



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Seventh periodic reports of States parties due in 2004**

**Addendum**

**MACEDONIA\* \*\***

[13 January 2006]

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\* This document contains the fourth, fifth, sixth and seventh periodic reports of the Republic of Macedonia, due on 17 September 1998, 2000, and 2004, submitted in one document. For the third periodic report and the summary records of the meetings at which the Committee considered the report, see document CERD/C/270/Add.2 and CERD/C/SR.1226, 1227 and 1241.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## I. INTRODUCTION

1. The Republic of Macedonia is submitting the Fourth, Fifth, Sixth and Seventh Periodic Reports on the International Convention on the Elimination of All Forms of Racial Discrimination in accordance with the provisions of Article 9 of the Convention.
2. The Report contains information on legal, administrative and other measures ensuring the rights guaranteed by the Convention in the period following the submission of the Combined Initial, Second and Third Reports of the Republic of Macedonia (CERD/270/Add.2 of 13 March 1997). One should take into account that in the reporting period, in particular after 2001 and the signing of the Ohrid Framework Agreement, comprehensive reforms in the sphere of protection and promotion of the rights of members of communities<sup>1</sup> have been carried out in the Republic of Macedonia, primarily through the adoption of amendments to the Constitution (V-XVII). These amendments define the legal framework for the position of members of the communities, which are then elaborated in laws that treat different aspects of the realization of the rights of persons belonging to the communities in various areas.
3. Amendment V to the Constitution of the Republic of Macedonia regulates the right to the use of languages of communities. Amendment VI relates to the equitable representation of citizens of the Republic of Macedonia who belong to communities in organs of the state authorities and other public institutions at all levels. Amendment VII deals with legal equality of religious communities and religious groups. Amendment VIII relates to free expression and development of identity and attributes of communities, use of symbols of communities, establishment of cultural, artistic, educational and scientific institutions; right to instruction in mother tongue in elementary and secondary education. In accordance with Amendment IX, the Republic guarantees protection, promotion, and enrichment of historical and artistic wealth in Macedonia and of all communities in Macedonia. Amendments X, XI, XII, XIII, XIV, XV, XVI and XVII to the Constitution regulate the issues of participation of members of communities in the Republic of Macedonia in the decision-making in the Assembly, the Committee for Inter-Community Relations, Security Council, Constitutional Court and local-self-government units.
4. The strategic commitment of the Republic of Macedonia is to full exercise of the constitutionally guaranteed rights of members of communities. At the same time, the Republic of Macedonia is fully committed to consistent observance of all principles, values and standards contained in the relevant documents in this field, in particular in: Universal Declaration of Human Rights, International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights, and this Convention; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities; Framework Convention for the Protection of National Minorities; the European Convention for the Protection of Human Rights and Fundamental Freedoms (in particular its Protocol 12); the European Charter for Regional or Minority Languages; CSCE Helsinki Final Act, Copenhagen Final Document and the Paris Charter, as well as in other documents.
5. The present Report has been prepared, to the extent possible, in conformity with the General Guidelines related to the form and contents of reports contained in the document

CERD/C/70/Rev.5 of 5 December 2000. While being prepared, special attention has been devoted to comments and recommendations contained in Concluding Observations of the Committee adopted at its 51 session held on 11 and 12 August 1997.

6. For detailed information on the political system and basic features of the legal system of the Republic of Macedonia, it is recommended to consult the Core Document of the Republic of Macedonia (HRI/CORE/1/Add.83),<sup>2</sup> as well as the first part and Annexes to the combined Initial, Second and Third Periodic Report of the Republic of Macedonia on the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/AW/C/MCD/1-3). For detailed information on the position of members of communities, it is recommended to consult answers of the Government of the Republic of Macedonia to the European Commission Questionnaire, Political Criteria, available on the following web site: [www.sei.gov.mk](http://www.sei.gov.mk).

7. Appendix 1 to the present Report contains the relevant statistics on the structure of the population in the Republic of Macedonia according to the latest census of 2002.

## **II. INFORMATION ON ARTICLES 2 TO 7**

### **Article 2**

8. Since its independence in 1991, the Republic of Macedonia has been developing an active policy of advancing the rights of persons belonging to various communities living in the Republic of Macedonia as well as promoting the policy of inter-ethnic and religious tolerance and understanding. This has been based upon Macedonia's historical experience of inter-ethnic coexistence and understanding and its dedication to its development as a democratic state.

9. The Republic of Macedonia, guided by the traditions of good inter-ethnic relations and in the spirit of mutual understanding and tolerance, with the adoption of a large number of laws, has been trying to establish a democratic political environment as a precondition for respect for human rights and fundamental freedoms. In that framework, the respect for the rights of members of communities is viewed as an important factor for ensuring peace, stability and democracy.

10. The civil concept of the Constitution of the Republic of Macedonia is a fundament for the corpus of human rights and fundamental freedoms and the basis for the process of development of rights of persons belonging to communities, both for individual and for collective rights.

11. The fundamental values of the constitutional order of the Republic of Macedonia are contained in Article 8 of the Constitution: fundamental freedoms and rights of the individual and citizen as recognized in international law and defined in the Constitution, including free expression of ethnic affiliation and other rights.

12. The equality of members of communities ensues from Article 9 of the Constitution of the Republic of Macedonia, which defines the principle of non-discrimination by stipulating

that: “Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, color of skin, ethnic and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and laws.”

13. Article 50, paragraph 1 of the Constitution provides for equal protection of all citizens, stipulating that every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts and the Constitutional Court of Macedonia through a procedure based upon the principles of priority and urgency. Furthermore, in accordance with Article 54, paragraph 4 of the Constitution, the restriction of freedoms and rights cannot discriminate on grounds of gender, race, colour of skin, language, religion, national or social origin, property or social status. In accordance with Article 110 of the Constitution of the Republic of Macedonia, the Constitutional Court protects the freedoms and rights of the individual and citizen against discrimination on these grounds.

14. The legislative framework for the prevention of discrimination and the promotion of full and effective equality consists of criminal, civil and administrative legislation:

- The Criminal Code (“Official Gazette of the Republic of Macedonia”, Nos. 37/96, 80/99, 4/02, 43/03 and 19/04)<sup>3</sup>

15. In the Chapter on criminal offences against human rights and freedoms, Article 137 defines as a violation of the equality of citizens any conduct by which the rights established by the Constitution, law or a ratified international agreement, are denied or restricted on the grounds of gender, race, skin colour, ethnic and social background, political or social affiliation, property or social status, language or another personal attribute or circumstance, or any conduct by which, on the basis of these differences, the citizens are granted benefits in contravention of the Constitution, law or ratified international agreement.

16. Article 319 of the Criminal Code, in the Chapter on criminal offences against the state, establishes that a person will be sanctioned for incitement of ethnic, racial and religious hatred, discord and intolerance, if by force, maltreatment, threatening the safety, derision of the national, ethnic or religious symbols, by desecrating monuments, graves, or in another way instigates or incites to national, racial or religious hatred, discord or intolerance.

17. Article 417 of the Criminal Code in the Chapter on crimes against humanity and international law prescribes that a person who, on the basis of race, skin colour, nationality or ethnic origin, violates basic human rights and freedoms recognized by the international community is perpetrating discrimination.

- The Law on Execution of Sanctions (“Official Gazette of the Republic of Macedonia”, Nos. 03/97, 23/99 and 74/04)

18. The Law prohibits discrimination on the basis of race, skin colour, gender, language, religion, political and other convictions, ethnic and social background, association, financial or social standing or another status of the person against whom the sanction is enforced.

19. Religious beliefs, personal conviction and moral norms of the person against whom sanctions are executed must be respected.

20. There are provisions in both civil and administrative law aimed at fighting discrimination. These provisions are not contained in a single act, but are incorporated in a number of laws.

- The Law on Courts (“Official Gazette of the Republic of Macedonia”, Nos. 36/95, 45/95 and 64/03)

21. Pursuant to the Law, everyone is entitled to equal access to courts to protect human rights and legally based interests.

- Law on Secondary Education (“Official Gazette of the Republic of Macedonia”, Nos. 44/95, 24/96, 34/96, 35/97, 82/99, 29/2002, 52/02 - consolidated text, 40/03, 42/03, 67/04)

22. It establishes that everyone, under equal conditions established by this Law, is entitled to secondary education. Furthermore, the same Law prohibits discrimination based on gender, race, skin colour, ethnic and social background, political and religious affiliation, property and social status.

- The Law on Higher Education (“Official Gazette of the Republic of Macedonia”, Nos. 64/2000 and 49/2003)

23. The Law ensures that nationals of the Republic of Macedonia are entitled, under equal conditions, to education at the higher education institutions in the Republic of Macedonia. At the same time, foreign nationals may, with the application of the principle of reciprocity, study at higher education institutions in the Republic of Macedonia under the same conditions as nationals of the Republic of Macedonia. In addition to foreign nationals, stateless persons as well have the right to higher education under conditions established by law and ratified international treaties.

- Law on Associations of Citizens and Foundations (“Official Gazette of the Republic of Macedonia”, No. 31/98)

24. The Law prescribes that the activity of the citizens’ association will be prohibited if such an activity violates human rights and freedoms guaranteed by the Constitution or incite ethnic, racial or religious hatred or intolerance.

- Law on Political Parties (“Official Gazette of the Republic of Macedonia”, No. 76/04)

25. In its general provisions, the Law stipulates that the program, statutes and activities of a political party may not be directed towards violent overthrow of the constitutional order of the Republic of Macedonia, incitement to or calling for military aggression, flaring up of ethnic, racial or religious hatred or intolerance.



- Law on Internal Affairs (“Official Gazette of the Republic of Macedonia”, Nos. 19/95, 55/97, 38/2002, 33/2003 and 19/2004)

26. The Law, in its general provisions, defines internal affairs as affairs related to the protection of freedoms and rights of citizens, guaranteed by the Constitution, as well as to prevention of incitement to ethnic, racial or religious hatred or intolerance.

- Law on Telecommunications (“Official Gazette of the Republic of Macedonia”, Nos. 33/96, 17/98, 22/98, 28/00, 04/02, 37/04)

27. This law explicitly prohibits transmission and delivery of messages stirring up ethnic, racial or religious hatred or intolerance.

- Law on Legal Status of Religious Communities and Religious Groups (“Official Gazette of the Republic of Macedonia”, No. 35/97)

28. The Law establishes that religious gatherings, ceremonies, media, schools, teaching and other types of expression of religion may not be used for political purposes, stirring up of religious, ethnic or other intolerance and other actions prohibited by law.

- Law on Courts (“Official Gazette of the Republic of Macedonia”, Nos. 36/95, 45/95 and 64/2003)

29. Under the Law, when judges and lay judges are elected, there must not be any discrimination on the basis of gender, race, skin colour, ethnic or social background, property or social status.<sup>4</sup>

- The Law on Labour Relations (“Official Gazette of the Republic of Macedonia” No. 62/05)

30. Article 6 of the Law on Labour Relations prohibits the employer from treating a job applicant or an employee unequally because of their race, skin colour, gender, age, health status or disability, religious, political or other belief, membership in trade unions, ethnic or social background, family status, property or other personal circumstances.<sup>5</sup> Article 7 of the Law defines and prohibits both direct and indirect discrimination of a job applicant or an employee, as well as exceptions to prohibition of discrimination.

- Law on Culture (“Official Gazette of the Republic of Macedonia”, No. 31/98, 49/03 and 66/2003 - consolidated text)

31. Article 3 of the Law sets forth that everyone may participate in culture, as an individual, local or national interest, profit or non-profit based, in accordance with the Law. Consequently, the availability of cultural values relates to the exercise of cultural rights by all citizens in the Republic of Macedonia.

32. Article 4 of the Law establishes that everyone is entitled, irrespectively of age, education, religious, ethnic or other affiliation, to freedom of creation, non-professionally or professionally, as well as to education in the area of culture.

- Law on Civil Servants (Official Gazette of the Republic of Macedonia, Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04)

33. Under the Law, employment in the state administration is based on two core principles: constitutional principle of equal access to jobs and the principle of competence-based selection. In addition, when civil servants are employed for all positions determined by the Law, the principle of equitable representation of citizens belonging to all communities is also applied, without undermining the criteria of professionalism and merit.

- Law on the Use of Flags (Official Gazette of the Republic of Macedonia, No. 58/05)

34. The Law on the Use of Flags guarantees the right of communities living in the Republic of Macedonia to use a flag by which they express their identity and attributes. The flag within the meaning of this Law is a flag selected by the community and used by it as a flag symbolizing their identity. The Law regulates the use of community flags in public, official and private life.

