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## Macedonia

### Country Reports on Human Rights Practices - [2005](#)

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Macedonia is a parliamentary democracy with a population of approximately 2.1 million. Legislative authority is vested in the unicameral Sobranie (parliament). The president, Branko Crvenkovski, was elected to a five-year term in April 2004 in elections that were generally consistent with international standards, although there were election-day irregularities in some areas. Vlado Buckovski, prime minister since December 2004, presided over a multiethnic governing coalition. The 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. The following human rights abuses were reported:

- police abuse of suspects, particularly during initial arrest and detention
- police harassment of ethnic minorities, particularly Roma
- impunity and corruption in the police force
- political pressure on the judiciary
- societal violence and discrimination against women, children and ethnic minorities, particularly Roma
- trafficking in women and girls for sexual exploitation
- government interference with union activity

The government took some steps to improve the protection of human rights. The interior ministry's sector for internal control and professional standards (PSU) worked to strengthen its ability to investigate charges of police abuses and corruption, and reports of such abuses were less frequent compared to past years. In November the interior ministry and international observers concluded a series of investigations into nine unresolved cases involving allegations of human rights abuses; the government provided information uncovered during the investigations to prosecutors. The government also somewhat strengthened efforts to prosecute trafficking cases.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In December 2004 the PSU found the use of force justified in the police killing of a 21-year-old male student earlier that month during an attempt to arrest an armed fugitive in the student's apartment.

On April 22, a Skopje district court acquitted four persons--three former police officers and a businessman--implicated in the Rastanski Lozja case involving the 2002 police killing of seven South Asian illegal immigrants. Two other persons implicated in the case testified against their former coworkers in exchange for reduced sentences. The prosecution had charged that former interior minister Ljube Boskovski ordered the killings, ostensibly because the seven immigrants were terrorists who threatened foreign embassies in Skopje. The prosecution appealed the innocent verdict, but the appellate court had taken no action by year's end. The government applied for Boskovski's extradition from Croatia but was unable to secure extradition before Croatian authorities transferred Boskovski to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague to stand trial on unrelated charges.

During the year the working group established in 2004 by the interior ministry and the international community to review unresolved human rights cases completed its investigation into all nine cases under its consideration. Although the identities of some officers responsible for reported abuses could not be determined, the working group supplied additional information to prosecutors in a majority of the cases under investigation.

At year's end an appeals court was reviewing the 2004 conviction of six of seven ethnic Albanians on terrorism charges for planting explosives in the center of Kumanovo and on railway tracks near that city that killed one person and injured several others in 2003. The

appeals court rejected the appeal of the seventh defendant.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The International Commission on Missing Persons closed its offices in the country in November 2004 after collecting blood samples from relatives of all persons missing from the 2001 conflict. The International Committee of the Red Cross (ICRC) estimated that 23 persons remained missing from the conflict.

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

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

There were credible reports that police used violence or harassed persons, particularly members of ethnic minorities. A coalition of NGOs recorded 100 allegations of police abuse involving 122 victims in the first 10 months of the year. The victims included 47 ethnic Albanians, 52 ethnic Macedonians, and 18 Roma. The PSU reported receiving 54 complaints in 2004 that police used excessive force in the conduct of their duties; the PSU found that 22 of the complaints were justified. The interior ministry took a total of 331 disciplinary actions against police officers for misconduct.

In September the ombudsman announced that he had referred five cases against interior ministry employees to prosecutors for the mistreatment of civilians and other unspecified abuses. By year's end prosecutors had agreed to investigate one case and rejected another; the other three were still under review. The ombudsman also alleged that the interior ministry had failed to cooperate with his office's investigation, refusing to disclose the identities of officers involved in certain operations.

On June 30, according to one NGO, a Romani man was called into the Kicevo police station for questioning after persons under interrogation there accused him of participating in an altercation. The man alleged that the police then beat him, a Romani friend who came to his assistance, and a third Romani man who was also being questioned. The men filed charges on July 6, but the public prosecutor had not acted on them by year's end.

There were no developments reported on the European Roma Rights Center's (ERRC) filing of a criminal complaint in connection with the July 2004 police beating of two Romani men, Trajan Ibrahimov and Bergiun Ibrahimovic, in Skopje.

The ombudsman and public prosecutor continued to review the cases of two ethnic Albanians arrested and allegedly beaten by police near Stenkovec in October 2004. The suspects were charged with attempted murder of a taxi driver and illegal possession of firearms. The PSU investigation, conducted in cooperation with the European Union's (EU) Proxima police mission and completed in 2004, did not confirm the abuse allegations. The officers involved received additional training on the appropriate use of force.

In September border police fired several shots at persons illegally crossing the border from Greece and severely wounded an Albanian woman. A PSU investigation that month determined that the shooting was justified.

