



2008 Human Rights Report: Macedonia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Republic of Macedonia is a parliamentary democracy with a population of approximately 2.1 million. The president, who is popularly elected, is head of state and commander in chief of the armed forces. A unicameral parliament (Sobranie) exercises legislative authority. The June 1 parliamentary elections failed to meet key Organization for Security and Cooperation in Europe (OSCE) commitments due to incidents of violence, intimidation, and electoral irregularities. The country held two additional rounds of elections on June 15 and June 29 in polling stations in which votes were invalidated, primarily in northwestern Macedonia. The election reconfirmed Prime Minister Nikola Gruevski, who headed a multiethnic governing coalition. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Rule of law problems were seen in judicial and police procedures, including criminal detentions. Enactment of judicial reforms continued to be delayed, and political pressure and intimidation hindered the effectiveness of the judiciary. Harsh government criticism of media coverage viewed as "antipatriotic" negatively impacted freedom of the press. Tensions between the ethnic Macedonian and Albanian populations continued to impact areas including education, employment, and political participation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated or other disappearances.

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

The law prohibits such practices; however, there were credible reports that police at times used excessive force during the apprehension of criminal suspects and that they abused prisoners.

During the year the Professional Standards Unit (PSU) conducted investigations in four cases of use of excessive force by police officers. In February the PSU visited 20 police stations and made recommendations on measures to prevent possible police misconduct.

In August the PSU began an investigation in an August 1 case of a police inspector from the Tetovo Sector for

Internal Affairs (SVR) alleged to have used excessive force against a citizen. The PSU recommended that the Chief of the Tetovo SVR initiate a disciplinary procedure against the police inspector, which was ongoing at year's end.

In late March the PSU began an investigation of a citizen's complaint that an officer beat him in a Resen police station on March 21. Due to difficulties in documenting the case, the PSU sent a special report to the public prosecutor, and at year's end was awaiting the prosecutor's decision on possible criminal proceedings against the officer.

On February 1, the PSU began an investigation of an officer from the Police Protection Department for physically abusing a citizen in a Skopje coffee bar on January 28. The PSU recommended suspending the officer from the police force. The Ministry of Interior's Suspension Commission fined the officer by decreasing his salary 15 percent for a period of six months.

From December 2007 throughout January, the PSU investigated a Prilep police officer accused of using excessive force and verbal threats against a citizen in police custody in December 2007, causing him bodily injuries. The PSU recommended that the Suspension Commission of the Ministry of Interior determine criminal liability. The commission fined the officer with a 15 percent salary reduction for a period of nine months.

The PSU reported that citizens filed 137 complaints of police misconduct during the year, including 64 alleging excessive force. Citizens filed 243 complaints related to police conduct with the Office of the Ombudsman during the year.

Prison and Detention Center Conditions

Prison conditions barely met international standards. Significant problems noted by international observers included poor hygienic conditions and medical care, inadequate state funding and staffing, and overcrowding, including at the Skopje detention center. International observers indicated that there was increased funding for improvement of prison conditions, including expansion and refurbishment projects at several detention facilities, but that conditions for prisoners had not yet improved.

On November 4, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its June 30 to July 3 visit to the country's prison and detention facilities. The report criticized the country's lack of progress in addressing previous CPT concerns, such as the use of chains and insufficient supervision of inmates, and characterized the treatment in Idrizovo prison as "inhuman and degrading."

On September 10, the CPT published a report of its October 2007 visit to the country's prisons and detention facilities. The report stated that the conditions were deplorable. The group cited chaining prisoners as a means of constraint as a particular problem.

In the pretrial detention facility in Skopje, juveniles and adults shared the same common spaces.

Three prisoners died in Idrizovo prison during the year and one prisoner died in Tetovo prison. In the Idrizovo deaths, prisoners and family members of the deceased cited delays in medical treatment in the cases.

On June 23, journalist Vlado Tanevski, who was in Tetovo prison in pretrial detention on multiple murder charges, reportedly committed suicide. Prison officials found Tanevski drowned in a bucket of water. Prison officials have not made the results of the forensics investigation public.

The government usually granted independent humanitarian organizations permission to visit convicted prisoners,

including the CPT and the International Committee of the Red Cross (ICRC), and the ombudsman's office. The law allows family members, physicians, diplomatic representatives, and representatives from the CPT and ICRC access to pretrial detainees with the approval of the investigative judge. Judges usually granted permission, but sometimes did not do so in a timely manner.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

Role of the Police and Security Apparatus

The national police are a centralized force, under the Ministry of the Interior, consisting of uniformed police, criminal (civilian) police, and border police. Ethnic imbalance remained in the police force. At year's end, 20.3 percent of the force consisted of ethnic minorities, short of the government's 25 percent recruiting quota for minority officers. Ethnic Albanians made up 25 percent of the population and constituted approximately 16 percent of the police force.

International observers and local nongovernmental organization (NGOs) cited corruption, lack of transparency, and political pressure within the Ministry of the Interior (MOI) as hindering efforts to fight crime, particularly organized crime. International organizations focused their assistance programs on police reform and training to professionalize the Ministry and aid in fighting corruption.

Police impunity remained a problem, although there were improvements. More aggressive internal investigations, coupled with the work of the ombudsman, reduced impunity again this year.

