



ÖSTERREICHISCHES ROTES KREUZ

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An, z. Hd.: **UNHCR, Herrn Dr. Christoph Pinter**
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Von: **Mag. Daisuke Yoshimura, DW 590**
Unsere Zahl: **a-6740**
Ihre Zahl: -
Datum: **5. Mai 2009**
Betreff: **Ihre Anfrage vom 29. April 2009**

**Mazedonien: Staatliche Verfolgung; staatlicher Schutz vor privater Verfolgung;
Rechtsschutz gegen erlittene Menschenrechtsverletzungen**

Sehr geehrter Herr Dr. Pinter,

nach einer Recherche in unserer Länderdokumentation und im Internet können wir Ihnen zu oben genannter Fragestellung Materialien zur Verfügung stellen, die unter anderem folgende Informationen enthalten:

Menschenrechte – Überblick

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

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

populations continued to impact areas including education, employment, and political participation." (USDOS, 25. Februar 2009)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

"In 2007 the European Court of Human Rights (ECtHR) delivered 16 judgements finding that the former Yugoslav Republic of Macedonia had violated the European Convention on Human Rights (ECHR). [...] Little progress can be reported as regards promotion and enforcement of human rights." (EC, 5. November 2008, S. 15)

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008
<http://www.amnesty.de/jahresbericht/2008/mazedonien>

„Es existierte weiterhin Straffreiheit für die im Jahr 2001 verübten Kriegsverbrechen sowie in Fällen von Folterungen und Misshandlungen. Bei der Reform der Polizei und des Gerichtswesens wurden nur geringe Fortschritte erzielt. Die Diskriminierung von Minderheiten, speziell der Roma, hielt an.“ (AI, 28. Mai 2008)

Leben / Freiheit

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

"There were no reports that the government or its agents committed arbitrary or unlawful killings." (USDOS, 25. Februar 2009, Sec. 1a)

"There were no reports of politically motivated or other disappearances." (USDOS, 25. Februar 2009, Sec. 1b)

"Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were credible reports that police at times used excessive force during the apprehension of criminal suspects and that they abused prisoners. During the year the Professional Standards Unit (PSU) conducted investigations in four cases of use of excessive force by police officers. [...] The PSU reported that citizens filed 137 complaints of police misconduct during the year, including 64 alleging excessive force. Citizens filed 243 complaints related to police conduct with the Office of the Ombudsman during the year." (USDOS, 25. Februar 2009, Sec. 1c)

"The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems." (USDOS, 25. Februar 2009, Sec. 1d)

"There were no reports of political prisoners or detainees." (USDOS, 25. Februar 2009, Sec. 1e)

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008

<http://www.amnesty.de/jahresbericht/2008/mazedonien>

„Die Nichtregierungsorganisation Mazedonisches Helsinki-Komitee berichtete weiterhin über Fälle von Folterungen und Misshandlungen. Dazu gehörten solche Fälle, die während der Haft und Festnahme erfolgt waren und in denen das Innenministerium die nach internen Regelungen, nationalem Recht und internationalen Standards erforderlichen Ermittlungen nicht aufgenommen hatte. Im Entwurf des Gesetzes über Strafverfolgungsmaßnahmen blieb die Festlegung eines spezifischen Zeitrahmens für die Durchführung von Ermittlungen unberücksichtigt.“ (AI, 28. Mai 2008)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)

http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

“With regard to the prevention of torture and ill-treatment and fight against impunity, the Ministry of the Interior has dealt with 52 cases of ill-treatment and no cases of illegal arrest. This was a decrease in the number of cases compared with previous years. Criminal charges were brought against 27 police officers involved. The prosecutor's office conducted 22 investigations against police misconduct.” (EC, 5. November 2008, S. 16)

Rechtsstaatlichkeit/ Schutz vor Gewalt durch Private

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009

<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

“Police impunity remained a problem, although there were improvements. More aggressive internal investigations, coupled with the work of the ombudsman, reduced impunity again this year. The PSU conducts all internal affairs investigations and allegations of police misconduct. Unit officials were slow to complete investigations and bring charges in outstanding human rights cases from previous years. Nevertheless, international observers noted continued improvements in the Interior Ministry's response to new cases of individual police misconduct and more frequent and consistent disciplining of officers found guilty. During the year the PSU recommended disciplinary action against officers in 90 cases. Of these, the MOI punished employees by reducing their pay (in 57 cases involving 96 employees), suspending them from the police force (in 10 cases involving 39 employees), and reassigning them (in 24 cases involving 53 employees). During the year the PSU submitted criminal charges against 75 employees for 70 criminal acts. The MOI has not confirmed how many of these charges the prosecutor accepted.

[...] The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed those requirements in practice.” (USDOS, 25. Februar 2009, Sec. 1d)

“The constitution and laws provide for an independent judiciary; however, the government, political pressure, intimidation, and corruption influenced the judicial branch.