35. In addition to regular courts and the Constitutional Court of the Republic of Macedonia, the following bodies are concerned with the protection and promotion of human rights, including anti-discrimination.

36. For the protection of human rights and freedoms, the Assembly of the Republic of Macedonia has established a **Permanent Survey Commission for the Protection of Freedoms and Rights of Citizens** (Article 76, paragraph 4 of the Constitution). Its findings constitute a basis for instituting procedure to ascertain the accountability of public offices holders. The accountability primarily relates to acts and conduct of holders of these functions which violated or undermined human rights and freedoms. In its work the Commission cooperates with scientific and expert organizations in the area of protection of human rights and freedoms, with appropriate foreign and international bodies in the sphere of protection of human rights and freedoms, as well as with corresponding working bodies of the Assembly.

37. The **Ombudsman** is an institution functioning in the Republic of Macedonia for seven years. The Assembly elects the Ombudsman by a majority vote of the total number of members of the Assembly, including the majority of votes of the total number of members of the Assembly who belong to communities not in the majority in the Republic of Macedonia. The Ombudsman protects the constitutional and legal rights of citizens when violated by bodies of the state administration and by other bodies and organizations with public mandates. The Ombudsman pays particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in state institutions, institutions of local self-government units and public institutions and services (Amendment XI).

38. The Ombudsman of the Republic of Macedonia is one of the controlling mechanisms of the work of the state administration. Such competences are set forth in the Law on the Ombudsman (“Official Gazette of the Republic of Macedonia”, No. 60/03) according to which, in cases when the Ombudsman has detected unlawful actions, inappropriate treatment of citizens or other irregularities, and with the purpose of ensuring the exercise of rights of citizens, he/she may give recommendations, proposals, opinions or guidelines to the state administration to remedy the detected breaches.

39. The Ombudsman submits annual reports to the Assembly of the Republic of Macedonia on his/her work and on the degree of respect for human rights. The reports are public and available to citizens, governmental and non-governmental organisations and international organisations.

40. In the period from January to September 2004 the Ombudsman submitted 1319 recommendations, proposals, opinions or suggestions, proposing renewal of procedures in accordance with the law or initiation of a disciplinary procedure against officials/responsible civil servants. For the period 1 January 2002 to 30 September 2004, the Ombudsman submitted one proposal for initiation of a disciplinary procedure. In the period from 1 January 2002 to 30 September 2004, the Ombudsman submitted six requests to the Public Prosecutor for institution of a procedure to determine criminal liability (data from the Ombudsman's published reports and the Ombudsman's archive records). Such powers of the Ombudsman are set forth in Article 32 of the Law, according to which if the administrative bodies fail to act upon a submitted request, proposal, opinion, recommendation or if they comply with them only partially, the Ombudsman shall notify the directly superior authority, the head of the respective state administration body or the Government of the Republic of Macedonia. Pursuant to Article 34 and 35 of the Law, if they fail to act, the Ombudsman may bring the case to the attention of the media.

41. In 2003 the Office of the Ombudsman received 2605 petitions, which represented an increase of 38, 71% compared to the previous year. The majority of petitions were in the following areas: judiciary - 415, labour relations - 406, property relations - 267, protection of rights in police procedure - 266, urban planning and civil engineering - 209, utility and other fees - 188, pension and disability insurance - 169, social affairs - 167, housing relations - 161, protection of children's rights - 62, health care - 46, education, science, culture and sport - 26, finances and financial transactions - 22. The remaining petitions were in other areas.

42. With amendment XI to the Constitution of the Republic of Macedonia the Ombudsman is tasked to pay special attention to the protection of the principle of non-discrimination and equitable representation of communities in public bodies at all levels and in other spheres of public life. This constitutional amendment was transposed in the Law on the Ombudsman, which provides for this new power, according to which the Ombudsman takes actions and measures to protect members of non-majority communities from discrimination and to ensure their equitable representation in organs of the state authorities, local self-government units and public enterprises and services.

43. Since 2003, in the practical operation of the Ombudsman, there have been records kept on the ethnic affiliation of petitioners and the rights breached. In 2004, 75.50% of petitioners were ethnic Macedonians, 14.36% ethnic Albanians, 0.18 ethnic Vlachs and 1.94 % did not declare their ethnic affiliation. Out of the total number of petitions in 2004, 1959, the petitions relating to the violation of rights of members of communities accounted for 0.26%.

44. The Law on the Ombudsman foresees the opening of 6 regional offices: Kumanovo, Kicevo, Stip, Bitola, Tetovo and Strumica. They were opened in late 2004 and started their operation in 2005 with the employment of staff. On 15 July 2005 the Assembly of the Republic

of Macedonia appointed Ombudsman deputies to head regional offices. The media campaign of the regional offices, including TV and radio spots on local broadcasters, debates and meetings with citizens, distribution of flyers in the print media, is being prepared.

45. **The Committee for Inter-Community Relations** is established under Article 78 of the Constitution, which defines its composition and competences. The Committee consists of 19 members of whom seven members from the ranks of the Macedonians and Albanians in the Assembly, and one member from among the Turks, Vlachs, Roma, Serb and Bosniacs, respectively. If one of the communities living in the Republic of Macedonia does not have its representative in the Assembly, then the Ombudsman, after consultations with relevant community representatives, proposes the remaining members of the Committee. Members of the Committee are elected by the Assembly. Their competences are focused on the issues concerning inter-community relations in the Republic of Macedonia and the Committee makes appraisals and proposals for their solution. The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions on them. In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2) (the so-called double majority vote - Badenter's vote), the Committee decides by majority vote whether this procedure should be applied.

46. In municipalities in which at least 20% of the total number of inhabitants belongs to a certain community, a commission for inter-community relations is being established, composed of an equal number of representatives of each community living in that municipality, elected in the manner prescribed by the statute. The commission considers issues related to the relations of communities living in that municipality and gives opinions and proposals how to resolve them.

### **Integration of Roma**

47. With the aim of swift integration of Roma in the society, the Government of the Republic of Macedonia started two parallel activities. One of them was the development of a National Strategy on Roma, the principal objective of which was to promote empowerment and integration of Roma in the main social and economic trends in the Republic of Macedonia by setting the main roadmap to carry out a meaningful multidimensional state policy. It was planned to serve as a crucial cornerstone to be followed up by concrete projects dealing with more specific areas.

48. The general aims of the National Strategy on Roma are as follows:

- Better integration of Roma in the mainstream of Macedonian society;
- Reduction of poverty of Roma as the most vulnerable group;
- Long-term development of the Roma community in every respect;
- Full engagement of the Macedonian state in the preparation and implementation of the priorities set forth in the Strategy;
- Establishment of normative and institutional prerequisites to reach EU standards.

49. The second activity of the Government aimed at faster Roma integration is participation in the initiative “Roma Decade”, involving most of Eastern European states. A Steering Committee of the Decade was established, where our state has its representative. Four priority areas of the Decade were identified - education, employment, healthcare and housing - for which separate national action plans containing concrete objectives and activities to be undertaken within the next 10 years were developed.

50. Both documents, the National Strategy on Roma and National Action Plans, were adopted by the Government of the Republic of Macedonia in January 2005. Operational plans for the implementation of the set goals are being developed at present.

### **Article 3**

51. There are no apartheid, racial segregation or discrimination policies or practices in the Republic of Macedonia. These kinds of policies have been traditionally condemned throughout the political and legal history of the Republic of Macedonia. Moreover, the policy of apartheid and racial hatred is fully incompatible with the fundamental values of the Macedonian society, which are based on deeply rooted feeling for mutual understanding and tolerance in the history of collective memory of our people.

52. According to Article 417 of the Criminal Code “A person who, based on the difference in race, color of skin, nationality or ethnic belonging, violates the basic human rights and freedoms, acknowledged by the international community, shall be punished with imprisonment of six months to five years. The punishment prescribed in paragraph 1 shall apply also to a person who persecutes organizations or individuals because of their advocacy for the equality of people. A person who spreads ideas about the superiority of one race over some other, or who advocates racial hatred, or instigates to racial discrimination, shall be sentenced to imprisonment of six months to three years.”

53. More detailed information on the relevant legislation is given in Article 4.

54. The Republic of Macedonia ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid.

### **Article 4**

55. Under the Constitution of the Republic of Macedonia, citizens are equal in rights and freedoms irrespective of gender, race, color of skin, national or social origin, political and religious belief, property and social status.

56. According to the provisions of the Criminal Code of the Republic of Macedonia, any illegal act is treated equally regardless of the fact of which gender, racial, national, political and religious groups or individuals the perpetrators belong to. Furthermore, there is no discrimination whatsoever in treating the damaged (victims) of criminal offences.

57. The following crimes defined in the Criminal Code relate specifically to the violation of human rights and freedoms, racial, national, religious and other forms of discrimination.

58. Article 137 “Violation of Equality of Citizens” foresees prison sentence for perpetrators who, based on a difference in gender, race, colour of skin, ethnic and social origin, political and religious belief, wealth and social position, language or other personal attributes or circumstances, denies or limits the rights of individuals and citizens, determined by the Constitution, by law or by ratified international treaty, or who based on all these differences favours citizens in contravention to the Constitution, law or a ratified international treaty.

59. Article 138 “Violation of the right to use the language and alphabet” sanctions any action denying or restricting the citizens the right to use the language and alphabet guaranteed by the Constitution, law or a ratified international treaty.

60. Article 319 “Incitement of National, Racial and Religious Hatred, Discord and Intolerance” relates to sanctions of all perpetrators who by force, maltreatment, threatening the safety, derision of the national, ethnic or religious symbols, by desecrating monuments, graves, or in another way instigates or incites national, racial or religious hatred, discord or intolerance.

61. Article 403 “Genocide” sanctions perpetrators who with the intention of complete or partial annihilation of some national, ethnic, racial or religious group, orders the murder or infliction of serious bodily injuries, or serious harm to the physical or mental health of members of a group, or forced resettlement of population, or places the group in such living conditions as to bring about the complete or partial annihilation of the group, or applies measures that prevent birth among the members of the group, or performs forced resettlement of the children to some other group.

62. Article 417 “Racial and Other Discrimination” foresees sanctions for perpetrators who on the basis of race, skin colour, nationality or ethnic origin violates the basic human rights and freedoms recognized by the international community.

63. As part of the reform of criminal legislation, the Assembly of the Republic of Macedonia adopted amendments to the Criminal Code of the Republic of Macedonia in March 2004.

64. In this respect, the following provisions strengthening criminal-legal protection against discrimination are of special importance:

(a) In regard to criminal offences of Article 137 “Violation of equality of citizens” and of 138 “Violation of the right to use language and alphabet” the criminal liability for legal entities for the incriminations under paragraphs 1 of these articles has been introduced;

(b) A new paragraph 4 has been introduced in Article 144 “Threatening the security”, which reads as follows: “A person who, through an information system, threatens to commit a crime for which a sanction of imprisonment of five years or a more severe sanction has been prescribed, against another person due to his/her national, ethnic, racial or religious background, shall be sentenced to imprisonment from one to five years”;

(c) Introduction of a criminal offence in Article 403-a “Crimes against Humanity” which reads as follows: “A person who, with the intention of systematic destruction of civilian population, orders murders, severe body injuries, physical extermination, slavery, deportation or forced displacement of the population, imprisonment or other type of deprivation of liberty in

violation of international law, torture, rape, genderual exploitation or slavery, forced prostitution, forced pregnancy, forced sterilization or any other type of severe genderual violence, exile based on political, racial, national, ethnic, cultural, religious or gender bases, abduction or disappearance of persons, discrimination and segregation based on racial, national, ethnic, political, cultural or other bases and other inhuman acts intentionally causing physical or psychological suffering, or a person that commits some of the stipulated crimes with the same intention, shall be sentenced to imprisonment of at least ten years or to life sentence;

(d) Introduction of a criminal offence in Article 407-a “Approval or Justification of Genocide, Crimes against Humanity and War Crimes” which reads as follows: “A person who publicly negates, grossly minimizes, approves and justifies the crimes stipulated in Articles 403 to 407, through an information system, shall be sentenced to imprisonment of one to five years. If the negation, minimization, approval or justification is performed with the intention to incite hatred, discrimination or violence against a person or a group of persons due to their national, ethnic or racial origin or religion, the perpetrator shall be sentenced to imprisonment of at least four years.

65. Appendix 2 contains consolidated text of the above mentioned provisions of the Law Amending the Criminal Code (Official Gazette of the Republic of Macedonia No. 19/04).