The PSU conducts all internal affairs investigations and allegations of police misconduct. Unit officials were slow to complete investigations and bring charges in outstanding human rights cases from previous years. Nevertheless, international observers noted continued improvements in the Interior Ministry's response to new cases of individual police misconduct and more frequent and consistent disciplining of officers found guilty.

During the year the PSU recommended disciplinary action against officers in 90 cases. Of these, the MOI punished employees by reducing their pay (in 57 cases involving 96 employees), suspending them from the police force (in 10 cases involving 39 employees), and reassigning them (in 24 cases involving 53 employees). During the year the PSU submitted criminal charges against 75 employees for 70 criminal acts. The MOI has not confirmed how many of these charges the prosecutor accepted. Representatives from a number of international organizations, including the OSCE, the European Union (EU), and foreign governments continued to monitor police operations and advise the MOI on police reforms.

Arrest and Detention

The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed those requirements in practice.

The law provides that prosecutors must arraign a detainee within 24 hours of arrest. Only an investigative judge, at the request of a prosecutor, may order detention of suspects for longer than 24 hours. The judge may approve two additional 24-hour periods. Police generally adhered to these procedures in practice.

The law permits a detainee to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings; in practice, the requirement that visits be approved by the investigative judge and comply with

general visitation hours rules of the detention facilities hindered detainees' access to their lawyers. The law requires that authorities give indigent defendants access to attorneys, and authorities generally respected this requirement in practice.

The law permits immediate family members access to detainees and access was generally provided, although it was not always prompt. As in the case of lawyers, the investigative judge must approve access.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Most allegations of this practice involved accusations that police targeted the individuals for political reasons. Police did not arrest the individuals, nor hold them for extended periods of time.

The MOI investigated a March 18 incident in which police took 12 primary school students to a police station for "investigative talks" in a vandalism case without notifying their parents. The ministry initiated proceedings against the five officers involved in the case before the Dismissal Committee. The Committee decreased the five officer's salaries by 10 percent for a period of three months.

There was a functioning bail system. The law sets the initial length of pretrial detention at 30 days, with possible extension to 180 days if a council of three judges orders a 60-day extension for further investigation and a superior court offers an additional 90-day extension, allowed only in cases for which the crime under investigation is subject to a sentencing guideline of at least five years. However, individuals and some local NGOs alleged that judges increasingly abused their detention authority by ordering pretrial detention in cases where they could have utilized other means of guaranteeing the presence of defendants at trial (bail, home confinement, or relinquishment of the defendant's passport). During the year OSCE representatives reviewed a sample of 600 pretrial detentions and found that authorities properly documented only an estimated five percent of cases. In addition, there were some reports of government pressure on judges to order pretrial detention in certain instances, including against members of the political opposition. The increasing length of pretrial detention was a contributing factor in overcrowding in the detention facility in Skopje.

e. Denial of Fair Public Trial

The constitution and laws provide for an independent judiciary; however, the government, political pressure, intimidation, and corruption influenced the judicial branch. Some judicial officials accused the government of using its budgetary authority and modest allocations to the court system as instruments to exert control over the judiciary. The annual judiciary budget as a portion of the national budget declined from approximately 2 percent to 1.2 percent from 2004-2008. During the year the judiciary budget was cut 34 percent in the "goods and services" category, making it difficult for the courts to purchase necessary equipment and supplies to support regular court operations. Chronic underfunding resulted in serious operational difficulties in the courts and hindered the delivery of timely and effective justice services to the public.

The country has a three-tiered court system composed of trial courts, appellate courts, and the administrative court and the Supreme Court. The Constitutional Court, which was not considered part of the judicial branch, deals with matters of constitutional interpretation and certain human rights protection issues.

The government continued to delay the implementation of a number of judicial reform laws enacted in 2006 to enhance the independence and efficiency of the judiciary, resulting in reduced efficiency of the judiciary. Delays in the election of the Judicial Council, the body responsible for election, disciplining and removal of judges, postponed the establishment of both the new administrative court and an appellate court in Gostivar. Based on unofficial reports from government authorities, through June, trial courts decided only 30.6 percent of the 1.1 million cases on their books. The Law on Enforcement was amended on January 9 to transfer the backlog of enforcement cases

the private bailiff system.

Trial Procedures

The law provides for the presumption of innocence. Court proceedings are open to the public with some exceptions, such as trials involving minors, sexual offenses, or in which the personal safety of the defendant is at risk. The country does not use juries. Judges preside over trials; two lay judges assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. Authorities respected this right in practice at times; however, authorities sometimes did not grant access to attorneys in a timely manner. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. Defendants and their attorneys are entitled to have access to government-held evidence, but this did not always occur in practice. Defendants have a right to appeal guilty verdicts.

The law provides that courts may try defendants in absentia as long as they repeat the trials if convicted individuals later become accessible to justice officials.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There was a partially independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for designated trial courts of extended jurisdiction, i.e., the appellate courts, the Supreme Court, and the new administrative court, to adjudicate citizens' lawsuits for various types of human rights violations. The administrative court, created to hear cases against state institutions, became operational in December 2007. Changes to the Law on Courts enacted on March 11 provided for improved protection of citizens' right to timely adjudication of their court cases.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, the law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for broadcasters who violate these laws.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism.