In April Ministry of Interior officials and international observers completed an investigation of allegation that security and counterintelligence officers in Kumanovo unlawfully detained and severely mistreated Avni Ajeti, who was convicted of mining the Skopje-Belgrade railroad and placing a bomb in the Kumanovo central square. The observers noted serious irregularities in authorities' handling of the case, including officers' failure to record Ajeti's detention or to obtain legal authority for detaining him longer than twenty-four hours. The observers further noted that these administrative failures prevented them from confirming or refuting the allegations against the counterintelligence officers.

An interior ministry investigation monitored by international observers into allegations that Selam Selami was illegally detained and abused by counterintelligence officers in 2002 ended in April without determining the exact circumstances of his detention. International monitors noted that the counterintelligence agency's inability to produce records relative to the case made it impossible to establish the cause of severe medical problems experienced by Selami while being held by the officers. Selami had been detained in connection with the shooting of two ethnic Macedonian police officers; charges against him were dropped the following year.

#### Prison and Detention Center Conditions

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. In July the director of Skopje's Idrizovo prison was dismissed after one detainee was killed in an armed altercation between prisoners. Juvenile prisoners were supposed to be physically separated from adults; however, in one prison, juvenile and adult detention facilities were colocated.

The government generally routinely granted permission for visits to convicted prisoners by independent humanitarian organizations such as the ICRC and by the human rights ombudsman. The law allows access to pretrial detainees for family members, physicians, chiefs of diplomatic missions, and representatives from the European Committee for the Prevention of Torture (CPT) and the ICRC with the approval of the investigative judge. However, the ICRC was denied permission to visit two Albanian journalists detained for allegedly planning terrorist acts with an armed ethnic Albanian group of criminals in the Skopje suburb of Kondovo.

In November a delegation affiliated with the European Institute for Crime Prevention and Control conducted a visit of prisons. At the visit's conclusion, the delegation's chief publicly criticized the hygienic conditions and small cell sizes in the prison system.

The CPT was authorized to visit all places of detention, including numerous police stations, on a regular and ad hoc basis. In July 2004 the CPT carried out a week-long visit to the country; a report on the visit had not been released by year's end.

#### 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 subordinate to the interior ministry that consists of uniformed police, criminal (civilian) police, and border police. In August the border police assumed full control of border operations from the military.

By year's end the EU's 185-member Proxima police mission, deployed in 2003 to assist police in former conflict areas and advise on interior ministry reforms, had departed and was replaced by a EU police advisory team consisting of approximately 30 police officers and advisors.

The police force remained largely ethnic Macedonian; however, the government took steps to improve ethnic minority representation, such as maintaining a 25 percent recruiting quota for ethnic minority recruits. During the year an additional 345 ethnic minority police officers completed training. The interior ministry has appointed 1,500 ethnic minority police officers since 2001. Ethnically mixed patrols usually operated in predominantly ethnic Albanian areas.

Interior ministry officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. International observers noted improved ministry response to investigating individual cases of police misconduct and more frequent and consistent disciplining of officers found guilty. However, they cited a limited range of disciplinary options and a restrictive statute of limitations for the punishment of police misconduct as factors that sometimes precluded appropriate sanctions.

The PSU, which is responsible for investigating corruption, completed a major corruption-related investigation in May. As a result of the investigation, charges were brought against seven police officers for abuse of their authority and soliciting bribes. During the year PSU investigations resulted in the discharge of four officers from the police force, reductions in pay for two others, and the voluntary retirement of a seventh. In September a Kavadarci court opened proceedings against an interior ministry administrator involved in a 2004 corruption case, while prosecutors investigating a second administrator in Skopje declined to pursue the case, citing insufficient evidence.

#### Arrest and Detention

The law requires warrants for arrest and detention and police generally appeared to follow those requirements in practice. While the law provides that a detainee must be arraigned in court within 24 hours of arrest, police at times violated this requirement, often by transferring the suspect from one police station to another to avoid exceeding a 24-hour period of detention at a location. Detention of suspects for longer than 24 hours may only be ordered by investigative judges upon request of a prosecutor, and this generally occurred in practice.

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

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, but such access must be approved by an investigative judge and the warden of the detention facility. While investigative judges and wardens generally approved such access, there were occasional reports that detainees were denied access to an attorney during police and investigative proceedings.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. At year's end the ombudsman was investigating allegations that two ethnic Albanian suspects in a July 15 bomb attack on a Skopje police station were detained without proper legal authority; a PSU investigation determined there were no irregularities involved in the arrest and detention of the two men.

There were no reports of political detainees. In the Rastanski Lozja case, opposition parties backing the defendants alleged that investigative and trial judges, under pressure from the government, improperly extended pretrial detention for political reasons.