## Article 5

### (a) **Right to equal treatment before the courts and other organs administering justice**

66. The constitutional provisions relating to equality before law and equal right to protection of civil rights are implemented in the Law on Courts (“Official Gazette of the Republic of Macedonia”, Nos. 36/95, 45/95 and 64/03). According to Article 7 of the Law, everyone is entitled to equal access to courts for the purpose of protecting his/her human rights and legally based interests.

67. The anti-discriminatory principle in the election of judges is contained in Article 40 of the Law on Courts which stipulates that when judges and lay judges are being appointed, there shall be no discrimination on the grounds of gender, race, colour of skin, ethnic or social origin, political and religious beliefs, property or social status. The selection of judges and lay judges will ensure equitable representation of the citizens who belong to all communities, while respecting the legally prescribed criteria. A similar provision is also contained in the Law on the Public Prosecutor’s Office (“Official Gazette of the Republic of Macedonia”, No. 38/04), which specifies that when appointing public prosecutors and deputy public prosecutors, the principle of equitable representation of citizens belonging to all communities in the Republic of Macedonia will be applied, while the criteria established with this Law will be respected.

68. Pursuant to Article 4 of the Law on Execution of Sanctions (“Official Gazette of the Republic of Macedonia”, Nos. 3/97, 23/99 and 74/04) the rules for execution of sanctions are applied impartially. Namely, discrimination on the grounds of race, colour of skin, gender, language, religion, political and other beliefs, ethnic or social origin, family relations, property or social or another status of the person sanctioned is forbidden.

69. Furthermore, in accordance with Article 8 of the Law on the Organization and Work of Public Administration Bodies (“Official Gazette of the Republic of Macedonia”, Nos. 58/00 and 44/02), public administration bodies are obliged to provide citizens with an efficient and legal exercise of their rights and freedoms.

70. With the aim of implementing the provisions of Amendment V to the Constitutions, the Assembly of the Republic of Macedonia adopted the following laws: The Law amending the Law on Criminal Procedure, the Law Amending the Law on Civil Procedure, the Law Amending the Law on Administrative Disputes, and the Law Amending the Law on Publication of Law and Other Regulations in the Official Gazette of the Republic of Macedonia.

71. In this regard, according to **the Law Amending the Law on Criminal Procedure** (Official Gazette of the Republic of Macedonia No. 42/02), the official language in criminal proceedings is Macedonian and its Cyrillic alphabet. Another official language, written in its alphabet, spoken by at least 20 percent of citizens is used in criminal proceedings in accordance with this law.

72. The accused, damaged, private plaintiff, witnesses and other persons participating in the proceedings, who speak an official language other than Macedonian, have the right to use their language and alphabet during the pre-investigative, investigative and other court actions and the main hearing as well as in the appeal procedure. The court will provide interpretation of statements of that person as well as of statements of other persons and of documents and other written evidence. The court will provide translation of written documents which are important for the proceedings or for the defense.

73. Other parties, witnesses and participants in the proceedings are entitled to free assistance of an interpreter if they cannot understand or speak the language used in court. The person will be advised of the right to use an interpreter. The advice and the statement of the person will be entered in the records. Interpretation is done by a court interpreter.

74. Applications, complaints and other documents are filed in the court in the language of proceedings.

75. Citizens who speak an official language other than Macedonian may file documents in their language and alphabet; such documents will be translated by the court and sent to other parties to the proceedings.

76. Other persons who do not speak or understand the Macedonian language and its Cyrillic alphabet may file documents in their language and alphabet.

77. The accused who does not understand the languages of the proceedings will be given a translation of the indictment in the language he/she uses in the proceedings.

78. A foreign national arrested or detained may submit documents in his/her mother tongue, and for other matters, the principle of reciprocity applies.

79. Summons, decisions and other writs are dispatched by the court in the language of the proceedings. Citizens who speak an official language other than Macedonian are dispatched summons, decisions and other writs in that language as well.



80. The accused who is detained, serving a prison sentence or is on compulsory psychiatric treatment or committed in a health care institution, will be sent the translation of documents in the language he/she used in the proceedings.
81. The accused who does not understand the language of proceedings will be delivered a translation of the sentence in the language he/she used in the proceedings.
82. There is a substantial violation of the provisions on criminal procedure if the court disrespected the provisions on the use of language set out in this law.
83. According to the provisions of the **Law Amending the Law on Civil Procedure**, (Official Gazette of the Republic of Macedonia No. 42/02 and 75/05), civil proceedings are conducted in the Macedonian language and its Cyrillic alphabet.
84. Another official language, written in its alphabet, spoken by at least 20 percent of citizens, is used in civil proceedings in accordance with this law.
85. A member of the community, party or participant in the proceedings, who does not understand and speak the Macedonian language and its Cyrillic alphabet, is entitled to an interpreter. The cost of interpretation is borne by the court.
86. The court is obliged to advise a party or another participant in the proceedings about the right foreseen by the law. The President of the council or a single judge is obliged to enter into the records the advice of the court and the statement by the party or other participants in the proceedings.
87. The parties or other participants in the proceedings who speak another official language which is also an official language in the Republic of Macedonia have the right to use their language in the court process and in oral statements before the court.
88. The parties and other participants in the proceedings will be provided interpretation in their mother tongue of all presentations in the proceedings, as well as interpretation and translation of documents used as evidence in court. Interpretation will be done by court translators.
89. Summons, decisions and other writs are dispatched to the parties and other participants in the proceedings in the Macedonian language and its Cyrillic alphabet. The parties and other participants in the proceedings citizens of the Republic of Macedonia who speak an official language other than Macedonian are dispatched summons, decisions and other writs in that language as well.
90. The parties and other participants in the proceedings may submit applications, complaints and other documents to the court in the Macedonian language and its Cyrillic alphabet. The parties and other participants in the proceedings citizens of the Republic of Macedonia who speak an official language other than Macedonian may submit applications, complaints and other documents in their language and alphabet. The court will have such filed documents translated into the Macedonian language and its Cyrillic alphabet and send them to other parties or participants in the proceedings.

91. The parties and other participants in the proceedings citizens of the Republic of Macedonia whose mother tongue is neither Macedonian and its Cyrillic alphabet nor the official language other than Macedonian and its Cyrillic alphabet have the right to use their mother tongue in the court process and oral statements before the court. The parties and participants in the proceedings will be provided interpretation of what has been stated in the proceedings as well as oral translation of the written evidence.

92. The parties and other participants in the proceedings will be advised of their rights to follow the court proceedings in their mother tongue with the assistance of an interpreter. They may waive the right to interpretation if they state that they know the language of the proceedings. The advice and the statements of the parties or participants in the proceedings will be entered into the records.

93. The costs of interpretation for the parties and participants in the proceedings who are citizens of the Republic of Macedonia incurred by the application of the provisions of this law on the right to use a mother tongue and its alphabet are borne by the court.

94. A substantial violation of the provisions on civil proceedings always occurs if the court disrespects the provisions on the use of language in the proceedings.

95. The provisions of the Law on Civil Procedure relating to the use of languages are applied to administrative disputes.

96. With the view to implementing the provisions of the Law Amending the Law on Criminal Procedure and the Law Amending the Law on Civil Procedure, the Minister of Justice of the Republic of Macedonia approved the amendments to the Court Rules of Procedure in 2004. With the amendments of the Rules of Procedure, forms in the Albanian language were added (delivery form, return form, notification for the party to the proceedings that the appeal - review of the case with the file has been forwarded to the higher competent court, sentence serving order, instruction for identity identification), whereby parties and other participants in the proceedings who are citizens of the Republic of Macedonia, whose mother tongue is an official language other than Macedonia are dispatched these documents by the court in that language.

97. **The Law on General Administrative Procedure** (Official Gazette of the Republic of Macedonia No. 38/05) stipulates that the Macedonian language and its Cyrillic alphabet is the official language in the administrative procedure. Another language and its alphabet spoken by at least 20 percent of citizens is used, in accordance with the law, in the administrative procedure conducted in the organs of the state administration, other state organs, organs of local self-government units, legal and other entities entrusted with public powers by the law.

98. Parties and other participants in proceedings who are not nationals of the Republic of Macedonia and do not understand the Macedonian language and its Cyrillic alphabet are entitled to interpretation.

99. This right may be used by any citizen living in the local self-government units in which at least 20 percent of citizens speak an official language other than Macedonian to communicate with regional offices of ministries in any other official language and its alphabet.

100. Regional offices covering the local-self-government units reply in Macedonian and its Cyrillic alphabet, as well as in the official language and alphabet used by the particular citizen. Any citizen may use one of the official languages and its alphabet to communicate with ministries and the ministries reply in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the particular citizen.

101. Parties to the proceedings speaking the language other than Macedonian which is also an official language may file applications in that language and alphabet. Such applications are translated and processed by the organs to which they have been filed.

102. Organs before which the administrative procedure is being conducted when deciding on administrative matters reply in the official language and its alphabet as well as in the official language and alphabet used by the party.

103. In conformity with Article 8 of **the Law Amending the Law on Publication of Laws and Other Regulations in the Official Gazette of the Republic of Macedonia** (Official Gazette of the Republic of Macedonia No. 42/02), laws are also published in another official language and its alphabet spoken by at least 20 percent of citizens belonging to the communities in the Republic of Macedonia.

104. On 6 January 2005 the Government of the Republic of Macedonia adopted a decision on training of interpreters/translators belonging to non-majority communities in the Republic of Macedonia to be employed in state administration organs and in courts. According to this decision, the training will be organized for university graduates (Law Faculty, Faculty of Economics, Philological Faculty, Political Sciences Faculty and public administration). It will take 10 months covering 100 candidates, in the manner, with contents and speed decided upon by the Agency for Civil Servants.

**(b) The right to security of person and protection by the state against violence or bodily harm, whether inflicted by government officials or by any individual group or institution**

105. The information presented in the Initial report is still valid, including the following update:

- According to Article 1 of **the Law on Internal Affairs** (Official Gazette of the Republic of Macedonia No. 19/95, 55/97/33/03 and 19/04), internal affairs, for the purpose of this Law, relate to the protection of life, personal security and protection of property of citizens; protection of human rights and freedoms of citizens guaranteed by the Constitution; prevention of stirring up of national, racial and religious hatred and intolerance; crime prevention, detection and capture of perpetrators of crime and their handing over to competent authorities; and alike. Under Article 7 of the Law, the employees of the Ministry of Internal Affairs are obliged to protect and preserve the life and property of the citizens when performing their tasks and duties, as well as to respect human rights and freedoms of citizens and to apply, in a prescribed manner, only the measures and means of coercion determined by this law or any other regulation.

106. The Law is precise in defining the conditions in which an authorized officer of the Ministry of Internal Affairs may use firearms:

- According to Article 35 of the Law, an authorized officer may use firearms if by using other means of coercion he/she cannot: (1) protect the life of citizens; (2) reject direct life-threatening attack on himself/herself; (3) reject attack on a building or person secured; and (4) prevent the escape of a person caught committing a crime for which the sentence of at least 5-years imprisonment is foreseen, as well as to prevent the escape of a person arrested or a person for whom an arrest warrant has been issued for having committed such a crime.

107. Article 36 foresees that an authorized officer who performs duties directly under the superior officer may use force or firearms only if ordered by him/her. Before the use of force or firearms, the authorized officer is obliged to warn, in a loud voice, the person in respect of whom he/she will use force or firearms (Article 37).

108. In conformity with Article 38 of the Law on Internal Affairs, for each specific case, the responsible superior officer will directly assess the grounds and justification for use of force or firearms.

109. If the force or firearms are used within the authorized powers and in compliance with the provisions of the Law, the authorized officer who used them and of the person in charge who ordered the use of force and firearms, including the person who, upon the call of the Ministry or the authorized officer extended assistance in the execution of official activities will be relieved of accountability (Article 39).

110. Means of coercion, use of force and firearms in cases determined by law by authorized officers of the Ministry of Internal Affairs are regulated in the **Regulation on the Use of Means of Coercion and Firearms** (Official Gazette of the Republic of Macedonia No. 22/98 and 17/04) approved by the Government of the Republic of Macedonia. Besides firearms, other means of coercion, for the purposes of this regulation, are: rubber baton, physical force, chemicals and gases (tear gas), water pumps, special vehicles, devices for forceful stop of vehicles, official dogs and horses.

111. As part of the police reform process, the Ministry of Internal Affairs drafted the Law on Police. Its adoption is ranked as high priority for the Ministry in 2005. The Law has been approved by the Government and is in the first reading in the Assembly of the Republic of Macedonia.

