U.S. Department of State


THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The Former Yugoslav Republic of Macedonia, which became independent following the breakup of Yugoslavia, is a parliamentary democracy. International monitors judged its second multiparty elections in 1994 to be generally free and fair despite numerous procedural irregularities. The judiciary is independent in practice.

The Ministry of Interior oversees a security apparatus that includes uniformed police, border police, and the state intelligence service. The Ministry is under the control of a civilian minister, and a parliamentary commission oversees operations. Some members of the police on occasion were responsible for instances of 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 October 1995 following the signing of an interim accord between the two countries. Trade sanctions against Serbia were suspended following conclusion of the Dayton Accords the next month. In the circumstances of these two border closures, gross domestic product had fallen an estimated 50 percent. Economic growth resumed during the year with a slight increase in industrial production, but recovery is expected to be slow. Official unemployment is about a third of the workforce, and many people who are ostensibly employed are in fact furloughed. Even employed workers routinely receive their salaries several months late.
The Government generally respected the human rights of its citizens. However, there were credible reports of occasional police abuse of prisoners, and some unconfirmed charges of police harassment of political opponents of the Government. Violence and discrimination against women are problems.

Minorities, including ethnic Albanians, ethnic Turks, and ethnic Serbs, raised various allegations of human rights infringements and discrimination. Ethnic Macedonians hold a disproportionate number of positions in state institutions. Government promises to boost the number of minorities in these institutions have been implemented only slowly, except for the conscript ranks of the armed forces. Ethnic Albanians continue to demand increased Albanian-language education, greater representation in public sector jobs, and increased media access. Since a violent demonstration in 1995, an unofficial Albanian-language university in Tetovo has tacitly been allowed to operate but its rector and four other university activists were imprisoned in July in connection with the 1995 incident.

The Government has agreed in principle to many of the ethnic Albanian demands, but claims that resource constraints are slowing progress on implementing the agreements. A summer campaign by ethnic Albanian opposition parties demanding a change in the Constitution that would result in an ethnically based federalism, which was denounced by both the Government and its ethnic Albanian coalition partner, fueled underlying ethnic tensions. However, no major clashes took place during the year.

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.

There were allegations that a Romani woman died in July as a result of being hit on the head with a police baton, but the Ministry of Interior announced that an autopsy determined she died of a heart attack.

The investigation continued at year's end into the 1995 car bomb attack on President Gligorov.

b. Disappearance

There were no reports of politically motivated disappearances.

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 and following the arrest of criminal suspects.

Prison conditions are generally acceptable. Reports of abuse by prison authorities (who are separate from the police) are rare.

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 monitors 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. There is no systematic use of detention as a form of nonjudicial punishment. Incommunicado detention is not practiced. There were no confirmed reports of arbitrary arrest. Opposition political parties alleged police harassment of their members, but there were no clear, confirmed cases.

The Government does not use forced exile

e. Denial of Fair Public Trial

The Constitution provides that the courts are autonomous and independent, and the judiciary is independent in practice.

The court system is three tiered, comprising municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation. Few trials appear to be influenced by political considerations, although there is a widespread perception that bribery is common in the courts.

The Constitutional Court has a mandate to protect the human rights of citizens, but has not taken action in any case in this area. Parliament has yet to pass implementing legislation to establish a people's ombudsman to defend citizens' constitutional and legal rights.

Trials are presided over by government-appointed judges. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge has the final word. Trials are open to relatives of the accused and the public with permission of the judge. The president of the court decides on the admission of journalists. Some trials--notably those of minors--are not open to the public.

Members of the Albanian community have charged that the Government holds two persons as political prisoners. They claim that the imprisonment of the Tetovo University rector and another activist is a violation of their human rights and that they are being punished for acts of speech that should be protected. The rector called on ethnic Albanians to resist police efforts to close the university 2 days before a violent incident in February 1995 and was convicted of inciting to riot on the basis of that statement. Another Albanian political leader was convicted of interfering with the duties of the police despite a lack of strong evidence that he was doing anything more than observing the incident. (The defendants' sentences were substantially reduced on appeal, and they returned to detention in July to serve out their terms.) Government officials say that they had to proceed against the defendants to prevent further violent incidents.