The law sets the maximum length of pretrial detention at 180 days; however, NGOs, as well as some legal experts, contended that the judiciary sometimes abused its detention authority. Defendants freed on bail often failed to show up for court proceedings. There were some reports of government pressure to order pretrial detention in cases where other means of guaranteeing the presence of defendants at trial could have been utilized; however, there were fewer reports of this practice than in 2004.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judiciary was generally weak, at times inefficient, and occasionally influenced by political pressure, intimidation, and corruption. Programs for witness

protection did not operate effectively.

The court system is three-tiered and composed of basic courts, appellate courts, and the Supreme Court. The Constitutional Court is not considered part of the judicial branch and deals with matters of constitutional interpretation and certain human rights protection issues.

In December parliament adopted constitutional amendments that envisage a series of administrative reforms to improve the independence and effectiveness of the justice system, including a new procedure for the selection of judges and establishment of a separate court system for minor offenses. The amendments are part of the government's judicial reform strategy, which entails an increase in salaries for prosecutors and judges, as well as the recruitment of approximately 140 new law clerks to help the judiciary reduce the backlog of 1.2 million cases.

The chief public prosecutor accused some lower courts of being inefficient or influenced by political factors, which he said resulted in prolonged trials and an inability to reach final judgments in high-profile corruption or other sensitive cases. In particular he criticized a series of delays in the Rastanski Lozja trial, which involved suspects linked to former interior minister Boskovski. He also publicly complained that his position did not grant him sufficient independence to fully exercise his powers.

The state anticorruption commission reviewed cases of alleged corruption, conflict of interest, and nepotism. It issued several opinions, which frequently included recommendations that the prosecutor initiate criminal actions against judges where there was sufficient evidence of corruption. During the year the republic judicial council (RJC) proposed to the parliament that 10 judges be dismissed on grounds of unprofessional or unethical behavior; 6 were removed, including the president of the largest court of first instance in the country. In one case a former judge from Kocani was sentenced to nine months in prison for abuse of official position. The new special prosecutor's Unit Against Organized Crime brought bribery charges against the former public prosecutor of Stip, and the Kocani basic court sentenced him to one year in prison.

#### Trial Procedures

Court proceedings were open to the public except in limited cases, such as trials involving minors or in which the personal safety of the defendant was at risk. Juries are not used. Trials are presided over by judges; two to three community-member consulting jurors assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence. The law provides for the presumption of innocence, the right to consult an attorney in a timely manner in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges are filed. These rights were generally respected in practice; however, lengthy legal procedures and delays were a problem, and access to attorneys was sometimes not granted in a timely manner. Defendants were entitled to have access to government-held evidence, but this did not always occur in practice. The law requires that indigent defendants be given access to attorneys, and this requirement was generally respected in practice.

The law provides that trials may be held in absentia so long as they are repeated if the convicted individuals later become accessible to justice officials.

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that the government illegally used wiretaps to collect information on suspected criminals, although some opposition politicians alleged that the interior ministry used wiretaps for political purposes.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Media were divided along ethnic lines, with the most striking divisions visible in reports on controversial political issues.

There were no official government-controlled print media. Foreign newspapers and magazines were available throughout the country.

Macedonian Radio and Television (MRTV), which generally favored the government view on political issues, was the sole public broadcaster in the country.

There were 5 private television broadcasters with national coverage and more than 50 private local television stations. A variety of independent radio stations broadcast throughout the country.

There were two news agencies, the state-owned Macedonian Information Agency (MIA) and private Makfax.

In November a Skopje district court sentenced a journalist from Albania, Rajmonda Malecka, and her father to five years in prison for allegedly planning terrorist acts in the Skopje suburb of Kondovo. Police reportedly found a videocassette with footage of an armed group in Kondovo in the suspects' possession when they arrested them in April. An appeals court had remanded the case to the district court in September.

The law provides that defamation, libel, and slander may be punished by prison sentences and fines. During the year media representatives and some international observers pushed for the decriminalization of libel and slander.

Some new cases of libel or slander were brought before the courts, and there were developments in earlier slander cases. Goran Mihajlovski, owner of the tabloid *Vest*, appeared in court in December on libel charges related to his newspaper's allegations that the pharmaceutical company Repek tried to sell unlicensed medications in the country. In December A1 Television journalist Biljana Sekulovska appeared in court on libel charges related to her criticism of the judge presiding over a trafficking-in-persons case involving Dilaver Bojku Leku. During the year *Start* journalist Marjan Gjurovski was acquitted on charges of slander filed in 2004 by former director of the Public Security Bureau Goran Mitevski.

No progress was made in the two police investigations into a 2003 incident in Aracinovo, where local residents physically prevented MTV, Sitel, and Telma television from reporting on local protests. Several journalists sustained injuries in the confrontation.

There were no government restrictions on the Internet or academic freedom.