112. According to Article 36 of the **Code of Police Ethics** (Official Gazette of the Republic of Macedonia No. 3/04), the police and its members, when performing their duties, are obliged to respect the right to life of every citizen. The police can use means of force only when necessary and to a degree necessary for achieving a specific legitimate purpose. According to Article 37 of the Code the police may not instigate, encourage or tolerate any form of torture, inhuman or humiliating treatment or punishment. Members of the police may not use firearms unless it is necessary and in accordance with the law (Article 38).

113. Article 45 of the Code stipulates that members of the police, in performing their tasks, must respect fundamental rights of citizens, such as: right to life, freedom of belief, conscience, thought and public expression of thought, freedom of speech, public appearance and other rights guaranteed by the Constitution of Republic of Macedonia.

114. The prohibition of torture, inhuman or degrading treatment or punishment is absolute and the disrespect for it cannot be justified by a superior order. In this regard, Article 6 of the Law on Internal Affairs provides that the employee of the Ministry is be obliged to carry out the orders of the Minister or the person authorized by the Minister related to the functioning of the Ministry, unless the order constitutes a criminal offence.

115. A similar provision is contained in Article 41 of the Code of Police Ethics according to which a member of the police, without fear of sanctions, will refrain from carrying out unlawful orders that may constitute criminal offence.

116. As part of the police intervention based on reasonable grounds that a criminal offence has been committed, the police provide the necessary support, assistance and information for victims of criminal acts, directly or through other organizations and institutions, without distinction as to race, gender, ethnic, religious or other background.

117. The Republic of Macedonia intensively cooperates with the European Committee against Torture and endeavors to fully implement their recommendations.

**(c) Political rights, in particular the right to participate in elections - to vote and stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public services**

#### **1. Legislative power**

118. The Law on the Election of Members of Assembly of the Republic of Macedonia, adopted by the Assembly in 2002, reaffirms the constitutional provisions which guarantee the right to vote. Namely, according to Article 3 of the Law: "Members of the Assembly are elected in general, direct and free elections, by secret ballot. No one shall hold a voter accountable for his/her vote, or request him/her to disclose for whom he/she voted or why he/she did not cast a ballot."

119. Every citizen of the Republic of Macedonia over 18 years of age who has legal capacity is entitled to vote. Every citizen of the Republic of Macedonia over 18 years of age who has legal capacity and is not serving a prison sentence for a criminal offence is eligible to stand for elections (Articles 4 and 5 of the Law on the Election of Members of the Assembly of the Republic of Macedonia).

120. Out of the total 120 members of the Assembly of the Republic of Macedonia in its current composition, the following are figures for members of specific communities: 26 Albanians, 3 Turks, 2 Bosnians, 1 Vlach and 1 Roma, what accounts for 29.1% in total. This is a significant increase in comparison to the preceding composition, after 1998 parliamentary

elections, when there were 27 members of the Assembly belonging to communities (Albanians 24 or 20%, Roma 1 or 0.8%, others 2 or 1.7%), what accounted for 22.5% in total.

## **2. Local authorities**

121. The Law on Local Elections (Official Gazette of the Republic of Macedonia No. 45/04) reaffirms the constitutional provisions which guarantee the right to vote. Namely, according to Article 3 every citizen of the Republic of Macedonia over 18 years of age who has legal capacity and has a permanent place of residence in the municipality or the city of Skopje where elections are being held is entitled to vote. Every citizen of the Republic of Macedonia over 18 years of age who has legal capacity, is not serving a prison sentence for criminal offence and has a permanent place of residence in the municipality or the city of Skopje where elections are being held is eligible to stand for elections.

122. In the 2000 local elections, out of 1906 elected members of municipal councils, 321 or 21,2 percent were members of communities (Albanians: 423 or 22,2%; Turks: 56 or 3%; Vlachs 6 or 0,3%; Roma: 16 or 0,8%; Serbs: 24 or 1,3%; others 33 or 1,7%; unknown: 15 or 0,8%).

123. Out of 123 elected mayors in the Republic of Macedonia, 32 or 26 percent were members of communities (Albanians: 26 or 21,2%; Turks: 2 or 1,6%; Roma: 1 or 0,8%; Serbs: 2 or 1,6%; others: 1 or 0,8%).

124. In the 2004 local elections, out of the total 1391 members of municipal councils, 351 or 25.23% are Albanians, 39 or 2.8% are Turks, 11 or 0.8% Vlachs, 18 or 1.3% Roma, 26 or 1.9% Serbs, 6 or 0.4% Bosniacs, 15 or 1.1% others, and 33 or 2.4% undeclared.

125. As regards the elected mayors, out of the total 85, 16 or 18.8% are Albanians, 2 or 2.36% are Turks, 1 or 1.18% Roma, 2 or 2.36 % Serbs, and 3 or 3.54% undeclared.

## **3. Right to local self-government**

126. According to the Constitution, the right to local self-government is one of the fundamental values of the constitutional order of the Republic of Macedonia (Article 8, paragraph 1, line 9).

127. In the reporting period, in particular after 2001, large-scale legislative amendments have been made for the purpose of carrying out the process of decentralization as foreseen by the Framework Agreement.

128. The Assembly of the Republic of Macedonia adopted a series of laws which enlarged the competencies of local self-government units and ensured adequate financing:

1. Law on Local Self-Government (“Official Gazette of the Republic of Macedonia”, No. 05/02);

2. Law on Territorial Organization of the Local Self-Government in the Republic of Macedonia (“Official Gazette of the Republic of Macedonia”, No. 55/04);
3. Law on the City of Skopje (“Official Gazette of the Republic of Macedonia”, No. 55/04);
4. Law on Financing the Units of Local Self-Government (“Official Gazette of the Republic of Macedonia”, Nos. 61/04 and 96/04);
5. Law on Communal Fees (“Official Gazette of the Republic of Macedonia”, No. 61/04);
6. Law Amending the Law on Administrative Fees (“Official Gazette of the Republic of Macedonia”, No. 61/04);
7. Law on Property Taxes (“Official Gazette of the Republic of Macedonia”, No. 61/04);
8. Law Amending the Law on Internal Affairs (“Official Gazette of the Republic of Macedonia”, No. 38/02).

129. The Laws from 1 to 3 define enlarged competencies of local self-government units, as well as new territorial organization of the Republic of Macedonia and an appropriate solution for the City of Skopje.

130. The Laws from 4 to 7 regulate the revenues for local self-government units i.e. local self-government authorities are ensured sufficient resources enabling them to fulfill their responsibilities in compliance with the new Law on Local Self-Government. At the same time, the laws ensured adequate budgetary autonomy and responsibility for the units of local self-government.

131. The Law 8 regulates appointment of local heads of police and the obligation that the local police head communicates with and reports to the Municipal Council, as well as the possibility of the Council to adopt a report on the public safety to be forwarded to the Minister of Interior and to the Ombudsman.

132. In addition, the Assembly adopted a large number of laws in various sectors defining the transfer of competencies from central to local authorities (in accordance with the adopted Operational Program for Decentralization) covering the following areas: urban planning; protection of the environment; local economic development; utility services; culture, sports and recreation; social care and child care; education; health care; protection and rescue of citizens and their property from war destructions, natural disasters, and other accidents, as well as protection from the consequences of such events, fire protection and other matters as determined by law.

133. Appendix 5 presents statistics on employees in local self-government units by ethnic affiliation.

#### **4. Government and public administration**

134. As far as the executive is concerned, all Governments elected hitherto by the Assembly of the Republic of Macedonia have been coalition governments, in which one of coalition partners was a party of the Albanian community.

135. Out of 18 ministers in the current Government, 5 are members of the Albanian community. One of them is a Deputy President of the Government.

136. The constitutional principle of equitable representation of members of communities in the state administration is consistently observed and implemented by the Government of the Republic of Macedonia.<sup>6</sup>

137. For the purpose of successful implementation of the principle of equitable representation, the amendments to a number of laws have been adopted, including:

- Law on Labor Relations;
- Law on Public Enterprises;
- Law on Primary Education;
- Law on Secondary Education;
- Law on Students Standard;
- Law on the Ombudsman;
- Law on Courts;
- Law on Civil Servants.

#### **(d) Other civil rights**

##### **1. Right to freedom of movement and residence within the border of the state**

138. According to Article 27 of the Constitution, every citizen of the Republic of Macedonia has the right freely to move within the territory of the state and freely to choose the place of domicile. Every citizen has the right to leave the territory of the state and to return to it.

139. The exercise of these rights may be limited by law, only in cases necessary to protect the security of the state, criminal proceedings and for the protection of health of people.

140. The right of citizens of the Republic of Macedonia to free movement and residence within the territory of the state is regulated by the Law on Registration of Domicile and Residence of Citizens. The Law does not discriminate on any grounds, whatsoever. It is only necessary that the citizen wishes to live in a certain place and to provide a place to live in (either as his/her property or rented).



## **2. Right to leave any country and return to the territory of the state**

141. According to Article 27, paragraph 2 of the Constitution of the Republic of Macedonia “Every citizen has the right to leave the territory of the state and to return to it.” According to paragraph 3 of this Article “The exercise of this right may be limited by law, only in cases necessary to protect the security of the state, criminal proceedings and for the protection of health of people.”

142. Article 2 of the Law on Travel Documents of the Citizens of the Republic of Macedonia - consolidated text (Official Gazette of the Republic of Macedonia No. 73/04), stipulates that “To travel abroad, citizens of the Republic of Macedonia need a travel document, foreseen by this Law, unless otherwise agreed upon by international agreement. However, the Government of the Republic of Macedonia may decide that traveling abroad or to specific foreign countries requires a visa, due to international reciprocity, protection of security of the Republic of Macedonia or protection of health of the people.”

143. Readmission agreements ratified by the Republic of Macedonia constitute part of the wider regulatory framework. This particularly relates to readmission provision concerning the return of Macedonian citizens who left the Republic of Macedonia illegally and were denied the status of a recognized refugee or whose status has expired in the countries in which they applied and which signed this kind of agreement with the Republic of Macedonia.<sup>7</sup>

## **3. Right to nationality**

144. In accordance with the Constitution of the Republic of Macedonia, citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia. A subject of the Republic of Macedonia may neither be deprived of citizenship nor expelled or extradited to another state. Citizenship of the Republic of Macedonia is regulated by law. The Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 67/92 and 08/04) regulates the manner and conditions for acquiring and cessation of citizenship of the Republic of Macedonia, then the establishment of the citizenship and keeping records of subjects of the Republic of Macedonia.

145. The Law Amending the Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 8/04) takes over in full the definition of citizenship from the European Convention on Nationality according to which: “nationality means the legal bond between a person and a state and does not indicate the person’s ethnic origin”.

146. In accordance with Article 2 of the Law on Citizenship of the Republic of Macedonia, citizens of the Republic of Macedonia may also hold citizenship of another state. A citizen of the Republic of Macedonia holding a citizenship of another state is considered within the Republic of Macedonia to be exclusively a citizen of the Republic of Macedonia, unless otherwise stipulated by international agreement. In accordance with this Law, citizenship of the Republic of Macedonia may be acquired by:

- Origin (*jus sanguinis*);
- Birth on the territory of the Republic of Macedonia (*jus soli*);

- Naturalization; or
- International agreement.

147. In the area of citizenship legislation, the Republic of Macedonia has also incorporated the European Convention on Nationality, signing this Convention in 1997, a ratifying it in 2002. The Convention and the Law on Citizenship of the Republic of Macedonia eliminate any discrimination based on gender, religion, race, national or ethnic origin.

148. Aiming at full harmonization of the Law on Citizenship of the Republic of Macedonia, which has been already harmonized to a great extent with the European Convention at the beginning of 2004, the Republic of Macedonia adopted the Law Amending the Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 8/04).

149. The constitutional provisions on equality of citizens of the Republic of Macedonia in the area of citizenship have been taken over and further elaborated in the Law on the Citizenship of the Republic of Macedonia through one of the basic principles on which the Law is based - non-discrimination on any ground.

150. The above stated can be supported by the terms used in the Law: citizen, alien, emigrant, person, parent, child and similar.

#### **4. Right to marriage and choice of spouse**

151. Marriage and family as well as marital and family relations in the Republic of Macedonia are regulated in the Law on the Family (Official Gazette of the Republic of Macedonia No. 80/92) and the Law Amending the Law on the Family (Official Gazette of the Republic of Macedonia No. 38/04), while in accordance with the Law on Registry of Births, Marriages and Deaths (Official Gazette of the Republic of Macedonia No. 8/95) the data on the concluded marriage is entered in the Registry of Marriages. The said Law does not contain any racial, religious, gender based or linguistic barriers.