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

The right to privacy of person, home, and correspondence is provided for in the Constitution. Although no instances of abuses were substantiated, officials of opposition parties charge that their telephones were tapped and their privacy violated by the state security service.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press
The Constitution forbids censorship and provides for freedom of speech, public access, public information, and freedom to establish private media outlets. The Government generally respects these provisions in practice.

Several daily newspapers are published in Skopje, as well as numerous weekly political and other publications. Newspapers in Albanian and a Turkish are distributed nationally and subsidized by the Government. Most newspapers and magazines published in the country are government owned and government oriented. Opposition parties allege that government control and manipulation of the media prevent them from getting their message across.

The state-owned media report opposition press conferences and statements, and in general do a reasonably creditable job of covering the major opposition parties. The overall balance of coverage, however, is in favor of the Government. The leading newspaper publisher is a government company that owns the only modern high-speed printing plant in the country, as well as most newspaper kiosks. Opposition groups complain that they are charged high prices for the services of the printing plant. Newspapers can be imported from Bulgaria, Serbia, Albania, and Greece only with the permission of the Ministry of Internal Affairs. Very few copies of Bulgarian newspapers are permitted into the country.

Academic freedom is respected in theory and practice. However, an attempt to open an Albanian-language university was declared illegal by the Government (see Section 5).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights and the Government generally respects them in practice. Advance notification of large meetings is required, but the authorities do not appear to abuse that requirement, and opposition rallies occur regularly without major incident.

Political parties and organizations are required to register with the Interior Ministry in compliance with a comprehensive political party registration law. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma. No cases of denial of registration were reported during the year.

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. However, members of other religious communities credibly charge that the Government favors it, based on the ease with which it can obtain property and building permits for new construction. During 1995 the authorities destroyed at least two or three houses that did not have such permits and were being used as mosques.

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 has refused Serbian Orthodox priests permission to enter the country and apparently plans to continue doing so until the Serbian Church recognizes the Macedonian Church.

Protestant groups have complained about incidents of harassment and vandalism to which police have
failed to respond. They also complain that they cannot 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.

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 feel 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 were demanding bribes in return for a favorable decision. There is some truth to these charges, but citizenship problems also affected many ethnic Macedonians and others.

The Government cooperated with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It has provided protective status to several thousand refugees from Bosnia and Herzegovina but ceased admitting new claimants, except those with close family ties to the country, as of mid-1993. There were no reports of persons seeking first asylum in 1996. There were no reports of forced return of persons to a country where they feared persecution. The Government is concerned about the small flow of economic migrants from neighboring Albania. If caught, they are deported.

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 and announced a boycott of the second round. International monitors, under the auspices of the Council of Europe and the then-Conference on Security and Cooperation in Europe, found the elections to be generally free and fair despite widespread irregularities attributed largely to careless organization. Local elections on November 17 were a further test of the relative strength of government versus opposition parties and of whether the Government has put in place internationally recognized electoral practices. Foreign monitors found the elections to be a considerable improvement over 1994 and concluded there was no need to mount a major monitoring for the second round on December 1. The governing party won a plurality of the vote.

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 underrepresented in these areas. Only 1 of 20 ministers is a women, 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 claimed 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 largest ethnic Albanian party was closely consulted by the Government during a redistricting of the country's municipalities in September, 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. Five Albanian ministers are in the cabinet, one of whom is both a deputy prime minister and minister of economy.

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 welcomes independent missions by foreign observers but objects to being included in the mandates of human rights observers for the former Yugoslavia.

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

The Constitution provides for equal rights for all citizens regardless of race, sex, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and violence against women are problems.

Women

Women's groups report that there is widespread familial violence against women. Cultural norms discourage the reporting of such violence; criminal charges on grounds of domestic violence are very rare. A crisis hot line received over 1,000 calls during 1996.

Women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, remains traditionally patriarchal, and advancement of women into nontraditional roles is limited. Some prominent professional women are now visible in society. Women's advocacy groups include the Union of Associations of Macedonian Women and the League of Albanian Women.

Children

The country's strong commitment to the rights and welfare of children is limited by resource constraints. The Government provides compulsory education through the eighth grade. Both family budgets and the Government's ability to provide social relief in cases of need are under strain because of poor economic conditions.