Media institutions and reporting were divided along ethnic and political lines, with the most striking divisions visible in reporting on controversial political issues. There were complaints and allegations of government pressure and even threats against media outlets that did not report favorably on the government. Facing criticism for pressuring

the media, ruling party VMRO-DPMNE announced on December 29 that it was dropping slander charges against twelve journalists. On June 22, the prime minister criticized Macedonian correspondents in Brussels for "speculating at the expense of their own country" and suggested the media should work in the country's interests. His statement triggered harsh criticism from the Macedonian Association of Journalists and the Vienna-based South East European Media Organization, citing interference with media independence.

The independent media were active and expressed a wide variety of views without restriction. However, several commentaries and editorials on International Press Freedom Day (May 3) noted pressure from political and business interests as an impediment to a more independent press in the country. There were six major daily newspapers in Macedonian, one of which was distributed without cost, as well as three dailies in Albanian. None of these newspapers or other media were officially government controlled.

International newspapers and magazines were available throughout the country.

Macedonian Radio and Television (MRTV), which generally favored the government's views on political issues, was the country's sole public broadcaster. There were five private television broadcasters with national coverage and 46 private local and regional television stations. In addition, the National Broadcasting Council issued ten licenses for satellite television broadcasting in August. Most of them broadcast news programs and reflected a variety of viewpoints. There were many independent radio stations. The number of news agencies and news portals continued to grow and all major broadcast and print media offered up-to-date web editions.

The courts dealt with several cases of defamation, libel, and slander in accordance with 2007 legal changes that partially decriminalized these offenses, allowing only fines as penalties in such cases. In several cases, the court did not fine accused offenders who apologized before the court. On January 24, the Bitola basic court fined a journalist 720,000 denars (approximately \$16,800) for publishing a police fine issued to a judge for driving under the influence of alcohol. The journalist appealed the court ruling on April 7 and the case was ongoing at year's end. On December 22, a Skopje court fined law professor Ljubomir Frckoski 1.9 million denars (approximately \$45,600) for slandering Prime Minister Nikola Gruevski in a column he published in the daily Dnevnik in 2007, criticizing Gruevski's handling of the sale of a state-owned oil refinery when he was finance minister. NGO Reporters Without Borders criticized the decision as harmful to freedom of the press.

On January 25, two assailants beat Goran Gavrilo, the owner of national radio station Kanal 77 and a cofounder of the Association of Private Electronic Media in Macedonia, in front of his home. Police pressed charges against three persons, including the owner of cable television stations Robi and Telekabel, for ordering the attack and for attempted murder. Gavrilo indicated the attack against him was due to Kanal 77's reporting on the conditions at cable station Telekabel, as well his efforts to regulate relations between cable operators and private broadcast media. In April, following a two-week trial, the court acquitted all three defendants due to lack of evidence. On October 14, the appellate court upheld the acquittals.

On November 14, the trial began of the police officer accused of an attack on Alsat Television cameraman Igor Ljubocevski while he was filming police stopping a vehicle of a member of parliament in September 2007. Authorities suspended, but did not charge, three other officers in the incident.

The trial proceedings in the September 2007 case of a security guard of political party Democratic Union for Integration (DUI) slapping A1 television journalist Lirim Dullovi while he covered developments in the parliament had not yet begun by the end of the year.

On May 24, during the height of the preelection campaign, thieves stole six television transmitters belonging to Alsat Television and local television named "Art" outside of Tetovo. The Association of Journalists of Macedonia and

international community representatives condemned the crime, characterizing it as an attempt to silence the media and deny citizens information about elections. The investigation into the cases was ongoing at the end of the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The government has sought to increase Internet use among the population. The government operated state-owned internet cafes in almost every major city and town in the country that provided free Internet access to persons under the age of 27, women over the age of 62, and men over the age of 64. However, affordable Internet access remained out of reach for many. As of June Internet World Stats estimated that the country had about 685,000 Internet users, equal to 33 percent of the population.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. For public gatherings of any kind, the organizers must notify the MOI so that the venue can be made secure.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and a new law that entered into force on May 1, on the Legal Status of Churches, Religious Communities and Religious Groups provide for freedom of religion, and the government generally respected this right in practice. The new religion law removes previous restrictions on the registration of religious organizations and allows for more than one religious community of any major faith tradition to be officially registered with the state and granted legal status. The law does not require a group or individual be part of a legally registered religious community in order to practice religion in public or in private. Implementation of the new law was lagging.

The new law passed responsibility for approving registration applications of religious groups and communities from the State Commission for Relations with Religious Communities and Groups to the Skopje II basic court. The court assigned a single judge to handle the registration applications. By year's end the court received 10 applications for new registrations of religious communities. In September the court had missed the 15-day deadline mandated by law for ensuring that applications were complete for all of the six applications received by that time. Following a determination that an application is complete, the law allows only eight days for registration of a new applicant. In September the presiding judge could not estimate when decisions would be made on the pending applications, and by year's end she had not approved any of the 10 applications.

The law requires all entities, including religious ones, obtain permits to build a religious or other facility. In practice the government generally did not take action against groups that constructed buildings without permits. A 2007 conflict related to ownership and use of a property by members of the Jehovah's Witnesses was resolved to the

group's satisfaction with assistance of the State Commission on Relations with Religious Groups and Communities.

The new religion law removed previous restrictions on establishment of places of worship, eliminating a previous requirement that a permit be obtained at least 15 days in advance for services in places not specified in the law.