152. In accordance with the Law on Keeping the Registries of Births, Marriages and Deaths (Official Gazette of the Republic of Macedonia No. 8/95) and the Law Amending the Law on Registries of Births, Marriages and Deaths (Official Gazette of the Republic of Macedonia No. 38/02), the Registry of Marriages where data on marriages is entered is kept in the Macedonian language and its Cyrillic alphabet, while in units of local self-government in which at least 20% of the citizens speak an official language other than Macedonian, the form of Registries of Births, Marriages and Deaths is printed and the data is entered therein using the Macedonian language and its Cyrillic alphabet and in the official language and alphabet used by the spouses.

#### **5. Right to own property**

153. The Law on Ownership of Property and other Proprietary Related Rights adopted by the Assembly of the Republic of Macedonia on 20 February 2001 regulates the right to own property and other proprietary related rights in accordance with the Constitution.

154. In accordance with Article 2 of this Law, domestic and foreign natural persons may acquire ownership of property, including the state and the units of the local self-government, under conditions and in a manner envisaged in this or another law. The right to ownership and other proprietary rights are exercised based on free disposition, with necessary limitations envisaged in the Constitution and laws. Legal protection of ownership (Articles 5 and 6 of the Law on Property and Other Proprietary Rights) is guaranteed.

## **6. Right to freedom of thought, conscience and religion**

155. In the Republic of Macedonia, the freedom of thought, conscience and religion is protected by the Constitution of the Republic of Macedonia.

156. Namely, according to Article 9 of the Constitution, citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, color of skin, national and social origin, political and religious beliefs, property and social status and they are equal before the Constitution and law.

157. Furthermore, according to Article 16, paragraph 1 of the Constitution, freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.

158. Article 19, paragraphs 1 and 2 of the Constitution, contains special guarantee for the freedom of religious confession and of the right to express one's faith freely and publicly, individually or with others.

159. According to Article 54, the right to freedom of conscience, thought, public expression of thought and other rights, may not be restricted or discriminated against on grounds of gender, race, color of skin, language, religion, national or social origin, property or social status. The restriction of freedoms and rights cannot be applied to the freedom of personal conviction, conscience, thought and religious confession.

160. Furthermore, these rights enjoy direct constitutional-judicial protection based on Article 110, paragraph 1, subparagraph 3 of the Constitution which defines the competencies of the Constitutional Court and which, *inter alia*, envisages that the Constitutional Court of the Republic of Macedonia shall protect the human rights and freedoms related to personal conviction, conscience, thought and religious confession.

161. Constitutionally guaranteed rights have been incorporated in the Law on Religious Communities and Religious Groups of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 35/97). According to Article 6 of the Law, religious assemblies, religious rites, religious publications, religious teaching, religious schools and other forms of expression of religion may not be used for political purposes, for inflaming religious, national or other intolerance or for purposes of other activities prohibited by law.

162. The Law on Religious Communities and Religious Groups contains provisions which prevent discrimination against religious minorities in the Republic of Macedonia.

163. In accordance with Article 2 of this Law, religious communities, i.e. religious groups are free in the performance of religious activities and religious rites. The Law contains an explicit prohibition of forcing citizens to become or preventing citizens to become or be a member of a religious community or religious group. Furthermore, it is prohibited to force citizens to participate or not to participate in religious rites, or other forms of expression of religion, and citizens may not be deprived of rights they are entitled to according to the Constitution and laws, because of religious conviction, belonging to a religious community or a religious group, performance of religious rites, and other forms of expression of religion (Article 4).

164. The Constitution of the Republic of Macedonia guarantees that the Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelist-Methodist Church, the Jewish community and other religious communities and religious groups are separate from the state and are equal before the law (Article 19).

165. As regards the legal framework for conscientious objection, the right to conscientious objection is regulated in the Law on Defense (Official Gazette of the Republic of Macedonia No. 42/01, 5/03). Namely, closely linked with the exercise of the freedom of conscience is the right to conscientious objection, while when it comes to the general army service obligations regulated in Article 28 of the Constitution, under the Law on Defense (Article 8) alternative army service is allowed exclusively on religious grounds, in the non-armed services of the Army. In such a case, the length of service is 10 months, instead of 6 months. The law defines the procedure for this type of army service.

## **7. Right to peaceful assembly and association**

166. In addition to the information presented in the Initial Report, one should take into account the following.

167. According to the **Law on Associations of Citizens and Foundations** (Official Gazette of the Republic of Macedonia No. 31/98), citizens may freely associate in associations of citizens or establish foundations for the purpose of accomplishing economic, social, cultural, scientific, professional, technical, humanitarian, educational, sport and other rights, interests and convictions in conformity with the Constitution and laws. In the exercise of these rights, citizens may not be discriminated against on national or any other grounds, whatsoever.

168. The Law regulates the manner, conditions and procedures for the establishment, registration, operations and dissolution of associations of citizens and foundations. A member of association of citizens may be every citizen who joins it on a voluntary basis, whereas foreign citizens may become its members if the association's statute provides for such possibility.

169. Non-profit foreign and international non-governmental organisations, foundations, associations and their branch-offices may be established in the territory of the Republic of Macedonia. Activities of foreign organisations must not run counter to the Constitution or the laws in the Republic of Macedonia or international treaties the Republic of Macedonia has signed or acceded to.

170. Associations of citizens and foundations may be dissolved if they carry out political activities or use their property and assets for the accomplishment of objectives of political parties. Moreover, their activities may be prohibited if they undertake actions aimed at the violent overthrow of the constitutional order of the Republic, incite or call for military aggression and incite ethnic, racial or religious hatred and intolerance (Articles 3 and 4 of the Law).

**(e) Economic, social and cultural rights**

**1. The rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration (labor rights)**

171. The new Law on Labor Relations (Official Gazette of the Republic of Macedonia No. 62/05) in addition to containing the general prohibition of discrimination which was envisaged in the previous law as well, according to which the employer is prohibited to discriminate and must not place a job applicant or an employee in an unequal position on grounds of race, color of skin, gender, age, health status, i.e. on grounds of individual, religious, political or other conviction, membership in trade unions, national or social origin, family status, property status, sexual orientation or other personal circumstances (Article 6), also defines the cases of direct and indirect discrimination of a job applicant or an employee.

172. Direct discrimination is defined as any conduct conditioned on grounds of gender, color of skin, age etc, by which the person has been placed, is placed or could be placed in less favorable position vis-à-vis other persons in comparable situations.

173. Indirect discrimination within the meaning of this Law occurs when a seemingly neutral provision, criterion or practice places or would place a job applicant or an employee in less favorable position on grounds of certain characteristic, status, belief or conviction.

174. The grounds upon which discrimination is prohibited are precisely defined:

- Employment conditions, including the criteria and conditions for selection of candidates for a certain job, in any field of activity and at all levels of professional hierarchy;
- Job promotion;
- Access to all types and degrees of professional training, re-qualification, and completion of qualification;
- Conditions for work and all labor related rights deriving from employment, including equal pay for equal job;
- Conclusion of the employment contract;

- The rights of members and activities of associations of workers and employers or any other professional organization, including benefits deriving from membership.

175. The provisions in collective agreements and employment contracts envisaging discrimination are null and void.

176. In addition to discrimination, there are situations referred to in which the nature of the work is such or the work is performed in such conditions that certain features are decisive condition for the performance of the job, provided that the goal to be achieved is justified and the condition is balanced.

177. Furthermore, all measures provided for in this Law, other laws, collective agreements or employment contracts relating to special protection and assistance to certain category of workers, and especially for the protection of persons with disabilities, older workers, pregnant women and women exercising any of the rights to protection of motherhood, and the provisions relating to special rights of parents, adoptive parents and wards are not considered as discrimination nor may be grounds for discrimination.

178. The new Law on Labor Relations provides specific guarantees, i.e. the right to judicial protection in cases when in the selection of a job applicant, the discrimination prohibition has been violated. Hence, the applicant who has not been selected for a job, who considers that the discrimination prohibition has been violated in the candidate selection, has the right to submit damage compensation claim before the relevant court, within 15 days from the receipt of the information on the selection of a candidate by the employer (Article 181, paragraph 6).

**2. The right to form and join trade unions, the right to housing, the right to public health, medical care, social security and social services have been elaborated in detail in the Initial Report of the Government of the Republic of Macedonia on the Covenant on Economic, Social and Cultural Rights submitted to the relevant Committee on 21 July this year**

179. All citizens of the Republic of Macedonia, i.e. persons under the jurisdiction of the Republic of Macedonia effectively enjoy these rights, without any limitations on grounds or gender ethnic affiliation, religion or any other grounds for discrimination.

**3. The right to education and vocational training (detailed information are contained in the Initial Report of the Republic of Macedonia on the International Covenant on Economic, Social and Cultural Rights)<sup>8</sup>**

180. Article 44 of the Constitution envisages that everyone has the right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free.

181. According to the State Statistical Office, in 2002 the gross coverage in primary education was 97.1%.

182. According to Article 8 of the Law on Primary Education (Official Gazette of the Republic of Macedonia No. 63/2004) instruction is carried out in the Macedonian language and its Cyril alphabet. The education-instruction for persons belonging to communities is carried out in the language and alphabet of the communities in a manner determined in this Law. Pupils belonging to the communities shall study the Macedonian language as the official language of the Republic of Macedonia.

183. In the 2004/2005 academic year there were 328 schools working, in which the instruction was carried out in the Macedonian language (covering 145.150 pupils, in the Albanian language of instruction (covering 75.146 pupils), in the Turkish language of instruction (462 pupils) or a total number of 226.493 pupils follow instruction.

184. Among certain ethnic communities in the Republic of Macedonia, especially the Roma, there is an evident problem of the dropping out of pupils from the further education process. The Ministry of Education of the Republic of Macedonia undertakes measures to alleviate or eventually eliminate this phenomenon and reintegrate the pupils in the education system. Aiming towards realizing this goal, there have been seminars organized for the school principals, teachers and representatives of the professional services at the schools (pedagogues, sociologists, psychologists). This training is related to concrete measures to decrease the dropout rate. There have been information materials distributed to school teams in order to detect the reasons for dropout. There is already a strategy prepared, envisaging further activities for prevention of the increase of the number of children outside the education process. The project activities are realized with the assistance of the UNICEF Office in Skopje, which has financially supported the project "Education for All".

185. The findings of research into the dropout rate among pupils of the Albanian ethnic community and of the Roma ethnic community show that the causes are to be found in tradition, lifestyle, religion and customs. These are causes whose effects can become evident after a longer period. There is hope that upon completion of the project by the end of 2005, the situation will be positively changed and the dropout trend will be reduced.

186. In the most recent period, the Government has focused its efforts on the Turkish community in Macedonia, as well, especially in the East and North-East parts of Macedonia where the problem of dropout of pupils is evidently related to the terrain configuration i.e. the classes in the mountainous regions are far from the central primary schools. Making efforts to ensure full coverage of pupils in these schools, the Ministry of Education opened classes from the fourth to the eighth grades of primary education in the Turkish language.

187. According to Articles 3 and 4 of the Law on Secondary Education (Official Gazette of the Republic of Macedonia No. 44/95) everyone has the right to secondary education under equal conditions. Discrimination on grounds of race, skin color, national and social origin and religious conviction, property or social status is prohibited. Secondary education in the Republic of Macedonia is not obligatory. 85% of the pupils, having completed compulsory primary

education, enrol in some type of secondary education. Students receive secondary education free of charge. There are 91 state owned secondary schools, 4 of which are for students with special needs, along with 3 private secondary schools.

188. According to the Law on Secondary Education (Official Gazette of the Republic of Macedonia No. 44/95) the democratization of this segment of education continues. In addition, in state or municipal (public) institutions the Law provides for the possibility of organizing secondary education in private secondary schools as well. Instruction in secondary education is carried out in the Macedonian language and its Cyrillic alphabet. For persons belonging to the communities, the education-instruction in public secondary schools is carried out in the language and alphabet of the community in a manner and under conditions established with this Law. Students belonging to the communities study the Macedonian language.

189. The system of higher education consists of study programs of four to six years organized in the faculties of the four universities in the Republic of Macedonia. The higher education process is organized in four universities: Ss. Cyril and Methodius, Skopje, St. Kliment Ohridski in Bitola, the University of South-East Europe in Tetovo and the State University in Tetovo which are associated within the Inter-University Conference. The University of South-East Europe is a private university, while the other three are public. In addition to these universities, the higher education process is also carried out at the private Faculty of Humanities.