There is no pattern of societal abuse against children.

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 Vlakhs. 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.

Ethnic tensions and prejudices are evident within the population. 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, especially in the lower levels of administration. Moreover, the economic crisis makes it difficult for the Government to find resources to fulfill minority aspirations, such as more education in minority languages. Despite underlying tensions, few incidents occurred during the year.

The main political opposition is more nationalistic than the governing coalition and objects even to some modest steps to meet the needs of minorities. Popular prejudices can affect the relationships that ethnic minorities have with the Government: For example, ethnic Macedonian parents in Kumanovo kept their children from attending school because the children's teacher, also an ethnic Macedonian, was married to an ethnic Turk, and thus considered of "doubtful religious confession." The parents were charged with the misdemeanor offense of not sending their children to school.

Representatives of the ethnic Albanian community, by far the largest minority group with 22.9 percent of the population, are the most vocal in charging discrimination. Expressing concern about government manipulation of the data, the Albanian community boycotted a 1990 census. An internationally monitored census held during the summer of 1994 to correct the situation was marred by some boycott threats. Experts from the Council of Europe monitored the conduct of the census and were generally satisfied that it was carried out fairly and accurately and that virtually the entire ethnic Albanian community took part. Turks make up about 4 percent of the population, Roma 2.3 percent, and Serbs 2 percent. About 8,500 citizens declared themselves Vlakhs.

Underrepresentation of ethnic 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 ethnic Albanian. The Ministry is making efforts to recruit ethnic Albanian police cadets, but complains that it very difficult to attract qualified candidates. Ethnic Albanian leaders allege that there is continued discrimination against those who do apply.

There has been more improvement in the proportion of ethnic Albanians recruited into the military. Military service is a universal male obligation, and it appears that most young men, whatever their ethnic origin, report for service. The proportion of ethnic Albanians in the ranks is now estimated at 25 percent. Fewer ethnic Albanians are in the officer corps, but some progress is being made in this area as well. Few ethnic Albanians serve as Defense Ministry civilian employees; however, the Deputy Minister is an ethnic Albanian.

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. Less than 40 percent--a slight improvement over 1995--go on to high school, partly because of the lack of available classes and partly because the traditional nature of ethnic Albanian society means that many families in rural areas see no need to educate their children, especially girls, beyond the eighth grade.

The establishment of an unofficial Albanian-language university in Tetovo in 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 sanction.

Ethnic Turks, who make up about 4 percent of the population, have also complained 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 tongue, 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. There has been some progress in providing supplementary Romani-language education, but no call has been made for a full curriculum. There is some Romani-language broadcasting.

There are also a number of Macedonian Muslims and Bosnian Muslims in the country.

The Government established a 13-member Council on Ethnic Relations with representatives of the country's main ethnic groups. The council has not, however, played an active role.

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. No laws or regulations mandate accessibility for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The 1991 Constitution provides citizens with the right to form trade unions. There are restrictions in this area for the military, police, and the civil service.

The Council 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. 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. An Association of Independent and Autonomous Unions was formed in 1992, and independent unions have been allowed to organize without harassment by the Government or official unions.

The disastrous economic situation led to many brief strikes. These were undertaken mainly by employees of state-owned companies, many of which were shedding workers in the process of privatization and delaying their pay by up to several months. In most cases, the workers and unions understood the difficulties facing their companies and showed great restraint.
b. The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively. Collective bargaining is 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 are observed in practice.

d. Minimum Age of Employment for Children

The constitutional minimum age for employment of children is 15 years. Younger children, however, are often seen peddling cigarettes or other small items or working in family-owned shops or on family farms. Children may not legally work nights but are permitted to work 42-hour weeks. Education is compulsory through grade eight. The Ministries of Interior and Labor are responsible for enforcing laws regulating the employment of children.

e. Acceptable Conditions of Work

The average monthly wage in September was about $220 (8,874 denars). The minimum wage is, by law, two-thirds of the average wage. The economic crisis meant that few workers could support a family on their wages alone and had to do additional work in the informal economy 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 Former Yugoslav Republic of Macedonia adopted many of these provisions, including the workweek and rest period. The Constitution guarantees 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 Work is responsible for enforcing regulations pertaining to working conditions.

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

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