Members of the "Orthodox Archbishopric of Ohrid," a group recognized by the Serbian Orthodox Church but without legal status, continued to claim undue monitoring and harassment based on its religious beliefs. Nuns and bishops of the community cited excessive delays at border crossings and reported that a border agent stated that the delays were due to their religious affiliation. In April 2007 authorities freed the group's leader, Jovan Vraniskovski, imprisoned since August 2006 on embezzlement charges. Vraniskovski faces a third trial stemming from the 2006 embezzlement case. On March 17, the Veles court issued a detention order for Vraniskovski for failing to appear in court. Members of his church reported that he remained abroad.

The law requires that foreigners entering the country with the intent to carry out religious work or perform religious rites receive approval from the State Commission on Relations with Religious Communities and Groups. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the commission. The commission then issues a letter of approval to be submitted with the visa request. The commission normally issued approvals within one week.

The restitution of religious properties expropriated by the former Yugoslav government was not fully resolved. The government returned virtually all churches and many mosques to the ownership of the appropriate religious community, but not other properties, such as larger parcels of land or community centers. Because properties had changed hands many times or had been developed restitution and compensation claims were often complicated. The Islamic Community of Macedonia (ICM) claimed it was not able to regain rightful use of several mosques that the government agreed to return. In addition, the community alleged that in some cases the government delayed the process of restitution by selling or starting new construction on disputed property and by disputing the historical legal claim of the community to religious properties. The Islamic community and the Macedonian Orthodox Church cited greater difficulty in regaining possession of previously owned property if it was in a desirable location for investors or business owners, particularly in urban areas. All properties/religious facilities that belonged to the Jewish community were restituted in 2002. In a groundbreaking agreement concluded in December 2007, the Jewish community agreed to accept 17 million euros (approximately \$24 million) from the government as compensation for all heirless Jewish property in the country after World War II. The Jewish community planned to use the funds to complete a Holocaust memorial and art center in Skopje.

Societal Abuses and Discrimination

There were isolated reports of societal abuses or discrimination based on religious affiliation, belief, or practice. However, unlike the previous year, there were no reports of vandalism of religious sites.

On March 28, a pamphlet purporting to have been authored by the Prespa-Pelagonia Eparchate of the Macedonian Orthodox Church was delivered to an unknown number of homes in Bitola advising residents to ignore or threaten Jehovah's Witnesses who knocked on their doors.

The Jewish community estimated that approximately 250 to 300 Jews lived in the country during the year. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not use forced exile, internal or external.

Internally Displaced Persons (IDPs)

The government reported 736 persons displaced during the 2001 internal conflict remained displaced. Of these, 324 lived in collective centers, and 412 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy (MLSP), but had few opportunities for engaging in income-generating activities due to the high overall unemployment rate in the country. The government allowed IDPs access to domestic and international humanitarian organizations, and allowed them to accept assistance provided by those groups.

During the year the government continued to encourage IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the government was not providing adequate support to enable them to do so.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

A total of 1,772 asylum seekers, refugees, persons under humanitarian protection, and other persons of concern remained in the country from the 1999 conflict in Kosovo, most of them Roma.

The government granted refugee status in one case during the year. Since 2003, the government has also granted asylum for humanitarian protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. At year's end, 1,128 persons from Kosovo were living under this status, subject to periodic review. There was a decline in the number of registered asylum seekers from 171 to 100 due to grants of asylum for humanitarian protection to 75 persons, some voluntary repatriation and departures to unknown destinations, and some final rejections of asylum cases.

According to UNHCR, 2007 and 2008 amendments to the asylum legislation decreased legal safeguards for asylum seekers. UNHCR characterized the quality of the refugee status determination mechanism as low and indicated that its two-stage appeals process was ineffective and resulted only in confirmations of first instance negative decisions. However, the government did not deport any Roma asylum seekers whose asylum applications were rejected. Moreover, UNCHR reported overall progress in the fields of citizenship and reduction of de facto statelessness.

The government began to issue identity documents to asylum seekers, recognized refugees and persons under humanitarian protection and opened a new reception center for asylum seekers on June 4. The center provides shelter for new asylum seekers, but lacked a full range of support services. The law allows refugees and asylum seekers access to employment. Issuance of identity documents to asylum seekers, recognized refugees and persons

under humanitarian protection removed one barrier to employment.

On December 29, the government adopted an integration strategy for refugees and persons under humanitarian protection.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage. While the election code provides a generally sound basis for the conduct of democratic elections, it contains some incomplete and inconsistent provisions, especially those related to appeals processes.

Elections and Political Participation

On June 1, the country held national parliamentary elections. The country held two additional rounds of elections-- in 187 polling stations on June 15, and in 15 polling stations on June 29--as a result of a review by the State Election Commission (SEC) of reports of violence, intimidation, and serious irregularities. International observers characterized the elections as flawed, and the OSCE Election Observation Mission in Macedonia reported that the parliamentary elections did not meet key OSCE commitments. OSCE reported that the government procedurally administered the elections well in most of the country, but cited a failure of some election stakeholders and relevant authorities to prevent violent acts in predominantly ethnic Albanian areas. OSCE and other international observers noted that voters in many locations were not able to freely express their will due to limited and selective enforcement of laws and organized efforts to violently disrupt the elections.

During the campaign period, the security environment varied significantly between predominantly ethnic Albanian areas and the rest of the country. The OSCE report stated that the lack of a police response to numerous acts of violence and intimidation in predominantly ethnic Albanian areas created an atmosphere of impunity. Violent incidents in predominantly ethnic Albanian areas marred the June 1 round of elections, with one person killed and several others injured. The security situation improved for rounds two and three of the elections, preventing violent incidents like those of June 1.