190. The Government of the Republic of Macedonia has been pursuing policies aimed at increasing the percentage of students belonging to ethnic communities who are not the majority. Namely, as of 1994 the Government of the Republic of Macedonia, adopting an annual decision, sets an additional quota for free studies at state universities for persons belonging to all minorities, depending on their percentage representation in the total population. This instrument of positive discrimination has to a certain extent improved the percentage of students belonging to ethnic communities in the period as of 1994 (for example there has been increase of the percentage of students belonging to the Albanian ethnic community from 2.23% in 1992/93 to 5.7% in 2000/01). In 2003, after the adoption of the Law Amending the Law on Higher Education (Official Gazette of the Republic of Macedonia No. 49/03) positive discrimination has become a legal obligation regarding enrolment in state universities.

191. In order to improve the percentage of representation of students belonging to ethnic communities in 2001, the first private university in the Republic of Macedonia was opened (the University of Southeast Europe in Tetovo) with significant support from the international community, where the instruction is carried out in the Albanian, Macedonian and in the English language. After its opening the total number of Albanians enrolled in higher education establishments, in the 2003/2004 academic year inclusive, has been raised to 10.4% of the total number of enrolled students in that academic year.

192. In 2004, the Law on the Establishment of the State University in Tetovo was adopted (Official Gazette of the Republic of Macedonia No. 8/04) by which the obligation for state funding of higher education in the language used by at least 20% of the citizens of



the Republic of Macedonia has been fulfilled. The instruction in this institution (in the Albanian language) started in the 2004/05 academic year, after the institution had been accredited.

193. In addition to the State University in Tetovo, persons belonging to the communities can exercise their right to education in their mother tongue at the two state universities in Skopje and in Bitola. At this University, in the Faculties of Philology, there are Departments for studying Albanian language and literature and Turkish language and literature.

194. At the Pedagogical Faculty in Skopje and in Stip that educate teaching staff i.e. expert associates for instruction in primary and secondary education, there are departments for Albanian and Turkish language.

195. Aiming at stimulating the representation of persons belonging to communities who represent less than 20% of the citizens of the Republic of Macedonia, the Ministry of Education and Science adopted a decision for organizing studies in the Vlach language and literature at the Pedagogical Faculty in Stip. There is also an ongoing project for optional studies of the Roma language and literature at one of the Faculties of Philology. At the Academy of Drama Arts there is a Department for Albanian and a Department for Turkish language drama.

*Department for development and promotion of education in the languages of persons belonging to communities*

196. In accordance with the Law on the Organization and Work of State Administration Bodies (Official Gazette of the Republic of Macedonia No. 58/00, 44/02) the Department for development and promotion of education in the languages of persons belonging to communities has been established at the Ministry of Education and Science.

197. The Department is in charge of implementing tasks in the area of education of persons belonging to communities, in accordance with constitutional provisions and international conventions signed by the Republic of Macedonia, with participation of all Government bodies and other state bodies and institutions in the area of education of persons belonging to communities.

198. The Department implements activities to overcome linguistic barriers and to promote inter-ethnic trust, to build a democratic model and promote relations facilitating a more successful socialization and inclusion of persons belonging to various linguistic communities in the overall social life of the Republic of Macedonia.

199. The Department places a special focus on preventing discrimination in the area of education and in the entire education process.

#### **4. Right to participate, under equal conditions, in cultural activities**

200. The Constitution of the Republic of Macedonia envisages that cultural rights are part of the basic freedoms and rights of citizens. Thus, the Constitution guarantees the freedom of

scholarly, artistic and other forms of creative work. Rights deriving from scholarly, artistic or other intellectual creative work are guaranteed. The Republic of Macedonia stimulates, assists and protects the development of science, arts and culture.

201. Furthermore, citizens are guaranteed freedom of association for purposes of exercising and protecting their political, economic, social, cultural and other rights and convictions.

202. As regards the corpus of cultural rights, the Constitution and Constitutional amendments envisage that persons belonging to national minorities i.e. communities, have the right to freely express, foster and develop their identity and attributes of their communities and to establish cultural, artistic, educational institutions and scientific and other associations to express, foster and promote their identity.

203. The concept of basic values of the constitutional order, i.e. the basic freedoms and rights of the citizens, recognized in international law and the Constitution, in terms of exercise of cultural rights, has been elaborated in the Law on Culture (Official Gazette of the Republic of Macedonia No. 66/03, consolidated text) as the basic law relating to artistic works, publication of artistic works and protection and use of artistic works and in the Law on Copyrights and Related Rights (Official Gazette of the Republic of Macedonia No. 47/96, 3/98, 98/02).

204. The Law on Culture which in its concept is based on the constitutional provisions in this area, mentioned above, the Universal Declaration and a series of international conventions in this area, regulates the basis of culture as fundamental values of the Republic of Macedonia, elaborating as well the forms of cultural activities and the conditions for their financing and other issues of interest to culture.

205. According to the Law on Culture cultural activities are exercised based on the principle of equal position of all entities - natural and legal persons, under equal conditions can perform cultural activities. The equality of natural persons in fact promotes the civil concept of culture, according to which any citizen of the Republic of Macedonia, regardless of his /her origin, ethnic affiliation, gender or other features has equal rights guaranteed by law in respect of creating and using culture. In general terms, the basic subject is the citizen as the creator and user of cultural activities regardless of the citizens' status, age and affiliation on any grounds.

206. The Law on Culture widely defines subjects performing cultural activities: artists, institutions and other legal and natural persons. The Law defines the conditions and manner of performing cultural activities, especially the establishment, management and decision making, funds and foundations in culture. This means that anyone who fulfils certain conditions may be registered and perform activities in the area of culture and anyone can compete for budgetary funding, under a prescribed procedure and equal regime and control. The Law on Culture encourages the development of multiculturalism, by creating equal conditions for the expression, fostering and promoting the cultural identity of all communities in the Republic of Macedonia. This Law covers the issues related to the preservation and representation of cultural heritage of all communities in the Republic of Macedonia, resulting from various civilizations, cultural, ethnic and confessional influences.

207. In order to maintain and raise the quality of culture, as the basic value in the lives of citizens of the Republic of Macedonia, in May 2004, a National Program for Culture for the 2004-2008<sup>9</sup> period was adopted, as strategic culture development document.

208. The concept of the National Programme on Culture is based on the possibility of wider understanding of culture, as a manner in which people, relying on their tradition, creatively improve the current reality, with new works and values that advance human rights and freedoms. Such a definition of culture is based on several basic principles: accessibility, diversity, openness, accountability and flexibility. The accessibility of cultural values is related to the exercise of cultural rights by all citizens, while diversity is related to the fostering of the riches of different cultural identities, and the need to deepen the area of artistic works and artistic freedoms.

209. The Law on Copyrights and Related Rights, which is based on legal obligations set forth in several international documents in the area of copyrights and related rights, is based essentially on the civil normative concept in regulating the regime for exercise and protection of copyrights and related rights, as one of the forms of exercising the civil, economic, social, cultural freedoms and rights of citizens.

210. This Law is focused on the exercise and protection of copyrights of citizens - authors, regardless of the gender, race, colour of skin, national and social origin, political and religious conviction, property or social status, over their works. The Law protects related rights of performers, broadcasters, producers, publishers and other holders of related rights, following principles of copyrights and specific subject of related rights (phonograms, videograms, programs, publications and similar).

## Article 6

211. Protection of human rights and freedoms is guaranteed in Article 50 of the Constitution of the Republic of Macedonia according to which: *“Every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency. Judicial protection of the legality of individual acts of state administration, as well as of other institutions carrying out public mandates, is guaranteed. A citizen has the right to be informed on human rights and basic freedoms as well as actively to contribute, individually or jointly with others, to their promotion and protection.”*

212. The criminal protection of human rights and freedoms is one of the most efficient forms of protection in cases of human rights and freedoms violations.

213. The Criminal Code of the Republic of Macedonia incriminates the offense in its Article 319: *“Incitement of National, Racial and Religious Hatred, Discord and Intolerance”* which relates to sanctions of all perpetrators who by force, maltreatment, threatening the safety, derision of the national, ethnic or religious symbols, by desecrating monuments, graves, or in another way instigates or incites national, racial or religious hatred, discord or intolerance.

214. In addition to regular courts, citizens may invoke direct protection of their freedoms and rights before the Constitutional Court of the Republic of Macedonia, as well. Namely, according to Article 110, paragraph 1, subparagraph 3 of the Constitution of the Republic of Macedonia, the Constitutional Court of Macedonia protects the freedoms and rights of the individual and citizen relating to the freedom of communication, conscience, thought and activity as well as to the prohibition of discrimination among citizens on the grounds of gender, race, religion or national, social or political affiliation.

215. The procedure for protection of freedoms and rights before the Constitutional Court is regulated in the Rules of Procedure of the Constitutional Court, according to which citizens may request protection of freedoms and rights before the Constitutional Court within 2 months of the day they have been forwarded a final legally valid decision, i.e. of the day they have learned of an action taken which violates their rights or freedoms, but not later than 5 years the actions has been undertaken. As a rule, the Constitutional Court deliberates its decisions after a public hearing at which the parties to the procedure are called upon, as well as the Ombudsman. In its decision for the protection of freedoms and rights, the Constitutional Court establishes whether the rights or freedoms have been violated and accordingly annuls the act or prohibits the action that violates the freedom and rights or rejects the request. The Constitutional Court may adopt a decision to stay the enforcement of the individual act or action until a final decision has been adopted.

216. In addition to the direct constitutional-judicial protection within its basic competence - control of the constitutionality and legality - the Constitutional Court also performs the so-called abstract protection of human rights, having the competence to annul, i.e. abolish provisions of laws and regulations that are contrary to the Constitution, i.e. which violate constitutionally guaranteed rights. In the 1993-2004 period, deciding on the conformity of laws with the Constitution, or of regulations with the Constitution and laws, the Constitutional Court has on several occasions annulled certain provisions contained in laws and other regulations which violate civil rights and freedoms, guaranteed by the Constitution.

### **Individual cases**

217. According to the information of the relevant courts, in the 1996-2004 period, two persons were found guilty of the crime under Article 319 - inciting national, racial and religious hatred, discord and intolerance.

218. In the first case the person convicted of this crime is a national of the Republic of Macedonia belonging to the Albanian community, who was elected mayor of the Municipality of Gostivar in the 1996 local elections.

219. In September 1997, the Basic Court in Gostivar made a sentence by which one person was found guilty of:

(a) Stirring up, in an official capacity, of racial and religious hatred, discord and intolerance for what he was sentenced to 8 year imprisonment;

(b) Organization of resistance against lawful decision or activity of a state institution for what he was sentenced to 4 year imprisonment;

(c) Failure to carry out, in an official capacity, a decision of the Constitutional Court for what he was sentenced to 3 year imprisonment.

220. In the appeal proceedings before the Appellate and Supreme Courts respectively the court verdict was confirmed.

221. In March 1998 the individual in question filed a complaint with the Constitutional Court on the basis of violation of freedom of expression. The Constitutional Court dismissed the complaint.

222. On 4 February 1999, the Assembly of the Republic of Macedonia adopted the Amnesty Law under which the individual was released from prison after having served the sentence of 1 year and 3 months.

223. In July 1998 the individual filed an application against the Republic of Macedonia with the European Court of Human Rights for alleged violation of Article 10 - freedom of expression and Article 11 - freedom of assembly and association of the European Convention for Human Rights and Fundamental Freedoms.

224. The Court in Strasbourg found that “The applicant complains that his right to freedom of expression and assembly were violated are manifestly ill-founded within the meaning of Article 35, paragraph 3 and must be rejected in accordance with Article 35, paragraph 4 of the Convention.”

225. Furthermore, the Strasbourg Court considers that “Article 319 of the Penal Code represents sufficient legal basis for the applicant’s conviction. The provision in question is sufficiently precise and the applicant could foresee to a degree reasonable in the circumstances the consequences which his action might entail. It follows that the interference was “prescribed by law”. The Court is satisfied that the interference pursued several legitimate aims such as the prevention of disorder and crime, the national security and public safety and the protection of the freedoms and rights of others.

226. The Court finds that the criminal law measures imposed by the domestic courts answered a “pressing social need and that sufficient reasons were given by the domestic authorities to justify the conviction of the applicant”.

227. In the second case, the convicted person is a former clergyman, bishop, member of the Holy Pontific Synod of the Macedonian Orthodox Church, who on grounds of irregularities in his work was dismissed on 9 July 2003, dethroned and returned to the ranks of regular followers.

228. After the submitted indictment for the crime under Article 319 - causing national, racial and religious hatred, discord and intolerance, the competent first instance court proclaimed him guilty and sentenced him to 18 months imprisonment. This decision has been confirmed by the

Court of Appeals in Bitola. After all evidence had been presented, the Court established that with his acts - performing religious rituals together with his followers, in his parents' apartment and issuing and distributing the religious calendar for 2004, he grossly and vulgarly attacked the Macedonian Orthodox Church and its leaders, calling the Macedonian people ignorant, without religious education, offending thus the religious sentiments of the citizens and causing religious hatred, uncertainty and intense reaction.