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

##### Freedom of Assembly

The law provides for the freedom of assembly, and the government generally respected this right in practice; however, the interior ministry requires approval of any religious gathering held outside of specific religious facilities and limits such gatherings to registered religious groups (see section 2.c.).

Unlike in the previous year, there were no reports of police using force or tear gas to break up protests.

##### Freedom of Association

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

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship.

The law requires religious groups to register with the State Committee on Relations with Religious Communities. A number of specific requirements for the registration of religious groups were struck down by the Constitutional Court in 1998 and 1999. Consequently there was confusion over which registration procedures still applied.

At year's end the appeal of the Orthodox Archbishopric of Ohrid, an affiliate of the Serbian Orthodox Church, of a November 2004 state committee decision to deny it registration was pending before the Supreme Court. The committee's decision was based on a law that allows only one religious community to be registered for each confession; the Macedonian Orthodox Church had been registered as a religious community since Macedonia's independence.

The law requires a group to have a government "opinion" in order to obtain a permit to build a religious facility. However, Constitutional Court rulings in 1998 and 1999 struck down sections of the law that authorized the government to provide an opinion, thereby effectively blocking religious groups from obtaining construction permits for worship facilities. In practice the government generally did not take action against religious buildings lacking permits.

The law somewhat restricts the establishment of places of worship, for example, by requiring that a permit be obtained at least 15 days in advance for services in places not specified in the law. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The government did not actively enforce most of these provisions but acted upon complaints when they were received.

Although a permit or permission is not required to perform religious rites in a private home, members of the Orthodox Archbishopric of Ohrid reported that police interrupted an April 30 religious service in a private apartment in Dracevo and asked the worshippers to produce their identification documents.

On July 26, the Orthodox Archbishopric's Zoran Vraniskovski, whom the Serbian Orthodox Church recognizes as archbishop of Ohrid, began serving an 18-month prison sentence for inciting religious intolerance. The charges against Vraniskovski referred to private religious services held in union with the Serbian Orthodox Church, and his alleged responsibility for a religious calendar calling the Macedonian Orthodox Church "the last fortress of communism" and its believers heretics. An appeals court and the Supreme Court rejected his appeal.

Vraniskovski admitted to writing the calendar's text but not to producing and distributing it. Vraniskovski was also ordered to serve a previously suspended 12-month sentence for illegally assuming religious authority by baptizing a relative in a Macedonian Orthodox church near Bitola in 2003. In addition Vraniskovski was found guilty of embezzlement by the Veles district court in September and sentenced to two additional years in prison; a trial on a separate embezzlement charge had not concluded by year's end.

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. 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, which then issues a letter of approval to be submitted with the visa request. Approvals were normally issued within one week.

A Polish-born nun associated with the Orthodox Archbishopric of Ohrid claimed that, in September 2004, the interior ministry declined to extend her residency permit; the Archdiocese is not legally entitled to sponsor foreign religious workers because it has been denied registration under the law permitting only one group per confession.

At year's end the Jewish community reported that all outstanding property claims of the community involving the former Yugoslavia's nationalization of religious properties had been resolved. However, the community expressed some frustration regarding the restitution of property of heirless victims of the Holocaust as envisaged in a 2000 law. While enough land was returned to allow the Jewish community to begin construction of a Holocaust memorial center in September, only a small fraction of other restitution claims in the name of the Jewish and other religious communities had been adjudicated by the government.

#### Societal Abuses and Discrimination

There were isolated reports of vandalism of religious properties. The Orthodox Archbishopric of Ohrid reported that private apartments belonging to their members were broken into or vandalized at least five times. Members of the group alleged that on June 25 and July 11, police officers discouraged them from reporting future acts of violence or vandalism directed at the group.

At year's end the ownership dispute between the Bekteshi religious sect and the Islamic community over their religious facility at Tetevo remained unresolved. The Bekteshis filed suit against the government to reverse the former Yugoslavia's nationalization of the property and against the Islamic community, which seized the complex in 2002 and continued to hold services there, excluding Bekteshi community members.

The Jewish community estimated that approximately 600 Jewish persons live in the country. Unlike in the previous year, there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Under the constitution, any Yugoslav citizen who had legal residence in the country in 1991 could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. The interior ministry claimed that this problem has been resolved; a 2002 amendment to the Law of Citizenship temporarily eased the naturalization requirements for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status.

#### Internally Displaced Persons (IDPs)

At year's end the government reported a total of 831 IDPs, most of whom were in collective centers. That number was down from over 1,180 IDPs reported earlier in the year.

IDPs received basic assistance, mostly from the international community, and had few opportunities for engaging in income-generating activities. The ICRC had supported some of the IDPs with income-generating projects in the agricultural, livestock-rearing, and handicraft sectors, but phased out its program in 2004. The Ministry of Labor and Social Policy was responsible for IDP programs.