Discrepancies between the 2006 election code and several laws passed since that time affected the appeals process in the parliamentary elections. OSCE noted that discrepancies in the judicial appeals process resulted in gaps in the protection of rights of electoral candidates, due to lack of clarity about which body was responsible for deciding on appeals as well as which specific actions by election bodies constitute final administrative acts and could thus be appealed.

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

There were 38 women in the 120-seat parliament and two women in the 22-member Council of Ministers. The law requires that one in every three positions on each political party's list in both national and municipal elections must be from the less-represented gender.

There were 29 ethnic Albanians, four Serbs, two Vlachs, one Turk, one Roma, and one Bosniak in the 120-seat parliament. There were eight members of minorities in the 22-member Council of Ministers.

Due to political disputes, opposition parties stayed out of the parliament for a number of months. The opposition ethnic Macedonian party Social Democratic Alliance of Macedonia left the parliament on July 17 following the arrest

of the party's vice president, Zoran Zaev, on corruption charges. The party called his arrest politically motivated, citing the MOI's alerting the media in order to subject him to a high-profile "perp walk" and manipulation of the judicial process to ensure he remained in preventive detention even when the presiding judge ordered authorities to release him. The party returned to the parliament on August 4 after the president, who also belonged to SDSM, pardoned Zaev.

Ethnic Albanian opposition party Democratic Party of Albanians did not participate in the new parliament, which held its constitutive session on June 21, until October 9 in protest of the parliament's rushing through more than 150 laws using an emergency procedure, snuffing out any chance for debate.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Instances of corruption in the police and judicial systems were of particular concern. On July 3, a Stip court sentenced Metodi Gocevski, a judge in the Vinica trial court, to one year in prison and sentenced state attorney Jordan Danilov to eight months in prison for abuse of position. The Judicial Council was in the process of reviewing misconduct allegations against seven other judges. Authorities brought criminal charges against four judges of the Stip trial court for mishandling of a bankruptcy case. The case was ongoing at year's end. On March 1, the Stip appellate court reversed a May 2007 decision to sentence Zoran Trajanov, chairman of the Kocani trial court, to one-year in prison for abuse of position, due to procedural deficiencies. The judge sentenced Trajanov to eight months in prison in the retrial.

During the year authorities filed or prosecuted several high profile cases of corruption. On February 26, a Skopje court found Metodija Smilenski, the former director of the bankrupt Export Import Bank, and Ljube Trpeski, the former governor of the Macedonian National Bank, guilty of corruption and sentenced them to four-and-a-half years in prison.

On December 9, a Skopje court sentenced former Prime Minister Vlado Buckovski to 42 months in prison for abuse of authority. Buckovski immediately announced his intention to appeal the verdict. Since the sentence is less than five years, under the criminal code he can remain free while appealing the case.

On May 22, authorities detained the former director general of the electric power supply company Elektrostopanstvo na Makedonija, Pande Lazarov, on charges of misuse of official position to gain kickbacks in procurement and money laundering. The investigation finished in late November, and the case will go to trial in early 2009. Lazarov began serving a home detention on November 11, pledging 500,000 euros (approximately \$704,000) in property as bond.

On February 22, a Skopje court sentenced former director of the Public Revenue Office Petra Miteva to three years in prison on charges of "unethical operations." According to the charges, Miteva improperly purchased office space, leaving 35 million denars (approximately \$820,000) unaccounted for. The appeal was pending at year's end.

The State Commission for the Prevention of Corruption was responsible for investigating charges of corruption as well as complaints submitted by citizens. During the year the commission received 767 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases.

Members of parliament and high-ranking public officials were subject to financial disclosure laws.

The law provides for public access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

There are 4,429 domestic and internationally registered NGOs operated in the country, including Forum, Most, the Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Romani rights, human trafficking, and voters' rights. NGO leaders expressed concern that the government is seeking to serve as its own watchdog by creating parallel organizations to counter or replace the work of independent NGOs, specifically citing areas such as election monitoring, and monitoring the independence and effectiveness of the judiciary and the parliament.

The OSCE-led international community efforts to engage the government on human rights issues, and OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman's office has a mandate to reduce discrimination against minority communities and promote their equitable representation in public life. The ombudsman's office operated six local branch offices around the country. Its representatives have the legal right to visit all detained persons, including those in pretrial detention; individuals exercised this right without restraint during the year. The ombudsman found that government institutions violated individuals' rights in 499 cases out of the 3,022 complaints received during the year. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The government acted on the ombudsman's recommendations in over 80 percent of these cases but in some instances did not provide information that the ombudsman's office requested in the course of its investigations. For a second consecutive year, the ombudsman's office noted increased cooperation and communication with the government compared to previous years, but reported that while government responses to its inquiries were usually timely, they were often not substantive.

The government generally cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). On July 10, the ICTY acquitted former interior minister Ljube Boskovski and sentenced former police officer Johan Tarculovski to 12 years in prison on charges of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten. The ICTY also returned four files to the country's chief public prosecutor in cases against citizens of the country that the ICTY did not pursue.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on gender, race, disability, religion, or national, social, or political affiliation, and the government generally enforced these provisions. Societal discrimination against ethnic minorities persisted and inadequate protection of women's rights remained a problem.

