for a full curriculum. There are two Roma Members of Parliament. There is some Romani-language broadcasting.

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

a.

#### The Right of Association

The Constitution provides citizens with the right to form trade unions. There are restrictions on this right for military members, police, and civil servants.

Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. There is still a national trade union, however. 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, along with the Chamber of Economy, on labor issues. 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.

Independent unions held a number of brief strikes in 1997, including a strike of railway workers and strikes by factory workers. These were undertaken mainly by employees of state-owned companies, some of which were shedding workers in the process of privatization and delaying their pay by up to several months. Strikes were also organized by the teachers' union and a doctors' union, primarily to protest low wages and poor working conditions.

b.

#### The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively, a concept nevertheless still in its infancy. Legislation in this area has yet to be passed by Parliament.

There are no export processing zones.

c.

#### Prohibition of Forced or Compulsory Labor

Legal prohibitions against forced labor, including that performed by children, are observed in practice.

d.

#### Status of Child Labor Practices and Minimum Age for

##### Employment

The constitutional minimum age for employment of children is 15 years. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). Children may not legally work nights and are permitted to work 42-hour weeks. Education is compulsory through grade eight, or to the ages of 15 or 16. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children.

e.

#### Acceptable Conditions of Work

The average monthly wage in September was about \$170 (9,088 Denars). The minimum wage is, by law, two-thirds of the average wage. By comparison, an average basket of food for a family of four cost \$174 (9,287 Denars). This economic situation meant that few workers could support a family on their wages alone and had to take on additional work in the gray market or draw on savings.

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 country adopted many of these provisions, including the workweek and rest period. Proposals to reform the welfare system in order to reduce government expenditures were severely criticized by the public and withdrawn. The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety remaining from the Yugoslav era, credible reports suggest that they are not strictly enforced. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

If workers have safety concerns, employers are supposed to address dangerous situations. Should they fail to do so, employees may leave the dangerous situation without losing their jobs.

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