229. After submitting an extraordinary legal remedy in its decision dated 13 September 2005, the Supreme Court partially accepted the request of the convicted person. The request was accepted in the part relating to freedom to perform religious rites, in respect of which the Constitutional Court referred to the constitutionally guaranteed right to expression of religion. However, the Court confirmed the decision of the lower instance courts regarding the publication of the religious calendar considering that it contains elements of a crime - inciting national racial and religious hatred, discord and intolerance. The Supreme Court, referred to Article 9 of the European Convention on Human Rights and Fundamental Freedoms.

230. The case is pending considering that the convicted person has an extraordinary legal remedy available.

231. In addition to the cases referred to above, in accordance with the statistical data in 2000 and in 2001 criminal charges were raised and then dropped against one person only, for a crime under Article 319. In 2002, criminal charges against two persons were rejected for a crime under Article 319. In 2003, the investigation, upon criminal charges for a crime under Article 319 instituted against one person, was interrupted.

## **Article 7**

### **(a) Education and instruction**

232. During the last several years there have been intensive activities for the integration of human rights education into the regular curricula for primary and secondary education. There have been several projects implemented with specialized agencies of the UN and with other international organizations focused on education concerning various aspects in the area of human rights and the functioning of democracy.

233. In 2002, through the Ministry of Foreign Affairs, the Government of the Republic of Macedonia concluded a project on technical cooperation with the Office of the UN High Commissioner for Human Rights. The part of the project for technical cooperation relating to the education area includes issues in the field of human rights within the curricula for secondary and primary education and contains activities for training of the teaching staff.

234. A Strategic Partnership Group has been established tasked with the realization of these activities, composed of representatives of relevant ministries, of the civil society, and international organizations that already implement human rights education programs, with the intention of integrating and harmonizing the programs in a single framework.

235. On 29-30 January 2004, in Skopje, National Consultations on Human Rights Education were held. These consultations were the final part of activities undertaken in the 2002-2004 period. The participants in the consultations (representatives of government and nongovernmental bodies, independent experts, representatives of international non-governmental organizations and direct participants in the education process), *inter alia*, concluded that there should be appropriate legislative amendments (primarily to the laws on primary and secondary education) as well as the establishment of a national body (National Committee for Human Rights Education) to prepare the National Plan for Human Rights Education.

236. The following are some of the concrete projects implemented in the area of human rights education, i.e. with reference to specific UN documents such as the UN Charter, the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Racial Discrimination, and the Convention on the Rights of the Child:

- The program for higher grades of primary education called “the World and Us,” elaborating the provisions of the UN Charter, and the program “Let us help each other”;
- The pilot program on the Basis of Civil Society, applied in primary education, introducing pupils to various segments of the human rights area such as the right to life, freedom and security of the person, equality before the law, right to fair and public trial before an independent and impartial court, the right to privacy, to family, freedom of expression and thought;
- This academic year a pilot project has started aimed at introducing primary education pupils to the provisions of the Convention on the Rights of the Child. The Convention has been translated into the five languages of persons belonging to the communities in the Republic of Macedonia, having been translated for the first time in the Roma language.

237. In this context it should be added that the new concept of primary schools envisages realization of a cycle of classes elaborating the issue of “civil culture” in higher grades. In the area of secondary education it is important to mention the curricula for civil education, realized in all secondary schools, as a result of the project for introducing civil education in secondary schools, implemented in 1999/2000.

238. Aiming at eliminating prejudices in education leading to various forms of discrimination, among which racial discrimination as well, the Ministry of Education and Science has made an expert analysis of the textbooks for civil education for primary schools. In this regard, certain examples of stereotypes regarding ethnic communities in the Republic of Macedonia have been eliminated, especially those related to the Roma community.

239. The Bureau for Development of Education has established a Commission for preparation of text books on history, which has made the draft of history text books for primary and secondary schools (general and vocational). Experts who participated in this Commission were representatives of communities in Macedonia (Macedonians Albanians, Turks) and teachers from primary and secondary schools.

240. In the preparation of the new curricula for history and of history text books, there has been particular attention paid to European standards and all stereotypes have been eliminated, i.e. positive historic developments, persons and cultural achievements of importance for the history of the country are included in the curricula, respecting the history of all ethnic communities in the Republic of Macedonia.

241. For purposes of promoting the culture of persons belonging to various communities in the Republic of Macedonia, recently a Department for advancement and promotion of culture of persons belonging to the communities in the Republic of Macedonia has been established at the Ministry of Culture. This Department, according to the acts of the Ministry of Culture, shall work on the affirmation, promotion and publication of the cultural works and activities to foster and represent the cultural heritage of persons belonging to communities in the Republic of Macedonia, as well as on analytical and administrative technical activities to encourage and advance the culture of communities.

242. The Department has two units:

- Unit for affirmation, promotion and publication of the works of culture and for care, fostering and presentation of the cultural heritage of persons belonging to communities in the Republic of Macedonia;
- Unit for encouragement and advancement of the cooperation with neighboring and European countries, for international technical assistance intended for the fostering and promotion of the cultural identity of persons belonging to communities in the Republic of Macedonia.

The Government of the Republic of Macedonia makes efforts to enhance the function of this Department, *inter alia*, through ensuring several sources of financing for cultural activities of persons belonging to communities.

**(b) Information**

243. The Government of the Republic of Macedonia ensures the conditions for dissemination of information against racial prejudices and on wider public information on issues related to the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination. Issues in this context are present in all media, including the private media, keeping in mind that almost 80% of the media have been privatized.

244. According to the Code of Ethics of Journalists, the journalists shall not intentionally report or process information that threatens human rights and freedoms, shall not use hate speech and shall not encourage violence and discrimination on any grounds (national, religious, racial, gender, social, linguistic, sexual orientation, political). Journalists shall abide by the generally accepted social standards and shall respect the ethnic, cultural and religious differences in Macedonia.

245. The Government of the Republic of Macedonia pays special attention to advancing the mutual understanding between and among various communities in the country. This is an



obligation deriving from the Framework Agreement, i.e. its Annex C which contains a separate chapter dedicated to the implementation of confidence building measures, i.e., item 6 - Culture, education and use of languages. In this section there is a stress on the need to enhance the assistance for projects in the area of media, in order to further enhance the radio, TV and printed media, including the media in the Albanian language, and multiethnic media, and to increase the professional media training programs for persons belonging to communities that are not in the majority in the Republic of Macedonia.

246. In defining which projects will be financed from the broadcasting fee funds, the Broadcasting Council especially endeavors that the realized projects satisfy the public multicultural interests of citizens. This helps fulfill the need for assistance to projects in the area of media.

247. Compared to European standards in the private and public sectors, in the Republic of Macedonia there has been high percentage of presentation of programs in the languages of the communities on the electronic media, which is believed to contribute to better understanding, greater tolerance and friendship among different communities.

248. In this context it is worthwhile mentioning the initiative of the Dnevnik daily newspaper, called Pages of mutual understanding. The newspaper has allocated media space for Macedonian and Albanian journalists to be able to write together on certain issues, providing also for the publication of articles on inter-ethnic relations in the country in the Macedonian and in the Albanian language.

249. As part of the reform **training of the police**, the Ministry of Internal Affairs defines as a priority task the training of employees of the Ministry of Internal Affairs in the area of human rights and freedoms. In this context, trainings called Human Rights and the Police have been realized through seminars for employees at services and internal affairs department at the Ministry of Internal Affairs.

250. Supported by the OSCE and the Helsinki Committee for Human Rights as of 2002, the Ministry of the Interior has trained 4.150 police officers and officers of the criminal police, or about 47.50% of police officers, through this form of education.

251. Specialized manuals prepared by the Ministry of Internal Affairs and the OSCE are used for the successful realization of the training, as well as handbooks prepared under the Council of Europe Project "Human Rights and the Police 1997-2000". The training realized under this project, covers issues such as: non-discriminatory work of the police, democratic performance of the police function.

252. Issues in the area of human rights are covered in the curricula of the Police Academy, including units on methodology and as a separate subject of higher education. The training program called Human Rights and the Police is implemented at four levels, through the process of basic and specialized training, management training and as a separate subject, in cooperation with experts from the Ministry of Internal Affairs, the Police Academy, the OSCE and other institutions in the country.

253. As a result of amendments to large number of laws and regulations within the area of competence of the police stations and police departments, in December 2004 the new Program for supplementary professional training and advancement of police employees was adopted. The supplementary program for all police officers contains a separate section “Non-discriminatory work of the police” and “Democratic performance of the police functions.”

254. In addition to education, the establishment of multiethnic police forces has also greatly contributed to raising the awareness of police officers about the non-discriminating role and understanding of differences of citizens. The challenge and necessity of police work in a multiethnic environment required that multiethnic police forces, in their everyday mutual communication with the population, acquire a sense of non-discrimination in police work as well as an awareness of the necessity for equal treatment of citizens in the exercise of police competencies.

255. The Ministry of Internal Affairs remains committed to cooperation between the police and citizens, which is closely linked with the strategic goal of the Republic of Macedonia of fulfilling European standards in all areas of its functioning, including security.

#### Notes

<sup>1</sup> The Constitution, as a state supreme legal act, does not operate with the term “national minorities”, but “members of the communities”.

<sup>2</sup> The updated Core Document for the Republic of Macedonia is being prepared.

<sup>3</sup> See Appendix 2.

<sup>4</sup> See Appendix 4.

<sup>5</sup> This provision was part of the previous Law on Labor Relations.

<sup>6</sup> See Appendix 6 on the statistics on ethnic structure of budget beneficiaries and state administration.

<sup>7</sup> The Republic of Macedonia ratified readmission agreements with the following countries: Italy, Switzerland, Slovenia, France, Slovak Republic, Bulgaria, Croatia, Germany, Hungary, Albania and Romania. The negotiations are under way with the following countries: Benelux countries, Denmark, Ukraine, Czech Republic, Poland, Norway, Austria, Turkey, Spain and Moldavia.

<sup>8</sup> Statistics on education are presented in Appendix 6.

<sup>9</sup> National Programmes for Culture for the 2004-2008 period (Official Gazette of the Republic of Macedonia No. 31.04).

### Appendix 1

#### Total population by ethnic affiliation and gender, 2002 census

	Total	Men	Women
Republic of Macedonia	2 022 547	1 015 377	1 007 170
Macedonians	1 297 981	648 178	649 803
Albanians	509 083	258 195	250 888
Turks	77 959	39 550	38 409
Roma	53 879	27 137	26 742
Vlachs	9 695	5 146	4 549
Serbs	35 939	18 580	17 359
Bosniacs	17 018	8 634	8 384
Other	20 993	9 957	11 036

Source: State Statistical Office.

#### Total population by religion and gender, 2002 census

	Total	Orthodox Christians	Muslims	Catholic	Protestants	Other
Republic of Macedonia	2 022 547	1 310 184	674 015	7 008	520	30 820
Men	1 015 377	654 630	341 441	3 156	241	15 909
Women	1 007 170	655 554	332 574	3 852	279	14 911

Source: State Statistical Office.

#### Total population by mother tongue and gender, 2002 census

	Total	Men	Women
Republic of Macedonia	2 022 547	1 015 377	1 007 170
Macedonian	1 344 815	673 618	671 197
Albanian	507 989	257 829	250 160
Turkish	71 757	36 433	35 324
Roma	38 528	19 269	19 259
Vlach	6 884	3 608	3 276
Serbian	24 773	11 529	13 244
Bosniac	8 560	4 283	4 277
Other	19 241	8 808	10 433

Source: State Statistical Office.

## **Appendix 2**

### **Excerpts from the Law Amending the Criminal Code (Official Gazette of the Republic of Macedonia No. 19/04)**

#### **Violation of equality of citizens**

##### **Article 137**

(1) A person who, based on a difference in gender, race, colour of skin, ethnic and social origin, political and religious belief, wealth and social position, language or other personal attributes or circumstances, denies or limits the rights of individuals and citizens, determined by the Constitution, by law or by ratified international treaty, or who based on all these differences favours citizens in contravention to the Constitution, law or a ratified international treaty shall be sentenced to imprisonment of three months to three years.

(2) If the crime from paragraph 1 is committed by an official person while performing his/her duty, he/she shall be sentenced to imprisonment of six months to five years.

(3) In the crime stipulated in paragraph 1 is committed by a legal entity, it will be fined.