Women

While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim; however, legal sanctions were not a significant deterrent. The requirements for proof were more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from one to 15 years' imprisonment. As with domestic violence, police and judicial officials were reluctant to prosecute

spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. An NGO that maintained centers for victims of domestic violence reported increased use of their facilities by victims of domestic violence. MOI statistics for the first six months of the year also indicated an increase of reports of criminal acts and complaints of violence against women, as well as a decrease in actual offences, compared to the same period in 2007. There were 130 reports of physical violence, 1,409 reports of psychological violence, as well as three cases of rape reported in the first six months of the year.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence rarely filed criminal charges. Although the law specifically criminalizes domestic violence and prescribes substantial punishments for violators, authorities rarely applied the law in practice. While the law provides for civil restraining orders to protect potential victims, there were reports that police officers were unaware of provisions of the law that allowed them to act to protect victims of family violence. Police often did not respond to allegations of domestic violence. The government did not require domestic violence training for police, prosecutors, or judges; however, international organizations provided such training to a number of law enforcement officials.

The government operated six limited-capacity shelters for women at risk and assisted in funding a national NGO-operated hot line for victims of domestic violence in Skopje. In addition, there was an NGO-operated shelter as well as a crisis center for temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the problem.

Prostitution is illegal; however, authorities did not always enforce the law. The government deported some foreign women accused of prostitution and prosecuted some men for "mediating" in prostitution.

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically address sexual harassment, authorities could prosecute it as a criminal act under antidiscrimination laws; however, this did not occur in practice. Although women remained underrepresented in the higher levels of the government and the private sector, there were several prominent professional women in the public sector, including the interior and culture ministers.

The Department of Gender Equality in the MLSP was responsible for ensuring the legal rights of women. There were gender commissions at the municipal council level.

Although the law requires men and women to be paid equally for equal work, wage discrimination against women remained pervasive, particularly in the private sector. While the law prohibits dismissal of women on maternity leave, discrimination against pregnant women continued in practice.

Women from parts of the ethnic Albanian and Romani communities did not have equal opportunities for employment and education due to traditional or religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, the practice of men voting on behalf of female family members disenfranchised women.

Among other activities, women's advocacy groups worked to combat domestic violence through awareness-raising campaigns, increase women's political involvement by training female candidates for local elected office, improve women's access to legal services, and promote the establishment of small and medium enterprises owned by

women.

Children

The government was committed to the rights and welfare of children but provided only limited resources to this end. The ombudsman's office has a special unit for children that investigated complaints of violations of children's rights. The MLSP was responsible for children's welfare.

In September secondary education became mandatory, and the law required students to attend school until the age of 18. Previously, the law required students to enroll only through the eighth grade or to the age of 16. The Ministry of Education reported that over 95 percent of children were enrolled in primary school; no official statistics were available on school attendance or the number of children who did not have access to education. While primary and secondary education is free, students had to provide their own books and other materials, except for families who benefited from social welfare. NGO programs and grants helped provide books and other school resources for Romani students.

The Ministry of Education reported that over 95 percent of children who finished primary school continued to newly-mandatory secondary school. Minority students traditionally had lower attendance rates in secondary school due to lack of classes in minority languages at the secondary level and to the belief in many rural, ethnic Albanian families that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did, 50 percent dropped out by the fifth grade, and only 25-32 percent finished the eighth grade. In ethnically mixed schools, educators taught Romani children in classes with other pupils, but in classes in the predominantly Romani neighborhood of Suto Orizari in Skopje, 95 percent of the students were Roma. At times officials sent Romani students to schools for children with special needs because educators judged that they lacked the minimum preparation to enter regular primary school.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the rural parts of the country. Students sometimes protested these conditions by refusing to attend school. Boys and girls generally had equal access to education, although there were isolated instances of discrimination against girls in educational institutions in some ethnic Albanian areas.

Child abuse was a problem in some areas. During the year, according to MOI statistics, 96 cases of sexual abuse against children were reported, of which there were 52 cases of sexual assault, 15 cases of rape, 11 cases involving satisfying sexual urges in front of others, three cases of showing pornography to minors, and three cases of incest with a minor. The Center for Social Work of the MLSP and the Department for Juvenile Delinquency of the MOI were responsible for addressing child abuse. NGOs were also active in this area.

Child marriage occurred with some frequency in the Romani community and less frequently in the ethnic Albanian community. It was difficult to estimate the extent of underage marriage in the Romani community because the Romani frequently did not register such marriages.

Romani adults often organized their children into groups to beg for money at busy intersections, on street corners, and in restaurants and cafes.

According to some estimates there were between 500 and 1,000 street children in the country; most of them were Roma. With international support, the MLSP operated a day center for street children.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, within, and from the country.

Women and children were trafficked internally, mostly from the rural eastern part of the country to urban bars in the western part of the country. The majority of victims trafficked into the country were from Serbia, Kosovo, and Albania. Macedonian victims and victims transiting through Macedonia were trafficked to South Central and Western Europe, including Greece, Bosnia, Serbia, Italy, and Sweden.