Some IDP groups, overwhelmingly ethnic Macedonians, claimed they could not return to their homes of origin due to security threats in those areas. There were unsubstantiated reports of arson attacks on homes reconstructed by IDPs in some of those areas, notably in the predominantly ethnic-Albanian municipality of Aracinovo. Some IDPs claimed the government was not providing adequate support or incentives for returning to their homes. Other IDPs claimed they had been able to return to their homes, in Aracinovo, for example, and had not faced any threats since doing so.

During the year the government pressured many IDPs to return to their homes of origin by informing them that their monthly benefits would eventually be reduced or eliminated if they did not comply.

#### 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 *refoulement*, the return of persons to a country where they feared prosecution. The government granted refugee status and asylum, but only in rare cases. As of October, out of 751 registered asylum seekers, only 34 had been granted humanitarian protection status, and none had received asylum. A total of 1,204 persons had been granted humanitarian protection, a decision subject to annual review.

According to the Office of the UN High Commissioner for Refugees (UNHCR), the refugee status determination (RSD) mechanism was accessible and active, and the overall process was handled in a generally satisfactory manner. The country's RSD laws were considered satisfactory, but implementation of the RSD procedure in some cases was inadequate. The UNHCR noted significant shortcomings in refugee interview techniques and worked with interior ministry officials to improve them. A more serious shortcoming in the RSD process noted by the UNHCR was the lack of an effective appeals system for those not initially granted either refugee or asylum status. UNHCR reported that appeals rejected by the administrative courts were usually given only cursory review by the Supreme Court, which simply rubber-stamped the commission's decision to deny the appeal.

The government provided temporary protection status to most refugees and asylum seekers in the country. However, that status was valid for only 12 months and had to be renewed. In addition, it could be terminated by the government at any time.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

While there were no reports that authorities abused or mistreated refugees, some female refugees were the victims of sexual abuse committed by nonofficials. There was no evidence to suggest the female refugees had been targeted because of their refugee status.

There was strong evidence to suggest that Romani refugees were discriminated against in the RSD process, a reflection of general societal discrimination against the Roma. However, Romani refugees in the predominantly Romani municipality of Suto Orizari were generally well tolerated.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

#### Elections and Political Participation

The most recent presidential elections were held in April 2004. International observers characterized both rounds of the election as satisfactory, but noted serious second-round irregularities in parts of the country. The opposition party VMRO-DPMNE challenged the election results on the basis of the irregularities; however, international observers concluded that these did not significantly influence the final outcome.

In March elections were held to select the mayors and council members of the country's 84 municipalities and the city of Skopje. An additional partial round of voting was held on April 10 after irregularities in 20 municipalities forced a rerun of the balloting in those areas. International observers found that the elections, the first since a redrawing of municipal boundaries in 2004, were generally well conducted but failed to meet key international standards in some regions of the country. At least seven polling stations were closed due to violent incidents, and international monitors observed ballot stuffing in a number of polling stations, primarily in areas populated by ethnic Albanians. The ethnic-Albanian opposition party DPA boycotted the second round of elections and subsequently withdrew from parliament, citing serious irregularities in the elections and the government's failure, in its view, to address them adequately.

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

There were 24 women in the 120-seat parliament and 3 women in the 19-member Council of Ministers. The law requires that female candidates make up 30 percent of each political party's list in both national and municipal elections.

There were 26 ethnic Albanians, 1 Muslim, 1 Roma, 3 Turks, 2 Serbs, 2 Bosniaks, and 1 Vlach in the 120-seat parliament. There were 6 members of minorities in the 19-member Council of Ministers.

#### Government Corruption and Transparency

Corruption was a problem in the executive and legislative branches of the government. Instances of corruption in the police and judicial system were of particular concern (see sections 1.d. and 1.e.). The State Anticorruption Commission was responsible for investigating charges of corruption as well as complaints submitted by citizens. During 2004 the commission received 627 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases. In response the commission initiated 23 investigations and recommended 33 initiatives to counter corruption.

The commission accused government institutions of lacking the political will to fight corruption. After the government significantly reduced the funds available to the commission in a rebalancing of the budget, the commission charged that the government was deliberately impeding its work.

During the year the courts resolved a number of long-pending, high-profile corruption cases involving former government officials, largely as a result of criticism from both the public and the international community. In March a court convicted Ljupco Popovski, a former defense ministry official from the ruling Social-Democratic Union of Macedonia party, on bribery charges and sentenced him to more than two years in prison. The former mayor of the predominantly Roma municipality Suto Orizari was also among those sentenced in corruption trials.

In April Nikola Tasev, the former general manager of the Nova Makedonija publishing house charged with abuse of power for selling 70 percent of the company on the eve of 2002 parliamentary elections, was sentenced to 4 years in prison by Skopje Basic Court I. Besnik Fetaj, who was minister of economy at the time of the privatization, was acquitted of similar charges. Nova Makedonija was the country's largest publishing house before its liquidation in 2003.