#### **Violation of the right to use language and the alphabet**

##### **Article 138**

(1) A person who denies or restricts the right of the citizens to use the language and the alphabet, guaranteed by the Constitution, by law or by a ratified international treaty, shall be sentenced to imprisonment of three months to three years.

(2) If the crime from paragraph 1 is committed by an official person while performing his/her duty, he/she shall be sentenced to imprisonment of six months to five years.

(3) In the crime stipulated in paragraph 1 is committed by a legal entity, it will be fined.

#### **Threatening security**

##### **Article 144**

(1) A person who threatens the security of another person by a serious threat to attack his life or body, or the life and body of a person close to him, shall be punished with a fine, or with imprisonment of up to six months.

(2) A person that will commit the action stipulated in paragraph 1, while committing family violence shall be sentenced to imprisonment from three months to three years.

(3) The sanction stipulated in paragraph (2) shall be applied to the person that commits the crime stipulated in paragraph 1 against an official person while performing his/her duty, or towards several persons.

(4) A person who, through an information system, threatens to commit a crime for which a sanction of imprisonment of five years or a more severe sanction has been prescribed, against another person due to his/her national, ethnic, racial or religious background, shall be sentenced to imprisonment from one to five years.

(5) The crime referred to in paragraph 1 shall be prosecuted upon a private lawsuit.

### **Crimes against humanity**

#### **Article 403-a**

A person who, with the intention of systematic annihilation of civilian population, orders murders, severe body injuries, physical extermination, slavery, deportation or forced displacement of the population, imprisonment or other type of deprivation of liberty in violation of international law, torture, rape, sexual exploitation or slavery, forced prostitution, forced pregnancy, forced sterilization or any other type of severe sexual violence, exile based on political, racial, national, ethnic, cultural, religious or gender bases, abduction or disappearance of persons, discrimination and segregation based on racial, national, ethnic, political, cultural or other bases and other inhuman acts intentionally causing physical or psychological suffering, or a person that commits some of the stipulated crimes with the same intention, shall be sentenced to imprisonment of at least ten years or to life sentence.

### **Approval or justification of genocide, crimes against humanity or war crimes**

#### **Article 407-a**

(1) A person who publicly negates, grossly minimizes, approves and justifies the crimes stipulated in Articles 403 to 407, through an information system, shall be sentenced to imprisonment of one to five years.

(2) If the negation, minimization, approval or justification is performed with the intention to incite hatred, discrimination or violence against a person or a group of persons due to their national, ethnic or racial origin or religion, the perpetrator shall be sentenced to imprisonment of at least four years.

### Appendix 3

#### Judiciary and Public Prosecutors' Offices

The following tables show the representation of persons belonging to communities in the justice system bodies (1 May 2005 inclusive):

##### Judges and employees at the Supreme Court of the Republic of Macedonia

	Judges	Employees
Macedonians	17	45
Albanians	5	0
Serbs	0	3
Turks	1	1
Vlachs	0	-
Roma	0	-
Croat	-	1
Bosniacs	1	-
Other	0	-
Total	24	50

##### Judges and employees at the Courts of Appeals in Skopje, Bitola and Stip

	Judges	Employees
Macedonians	67	154
Albanians	9	7
Serbs	1	1
Turks	6	2
Vlachs	0	3
Roma	0	1
Montenegrins	1	-
Other	0	0
Total	84	168

##### First Instance Courts - judges and employees at First Instance Courts in the Republic of Macedonia

	Judges	Employees
Macedonians	469	1 478
Albanians	36	95
Serbs	9	12
Turks	1	22
Vlachs	13	25
Roma	0	27
Montenegrins	0	0
Other	6	13
Total	534	1 672

**Public Prosecutor's Office of the Republic of Macedonia**

	Public Prosecutors	Deputy Public Prosecutors	Other employees
Macedonians	1	7	12
Albanians	/	3	1
Serbs	/		
Turks	/		
Vlachs	/		
Roma	/		
Other	/		
Total	1	10	13

**Higher Public Prosecutors' Offices**

	Public Prosecutors	Deputy Public Prosecutors	Other employees
Macedonians	2	19	25
Albanians	1		2
Serbs		2	
Turks			
Vlachs			
Roma			
Other			
Total	3	21	27

**Basic Public Prosecutors' Offices**

	Public Prosecutors	Deputy Public Prosecutors	Other employees
Macedonians	16	121	123
Albanians	3	6	13
Serbs			
Turks	1	1	1
Vlachs	1		1
Roma			
Other			
Total	21	128	138

## Appendix 4

### Ethnic structure of budget beneficiaries in the Republic of Macedonia

Ethnic affiliation	December 2002		June 2002		December 2003		June 2003		December 2004		April 2005		July 2005	
	No. of employees	%	No. of employees	%	No. of employees	%	No. of employees	%	No. of employees	%	No. of employees	%	No. of employees	%
Macedonians	58 348	83.27	58 927	82.70	58 769	82.05	57 208	81.43	56 871	80.31	56 647	79.70	56 249	79.50
Albanians	8 164	11.65	8 644	12.13	9 174	12.81	9 448	13.45	10 294	14.54	10 735	15.10	10 828	15.30
Turks	826	1.18	847	1.19	905	1.26	890	1.27	928	1.31	954	1.30	944	1.30
Roma	358	0.51	365	0.51	369	0.52	357	0.51	376	0.53	383	0.50	378	0.50
Vlachs	321	0.46	329	0.46	336	0.47	332	0.47	330	0.47	331	0.50	335	0.50
Serbs	1 215	1.73	1 220	1.71	1 204	1.68	1 172	1.67	1 172	1.66	1 180	1.70	1 200	1.70
Bosniacs	160	0.23	165	0.23	182	0.25	180	0.26	181	0.25	185	0.30	179	0.30
Other	682	0.97	753	1.06	685	0.96	667	0.95	660	0.93	659	0.90	656	0.90
Total	70 074	100	71 250	100	71 624	100	70 254	100	70 812	100	71 074	100	70 769	100

*Source:* Ministry of Finance.

### Ethnic structure of civil servants

Ethnic affiliation	January 2003		December 2003		December 2004		July 2005	
	Number	Structure	Number	Structure	Number	Structure	Number	Structure
Macedonians	9 567	90.55	9 719	90.27	9 283	89.67	9 190	85.31
Albanians	538	5.09	605	5.62	647	6.25	1 127	10.46
Turks	77	0.73	77	0.72	81	0.78	97	0.90
Vlachs	88	0.83	89	0.83	80	0.77	86	0.80
Serbs	183	1.73	174	1.62	161	1.56	165	1.53
Roma	26	0.25	19	0.18	26	0.25	33	0.31
Bosniacs	26	0.25	26	0.24	23	0.22	25	0.23
Other	61	0.58	57	0.53	51	0.49	50	0.46
Total	10 566	100	10 766	100	10 352	100	10 773	100

*Source:* Ministry of Finance.



## Appendix 5

### Ethnic structure of employees in municipal administration

Ethnic affiliation	Municipal administration			
	With status of civil servants	Without status of civil servants	Total municipal administration	
			Number	%
Macedonians	329	788	1 117	79.79
Albanians	78	134	212	15.14
Turks	10	15	25	1.79
Roma	1	10	11	0.79
Vlachs	2	4	6	0.43
Serbs	1	20	21	1.50
Bosniacs	0	2	2	0.14
Other	5	1	6	0.43
<b>Total</b>	<b>426</b>	<b>974</b>	<b>1 400</b>	<b>100</b>

*Source:* State Statistical Office.

*Status:* 31.12.2004.

## Appendix 6

### Education

#### Students in primary and secondary (lower) education by ethnic affiliation and gender

		Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Other	Not stated	Unknown
1999/2000	Total	252 212	146 558	77 442	10 760	7 757	456	2 902	6 293	28	16
	Female	121 768	71 164	37 244	5 113	3 588	231	1 395	3 015	13	5
2000/2001	Total	246 490	142 116	76 225	10 453	7 970	435	2 757	6 511	15	8
	Female	119 273	69 096	36 827	4 925	3 836	181	1 338	3 057	8	5
2001/2002	Total	242 707	139 267	76 891	10 220	7 868	395	2 506	5 555	5	-
	Female	117 676	67 770	37 419	4 812	3 738	191	1 186	2 558	2	-
2002/2003	Total	235 516	133 185	76 290	9 991	7 993	439	2 454	5 156	3	5
	Female	114 023	65 200	36 706	4 717	3 761	188	1 139	2 308	2	2

Source: State Statistical Office.

#### Students in secondary education by ethnic affiliation and gender

		Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Other	Not specified	Unknown
1999/2000	Total	89 775	69 844	14 823	1 545	447	194	1 298	1 608	9	7
	Female	43 653	35 588	6 092	568	178	90	538	596	1	2
2000/2001	Total	90 990	69 991	15 718	1 665	499	238	1 217	1 653	9	-
	Female	44 274	35 539	6 619	633	216	127	548	590	2	-
2001/2002	Total	92 068	69 783	16 691	1 785	569	208	1 296	1 731	2	3
	Female	45 008	35 371	7 308	755	213	120	571	666	1	3
2002/2003	Total	93 526	69 728	18 080	1 973	637	252	1 050	1 782	24	-
	Female	45 449	35 223	7 893	840	236	128	458	665	6	-

Source: State Statistical Office.

**Enrolled students at two year and graduate studies, citizens of the Republic of Macedonia, by ethnic affiliation and gender**

Academic year	Total	Macedonians		Albanians		Turks		Roma		Vlachs		Serbs		Other	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
1992/93*	26 299	23 770	90.40	586	2.23	172	0.65	13	0.05	76	0.29	840	3.19	842	3.20
1993/94*	26 834	24 998	93.10	764	2.85	167	0.62	9	0.03	97	0.36	453	1.69	346	1.29
1994/95*	28 569	26 183	91.60	974	3.41	175	0.61	17	0.06	159	0.56	521	1.82	540	1.89
1995/96*	29 153	26 481	90.80	1 202	4.12	219	0.75	18	0.06	212	0.73	528	1.81	493	1.69
1996/97*	30 441	27 302	89.70	1 408	4.62	277	0.91	23	0.07	234	0.77	574	1.88	623	2.05
1997/98*	31 768	28 986	91.20	1 308	4.12	245	0.77	35	0.11	287	0.90	518	1.63	389	1.22
1998/99*	34 850	31 095	89.20	1 916	5.50	371	1.06	48	0.14	329	0.94	666	1.91	425	1.22
1999/00*	36 679	32 629	88.90	2 028	5.53	409	1.11	71	0.19	374	1.02	717	1.95	451	1.23
2000/01*	40 075	35 396	88.30	2 285	5.70	444	1.10	108	0.26	408	1.01	746	1.86	709	1.56
2001/02**	45 493	39 777	87.44	3 040	6.68	601	1.32	127	0.28	417	0.92	822	1.81	709	1.58
2002/03**	47 798	40 778	85.31	4 292	8.98	683	1.43	140	0.29	440	0.92	807	1.69	658	1.38
2003/04***	51 311	43 645	85.06	5 335	10.40	608	1.18	100	0.19	359	0.70	701	1.37	563	1.10
2004/05****	61 556	48 900	79.44	9 540	15.50	825	1.34	188	0.31	478	0.78	936	1.52	689	1.12

*Source:* Ministry of Education and Science.

\* Data on the academic years from 1992/93 to 2001/02, relating to the then only two universities: Ss. Cyril and Methodius, Skopje and St. Kliment Ohridski, Bitola.

\*\* Data on the academic years from 2001/02 to 2003/04, relating to the universities: Ss. Cyril and Methodius, Skopje and St. Kliment Ohridski, Bitola, supplemented with the data on the South-East Europe University-Tetovo, established in 2001.

\*\*\* Data on the 2003/04 academic year relating to the three existing universities: Ss. Cyril and Methodius, Skopje and St. Kliment Ohridski, Bitola, supplemented with data on the South-East Europe University-Tetovo, established in 2001 and on the Faculty of Social Sciences-Skopje.

\*\*\*\* Data on the 2003/04 academic year relating to: Ss. Cyril and Methodius, Skopje and St. Kliment Ohridski, Bitola, South-East Europe University-Tetovo, the Faculty of Social Sciences -Skopje, along with data on the newly opened State University of Tetovo, which started its work on 1 October 2004.

**Enrolled students at the University of South-East Europe - Tetovo**

Academic year	Number of students	Macedonians	Albanians	Turks	Roma	Bosniacs
2002/03	1 161	144	1 003	30		4
2003/04	1 669	454	1 160	46	1	8

*Source:* University of South-East Europe.

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