Authoritative statistics on the scope of trafficking were difficult to obtain due to the changed modus operandi of the traffickers. Less than one-third of all potential victims accepted assistance offered by the government. Police raids and testimony by victims confirmed that traffickers subjected a small number of trafficking victims to threats and physical or psychological abuse. However, NGOs and international community representatives reported that, to ensure that they did not identify themselves as trafficked victims if police questioned them, traffickers increasingly arranged for their victims to reside in the country legally, paid them some money for their services, and granted them limited freedom of movement.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, or slavery. On January 15, the government amended the criminal code, adding harsher penalties for those who traffic or attempt to traffic minors and for those who use the services of trafficked victims. The new law specifies a minimum sentence of eight years for persons convicted of the trafficking of minors or complicity in trafficking of minors for sexual exploitation, and a minimum of ten years for forced prostitution.

The government's National Commission for Prevention and Suppression of Trafficking in Persons and Illegal Migration was the lead coordinator for antitrafficking efforts. The MOI was the primary ministry involved in enforcement efforts, while the MLSP had primary victim protection responsibilities. Eight other ministries, the Chief Public Prosecutor's Office and court representatives also participated.

The government increased its law enforcement efforts related to trafficking and its aggressive prosecution efforts resulted in an increased number of arrests and convictions. Authorities discovered most victims of trafficking during police raids on bars and nightclubs. During the year police conducted 16 raids of suspicious bars in the western part of the country as well as makeshift apartments in towns near the southern border and discovered 99 potential trafficking victims. Local NGOs participated in the post-raid interviews and confirmed the police numbers.

By the end of the year, 57 trafficking-related cases had been prosecuted, and 184 individual suspects had been put on trial for involvement in trafficking.

NGOs, international organizations such as the International Organization for Migration, and a number of foreign embassies in Skopje participated in an antitrafficking steering committee led by the government's antitrafficking commission.

Since 2006, the government considerably increased its efforts to identify trafficking victims. It identified 184 potential victims over the course of the year as well as 152 potential victims in 2007, up from 17 victims in 2006. The government offered potential victims assistance, including shelter, legal and medical assistance, witness protection, psychological assistance, and vocational training. The law provides for an extended two-month resident permit and reflection period for foreign victims to allow them more time to receive assistance and decide whether to testify against their traffickers. The permit includes the option of an additional six-month extension once criminal proceedings are underway. To date, no foreign trafficking victims have utilized the reflection period nor requested

the residency permit. On January 24, the government formally adopted a new victim-centered set of standard operating procedures for victim identification. The government expanded its assistance to trafficking-related NGOs.

The government proactively implemented an antitrafficking plan that included financial and personnel support for NGOs conducting antitrafficking prevention and awareness-raising campaigns, legislating tougher penalties for known clients of trafficking victims, and providing antitrafficking training to its military forces deployed abroad.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination on the basis of disability; however, persons with disabilities faced discrimination in employment, education, access to health care, and other state services. Laws require only that new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection procedures also resulted in construction of new facilities that were not accessible for persons with disabilities.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented them from fully integrating into society.

Some members of parliament and NGOs continued to push for legislation to improve the circumstances of persons with disabilities, but there was little support from the government.

The MLSP is responsible for the integration of persons with disabilities into economic life and the payment of benefits. In practice the benefits that persons with disabilities received did not cover their cost of living and medical care. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

National/Racial/Ethnic Minorities

According to the 2002 census, the population was 64.2 percent ethnic Macedonian, 25.2 percent ethnic Albanian, 3.9 percent ethnic Turkish, 2.7 percent Romani, 1.8 percent ethnic Serb, 0.8 percent Bosniak, and 0.5 percent Vlach.

Unlike the previous year, there were no reports of police violence against ethnic Roma and Albanian minorities. During the year, investigators uncovered additional details and the media released the police video that was leaked of the "Mountain Storm" police operation in the village of Brodec that confirmed reports of injuries to detainees due to beatings while they were arrested and in detention. The MOI opened an investigation, through its Sector for Internal Control and Professional Standards, covering both the treatment of the detainees and the leak. The MOI did not find that excessive force was used and did not bring charges against any of the officers involved. ICRC representatives visited the Brodec detainees in May, but did not release any information on the visit.

According to the Romani NGO DROM (Roma Community Center), societal hostility toward Roma continued, but instances of direct attacks on Roma diminished significantly.

Relations between the ethnic Macedonian majority and the ethnic Albanian minority continued to be strained. Interethnic tensions in secondary schools in Struga resulted in a month-long boycott by ethnic Macedonian students who sought ethnically separated shifts and classes in March. High-level government involvement in a series of community and school board meetings and a Ministry of Education decision to impose sanctions including expulsion or annulment of the academic year resulted in the students' return to classes before the end of the 2007-2008

academic year. Struga students again protested at the start of the 2008-2009 school year in support for ethnic separation in their schools, but returned to classes under a second temporary agreement.

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

Ethnic Albanians continued to complain of official discrimination. They were concerned about the slow progress in reaching what they considered to be equitable representation in government ministries, while ethnic Macedonians often claimed that employers targeted them for reverse discrimination downsizing regardless of job performance. Some ethnic Albanians claimed that discrimination in citizenship decisions effectively disenfranchised them.

The government includes a deputy prime minister for implementation of the 2001 Ohrid Framework Agreement, which provides for protection of minority rights and integration of all sectors of society. The government also includes a secretariat that has authority to hold accountable those state institutions that do not comply with the strategy for equitable minority representation.