The country does not have a law guaranteeing citizens' 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 generally were receptive to their views.

There were more than four thousand domestic and international registered NGOs operating in the country, including FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Roma rights, human trafficking, and voters' rights.

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

The ombudsman has a mandate to improve nondiscrimination and equitable representation of minority communities and operated six local branch offices around the country. The ombudsman has the legal right to visit all persons detained, including those in pretrial detention, and officials from the ombudsman's office exercised this right freely during the year. The ombudsman found that government institutions violated individuals' rights in 569 cases, or approximately 29 percent of the complaints received in 2004. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The government acted on the ombudsman's recommendations in 73 percent of these cases but in some instances did not provide information requested by the ombudsman's office in the course of their investigations.

The government generally cooperated with the ICTY. In March the ICTY indicted two ethnic Macedonians—former interior minister Ljube Boskovski and former police officer Johan Tarculovski—accused of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten.

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

The law provides for equal rights for all citizens regardless of their gender, race, disability, or social status; however, societal discrimination persisted against ethnic minorities, particularly Roma, and the protection of women's rights remained a problem.

##### Women

Domestic and other violence against women was a persistent and common problem; one survey found that one of four women claimed to have been a victim of physical or psychological domestic violence.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence filed criminal charges only rarely. Although the law specifically defines domestic violence as a crime and prescribes substantial punishments for violators, the government did not provide mandatory training for police, prosecutors, and judges, and the law was rarely applied. While the law provides for civil restraining orders to protect victims of domestic violence, there were reports that police officers were unaware of provisions of the law that allow them to act *ex officio* to protect victims of family violence, and police often did not respond to allegations of domestic violence.

The government operated six shelters with limited capacities and funded a national NGO-operated hotline for victims of domestic violence in Skopje. Local NGOs working against 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 issue.

While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim. These requirements are more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from 1 to 15 years' imprisonment. Some rape cases were tried during the year. 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.

Although prostitution is illegal, the law was not always enforced. Some foreign women accused of prostituting themselves were deported, and some men were prosecuted for "mediating" in prostitution.

Trafficking in women for sexual exploitation was a problem (see section 5, trafficking).

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically

address sexual harassment, it could be prosecuted as a criminal act under antidiscrimination legislation; 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, including a female deputy prime minister, foreign minister, and justice minister.

Women from parts of the ethnic Albanian community did not have equal opportunities for employment and education due to traditional and religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, women were disenfranchised by the practice of men voting on behalf of female family members (see section 3).

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women, but did not have the legal authority to aggressively combat discrimination.

Although the law requires men and women to be paid equally for equivalent 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.

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 female establishment of small and medium enterprises.

### Children

The government was committed to the rights and welfare of children; however, it was significantly limited by resource constraints. The ombudsman's office had a special unit for children, partially funded by the UN Children's Fund (UNICEF), that investigated complaints of violations of children's rights. The Ministry of Labor and Social Policy is responsible for children's welfare.

Education is mandatory through the eighth grade or to the age of 16; however, some children did not enter the educational system at all. The Ministry of Education reported that 95 percent of children were enrolled in school; no official data was available on school attendance or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials.

Almost 90 percent of the children who finished primary school continued to secondary school; however, at both the primary and secondary levels, girls in some ethnic Albanian communities did not attend school. Approximately half of ethnic minority students did not go on to high school due to lack of classes in minority languages at the secondary level and to the conviction of 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 enroll, 50 percent dropped out by the fifth grade and only 35 to 40 percent finished the eighth grade.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the predominantly ethnic Albanian western parts of the country, and parents and students sometimes protested these conditions. Boys and girls generally had equal access to education except in ethnic Albanian areas.

Medical care for children was generally adequate, but was hampered by the generally difficult economic circumstances of the country and by the weak national health system.

Child abuse was a problem in some areas. According to interior ministry statistics, the number of reported cases of sexual abuse against children decreased; there were 37 reported cases during the year. The Centers for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse. NGOs are 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 such marriages frequently were not registered. A survey of 960 Romani women during the year by the NGO Daja found that 54 percent had given birth to their first child by the age of 18, while 3 percent had given birth between the ages of 12 and 14.

Girls were sometimes trafficked for sexual exploitation (see section 5, Trafficking).

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

According to some estimates, there were between 500 and 1 thousand street children in the country, most of whom were Roma. With international support, the Ministry of Labor and Social Policy operated a day center for street children. The minister of labor reported that the center has served at least 265 children to date.

### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and, to a lesser degree, from the country.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery, or a similar relationship. The law provides for a minimum sentence of four years for most trafficking crimes and a minimum of six months for the destruction of identification documents of trafficked persons. Persons convicted of organizing human trafficking receive a mandatory minimum prison term of 8 years and 1 to 10 years for complicity in the crime of human trafficking. The law provides for a minimum six-month sentence for persons who wittingly use, or enable another person to use, sexual services from a trafficked person. The mandatory minimum sentence for trafficking in children or for knowingly using trafficked children and juveniles for sexual exploitation is eight years.

During the year at least 32 trafficking-related cases were prosecuted, compared to 20 cases in 2004. During the year 83 persons were convicted and sentenced for trafficking. The country's most notorious convicted trafficker, Dilaver Bojku Leku, remained in a Skopje prison after being sentenced in 2004 for "mediation" in prostitution. Since he was in an "open regime" facility with liberal release policies, international observers were concerned that Bojku would be able to intimidate witnesses during his periods of authorized leave from prison.

The national commission for prevention and suppression of trafficking in persons coordinated government efforts to combat trafficking. The interior ministry was also involved in antitrafficking efforts and detailed several law enforcement personnel to work fulltime in its main trafficking unit in Skopje. It also deployed antiorganized crime police officers to combat human trafficking on a local level. The government routinely cooperated with neighboring countries' national organizations, most notably those in the Southeast European Cooperation Initiative.

In May parliament passed a law on witness protection to facilitate witness testimony in trafficking and other sensitive cases. In at least one case, a trafficking victim who had been repatriated to her home country was allowed to testify against her trafficker using a digital video conference link. In at least 12 cases, the interior ministry and the association of public prosecutors arranged for the travel of witnesses to the trial and provided for their protection.

While the country remained primarily a transit and destination point for trafficking, officials and others acknowledged that it was a point of origin for a small number of trafficking victims. Women from the country were trafficked throughout the former Yugoslavia. Interior ministry officials reported a downward trend in human trafficking during the year. However, NGOs and the international community reported that there were more cases of internal trafficking. Reliable statistics were not available, but specialists working in the field for the OSCE and other agencies estimated that between 200 and 400 women were trafficked to or through the country during the year, primarily for sexual exploitation. Moldova, Romania, Albania, and Bulgaria were the primary sources of trafficking victims, and victims trafficked through the country were most often en route to Serbia and Montenegro (including Kosovo), Albania, and western Europe.

There were four reported cases of trafficking involving girls during the year. There were reports that female minors were recruited by some massage parlor owners to perform sexual services for clients. In at least one case, authorities shut down a massage parlor operating in this way.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses, or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficking victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance.

There were no developments in the 2004 case involving police complicity in trafficking in Gostivar, which resulted in the suspension from duty of an officer pending his trial on criminal charges for misuse of official position and trafficking in persons. While pretrial procedures had concluded, a hearing had not been scheduled by year's end. At year's end two police officers who testified on behalf of trafficker Dilaver Bojku Leku were under investigation for possible complicity in trafficking.

During the year the International Organization for Migration assisted two victims of trafficking at its local shelter, which it operated with support from the government and a local NGO.

#### Persons with Disabilities

The law prohibits discrimination on the basis of disability; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provisions of other state services. There are no laws or regulations requiring buildings to be made accessible to persons with disabilities, and many public buildings remained inaccessible for persons with physical disabilities.

Advocates for disabled persons 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.

The interparty parliamentary lobby group for the rights of people with special needs, in cooperation with NGOs, worked to develop and promote comprehensive legislation promoting the rights of persons with disabilities. The group focused on changes to laws on urban planning and construction.

The Ministry for Labor and Social Policy was responsible for the integration of persons with disabilities into economic life and the payment of benefits. UNICEF implemented several projects aimed at addressing the needs of children with disabilities.

#### 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 Roma; 1.8 percent ethnic Serb; 0.8 percent Bosniak; and 0.5 percent Vlach.

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

There continued to be incidents of interethnic violence and tension during the year. For example, on August 26, ethnic Albanian villagers in Celopek prevented ethnic Macedonians from commemorating the killing of two ethnic Macedonians at the site of the Motel Brioni, which was destroyed shortly after the end of the 2001 conflict. The motel site remained the subject of an ethnically charged property dispute between ethnic Albanian villagers and the ethnic Macedonian owners of the destroyed building. In September three ethnic Albanians accused of organizing the crowd that prevented the ethnic Macedonians from commemorating the event failed to appear in a Tetovo court for a hearing into charges against them.

In September police intervened to stop a large fight between ethnic Macedonian and ethnic Albanian students in a high school in Struga; such altercations have been common in the town since 2003.

Although interethnic tension in schools remained a problem, there were fewer cases than in 2004 of serious disputes between parents and school authorities over ethnic issues.

Students from different ethnic groups sometimes studied in separate shifts or entirely separate facilities, usually at their parents' request. For example, in Shemsevo, ethnic Macedonian parents refused to send their children to mixed local schools, and instead sent them to monoethnic schools in the nearby towns of Jegunovce and Zilce.