According to the secretariat, there were 575 new public administration jobs advertized and 245 new jobs offered to ethnic minorities during the year under the equitable representation requirements of the Ohrid Framework Agreement. Ethnic minorities account for 16.5 percent of employees of state institutions. Only one quarter of the budgeted 240 million denars (approximately \$5.6 million) was used by the secretariat during the year. The government adopted a budget of 222 million denars (\$5.2 million) the secretariat for 2009.

Ethnic Albanians remained underrepresented in the military and police, especially in the intelligence and counterintelligence agencies, although special efforts were made to recruit qualified minority candidates.

On July 25, the government adopted a new language law that consolidated previous language use provisions from a variety of laws and regulations and provided that a minority language could, for the first time, be used in chairing committees of the parliament and in documents distributed in the parliament. The new law incorporates previously existing provisions that require the languages of ethnic minorities to be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens have the right to communicate with local offices of the central government in the language of the minority group and to receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; this did not always occur in practice.

The law provides for primary and secondary education in the languages of the ethnic minorities, and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of minority students who received secondary education in their native languages continued to increase, especially after secondary education became mandatory.

Ethnic minorities remained underrepresented at the university level, although there has been progress in increasing the number of minority students since the 2004 recognition of the predominantly ethnic Albanian Tetovo State University.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of Turkish majority municipalities in the 2004 municipal redistricting, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that employers

often denied Roma job opportunities. These experts also indicated that Roma lacked access to public welfare funds. Romani NGOs also reported that in some parts of the country, proprietors occasionally denied Roma entrance to establishments such as restaurants, cafes, and public swimming pools.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest mortality rates of any ethnic group.

In August the MLSP established a Unit for the implementation of the national strategy the Roma Decade. For the first time since developing an action plan for the Roma Decade in 2005, the government committed funding--24 million denars (approximately \$560,000)--to programs to assist the Romani community in areas of education, housing, employment, and infrastructure development. The government also continued to fund Roma information centers in eight cities that directed Romani individuals to educational and health care resources and to sources of social welfare funds.

Increased NGO and government funding to eliminate barriers to education for Romani students resulted in a sharp increase in school attendance among Romani students at the start of the 2008-2009 academic year.

Other Societal Abuses and Discrimination

Activists representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, including harassment or discrimination by employers and state officials. The press carried antigay articles and television stories.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form and join independent unions, and workers did so in practice.

Unions may freely register with the MLSP. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, financial sector workers, and health care workers.

The law provides for the right to strike, and workers exercised this right in practice. The law allows members of the military and police to strike, but only if they adhere to restrictive guidelines and continue to perform essential services. However, the law on labor relations allows private employers to "exclude" or temporarily release up to two percent of a company's workers during a strike if the company considers these workers to be potentially violent or disruptive. The released workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, the government did not always actively enforce these laws in practice. The law protects the right of employees to bargain collectively, and most branch and local unions had collective bargaining agreements. All legally employed workers were covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. Although collective bargaining took place, employees had very little practical negotiating leverage due to the country's weak economic environment, and many collective bargaining agreements failed to keep pace with

changes in the environment and workplace.

In the private sector, branch unions negotiated at the national level with the respective branches of the chambers of commerce, and local unions negotiated with individual companies. The law prohibits antiunion discrimination; however, it existed in practice. In some cases former employees accused private companies of firing workers for participation in union activities, although the companies usually had other justifications. Because of the delays in the court system, it could take a worker who was unjustly fired two to three years to regain employment through legal action.

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

There is one export processing zone where one foreign-owned company began operating this year, and where four other companies were in the process of building factories. There were no special laws or exemptions from regular labor laws in the zone.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were media reports that such practices occurred. Women and children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

While there are laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor, government enforcement was uneven. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment is 15 years. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors under the age of 18 from working nights or more than 40 hours per week.

There were no official reports of illegal child labor during the year; however, there was evidence that such labor was used in the gray economy, primarily involving children who begged and sold cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were primarily Roma and most often worked for their parents. Officials did not punish such violations, and children remained vulnerable to exploitation. A 2005 report funded by the UN Children's Fund estimated that approximately 500 children worked in such activities.

Minors were sometimes trafficked for commercial sexual exploitation.

The MLSP was responsible for enforcing laws regulating the employment of children. Government efforts to eliminate child labor abuse have been largely ineffective; while the necessary laws are in place, there has been little practical implementation of the policy and laws.

During the year the government funded two centers in Skopje that provided education, medical, and psychological services to children who work on the street. NGOs funded two additional centers for children in Skopje with support from the government. International donors supported programs to prevent children from working on the street and to increase school enrollment of children at risk for such work.

e. Acceptable Conditions of Work

The country does not have a national minimum wage established by law. The average monthly wage at the end of 2007 according to official statistics was estimated to be 15,759 denars (approximately \$369), which did not provide a decent standard of living for a worker and family. The government statistics office estimated that approximately 30 percent of the population lived below the poverty line in 2006, the most recent year for which data were available.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees may not legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year. According to the collective agreement between the government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition, employees who work more than 150 hours of overtime per year are entitled to a bonus of one month's salary. However, high unemployment and difficult economic conditions led many employees to accept work that did not comply with the law. In particular, small retail businesses often required employees to work well beyond the legal limits. During the year the Labor Inspectorate of the MLSP filed complaints against several private businesses for forcing workers to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the violations are corrected. In cases of repeated violations, the owners can be fined. During the year authorities temporarily closed over 1,000 companies due to labor violations and nonregistered workers. No record of the number of employers fined was available.

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