While interethnic relations remained strained, a survey conducted in May found that, for the first time in seven years, a majority of both ethnic Albanians and ethnic Macedonians held favorable opinions of the other ethnic group.

Ethnic Albanians continued to complain of widespread 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 they were targeted for downsizing regardless of job performance. Some ethnic Albanians reported that they were effectively disenfranchised by discrimination in citizenship decisions. In at least one case an ethnic Albanian woman complained that her application for citizenship was denied despite her insistence that she met the relevant criteria.

Although some progress was made, and recruitment efforts were in place, ethnic Albanians remained underrepresented in the military and police.

The law establishes that languages of ethnic minorities must be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens had 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; however, 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 ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

Ethnic minorities remained underrepresented at the university level, although there was progress in increasing the number of minority students. In July the government accredited the University of Tetovo, whose primary language of instruction is Albanian. More than six thousand students were enrolled in the university's four faculties.

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

Roma complained of widespread ethnic discrimination. NGOs and international experts reported that Roma were often denied job opportunities, access to public welfare funds, and entrance to establishments such as restaurants and cafes.

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 the country. The government provided few social services to Roma despite the belief that unemployment among the Romani population was above 70 percent.

At year's end there were 2,169 Romani refugees remaining in the country from the 1999 conflict in Kosovo. The country's ethnic Albanians and, to a lesser degree, ethnic Macedonians held hostile views of the refugees, many of whom settled in Skopje and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. These Roma were often targets of harassment and verbal abuse.

Other Societal Abuse and Discrimination

There was societal prejudice against homosexuals.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right to form and join unions, and workers did so in practice; however, at times the government interfered with union activity.

While the law provides that independent unions may freely register with the Ministry of Labor and Social Policy, some unions reported encountering obstacles, particularly delays in the registration process. Without registration a union cannot operate legally. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector.

Unions are not required to belong to the Confederation of Trade Unions of Macedonia (SSM), which maintained close ties with government officials. Several new unions formed outside of the SSM in recent years, including unions of journalists, police officers, and farmers.

In July the largest SSM branch union, the Union of Education, Science, and Culture (SONK), severed ties with SSM and became independent. Some SONK members alleged that, after the split, local political leaders with ties to the government attempted to pressure local SONK union members to oppose the decision by the union's leaders. In September the government severed wage negotiations with SONK. The government resumed negotiations in November after SONK demonstrated it had strong support from its members as well as from international unions and labor organizations. In December SONK and several other unions that were formerly members of SSM formed a new, independent union federation, the Confederation of Free Unions.

The law prohibits antiunion discrimination; however, antiunion discrimination existed in practice, and workers in private companies were fired on several occasions for participating in union activities. Because of the delays in the court system, it could take a worker two to three years to regain employment through the courts.

Employers sometimes interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections. At times these practices resulted in the election of company managers to company union leadership positions. As a result workers were sometimes afraid to run for local union office, and union elections were not always free and fair.

### 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 are covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. While 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 August parliament passed a new labor relations law. The law legalizes part-time and temporary workers, who had not been recognized under the previous law, and protects the right of employees to bargain collectively and to strike. However, it allows employers to "exclude," or temporarily release, up to 2 percent of a company's workers during a strike if the company considers these workers to be potentially violent or disruptive. The "excluded" workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

The SSM negotiated two national collective bargaining agreements with the government, covering the public and private sectors, that established minimum standards for working conditions. In the private sector, branch unions negotiated at the national level with the respective chambers of commerce, and local unions negotiated with individual companies. Collective agreements in the public sector were negotiated between branch unions and the respective ministries.

The law provides for the right to strike, and workers exercised this right in practice during the year. The law allows members of the military and the police to strike but only if they adhere to restrictive guidelines and continue to perform essential duties.

There is one export processing zone in the country, but it was not operational during the year.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

### 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 has been uneven. The law provides that anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation shall receive a prison sentence of at least eight years.

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 child labor during the year; however, there was evidence that child labor was used in the "gray economy," including for begging on the street and selling 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 almost exclusively Roma. Officials did not punish such violations and children remained vulnerable to exploitation.

Children were sometimes trafficked for sexual exploitation (see section 5, Trafficking).

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

While the government did little to raise public awareness on child labor abuse, NGOs were active in organizing workshops on children's rights. 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 according to official statistics was approximately \$250 (12,464 denars) and did not provide a decent standard of living for a worker and family. The government statistics office estimated that 29.6 percent of the population lived below the poverty line.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees cannot 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 of salary. However, high unemployment and fragile 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.

Although there are laws and regulations on worker safety, they were not strictly enforced by the Ministry of Labor and Social Policy. Workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, but employers did not always respect this right in practice.

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