Some judicial officials accused the government of using its budgetary authority and modest allocations to the court system as instruments to exert control over the judiciary.

[...] There was a partially independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for designated trial courts of extended jurisdiction, i.e., the appellate courts, the Supreme Court, and the new administrative court, to adjudicate citizens' lawsuits for various types of human rights violations. The administrative court, created to hear cases against state institutions, became operational in December 2007. Changes to the Law on Courts enacted on March 11 provided for improved protection of citizens' right to timely adjudication of their court cases." (USDOS, 25. Februar 2009, Sec. 1e)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

[...] Access to justice is still limited in the case of appeals against acts and decisions by civil servants affecting individual citizens' rights and obligations." (EC, 5. November 2008, S. 16)

- FH - Freedom House: Freedom in the World 2008 – Macedonia, 2. Juli 2008
http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7437&pf

"The judiciary is widely seen as corrupt and incompetent." (FH, 2. Juli 2008)

Rede- und Pressefreiheit / Situation von JournalistInnen

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

"The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, the law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for broadcasters who violate these laws. Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism." (USDOS, 25. Februar 2009, Sec. 2a)

"The law provides for freedom of assembly, and the government generally respected this right in practice." (USDOS, 25. Februar 2009, Sec. 2b)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

"The legal framework for freedom of expression, including the media, meets most international standards.

[...] With regard to freedom of assembly and association, the legal framework meets most international standards. There were no particular developments." (EC, 5. November 2008, S. 17)

- FH - Freedom House: Freedom in the World 2008 – Macedonia, 2. Juli 2008
http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7437&pf

"The constitution provides for freedom of the press. However, political appointees are frequently named to senior positions in state-owned media, from which the majority of the population obtains its information. A 2006 law eliminated imprisonment as a penalty for libel, but it remains punishable by fines. [...] In June 2007, 17 journalists won a case against the Interior Ministry and Macedonian Telecommunications for the illegal tapping of their telephones in 2000. Each journalist was awarded roughly \$7,000. In September, a reporter covering the fighting around the parliament building was allegedly beaten by police.

[...] Constitutional guarantees of freedoms of assembly and association are generally respected by the authorities." (FH, 2. Juli 2008)

Religiöse Zugehörigkeit

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

"The constitution and a new law that entered into force on May 1, on the Legal Status of Churches, Religious Communities and Religious Groups provide for freedom of religion, and the government generally respected this right in practice. The new religion law removes previous restrictions on the registration of religious organizations and allows for more than one religious community of any major faith tradition to be officially registered with the state and granted legal status. [...] Implementation of the new law was lagging.

[...] There were isolated reports of societal abuses or discrimination based on religious affiliation, belief, or practice. However, unlike the previous year, there were no reports of vandalism of religious sites." (USDOS, 25. Februar 2009, Sec. 2c)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

„In the area of freedom of religion, the law on the legal status of churches, religious communities and religious groups entered into force in May 2008 and implementation has begun. Procedures for registration of the religious communities and groups which were not registered before 1998 were set up in June." (EC, 5. November 2008, S. 17)

- FH - Freedom House: Freedom in the World 2008 – Macedonia, 2. Juli 2008
http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7437&pf

"The constitution guarantees freedom of religious belief and practice. However, the leader of an Orthodox Church faction loyal to the Serbian Orthodox Church, Bishop Jovan Vraniskovski, has been arrested for inciting 'ethnic or religious intolerance' through actions such as performing a baptism and holding church services in his apartment. In August 2007, he was sentenced to a year in prison for embezzlement. Local Muslim officials claimed in March that extremists had taken control of two mosques in Skopje. Some Muslim clerics have reportedly become increasingly fundamentalist in recent years, and have allegedly received financial support from extremists in the Middle East." (FH, 2. Juli 2008)

Ethnische Zugehörigkeit

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

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

[...] Ethnic Albanians continued to complain of official discrimination. [...] Ethnic Turks also complained of governmental, societal, and cultural discrimination. [...] Roma complained of widespread societal discrimination." (USDOS, 25. Februar 2009, Sec. 5)

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008
<http://www.amnesty.de/jahresbericht/2008/mazedonien>

„Die Sicherheitssituation hat sich weiter verschlechtert: Bewaffnete Oppositionsgruppen übten die umfassende Kontrolle über Gebiete in der Nähe der Grenze zum Kosovo aus. Am 10. September wurden in Vaksince an der Grenze zum Kosovo der ethnisch-albanische Polizeikommandeur Fatmir Halili ermordet und zwei Polizeibeamte verwundet, als sie eine Verhaftung vornehmen wollten. Zwei ethnische Albaner, Skender Halili und Xheladin Hiseni, wurden dabei ebenfalls getötet.

Amnesty International drückte im November die Sorge darüber aus, dass die mazedonischen Behörden bei der Operation ‚Bergsturm‘ mit exzessiver Gewalt vorgegangen sein könnten. Die Operation hatte zum Ziel, Mitglieder bewaffneter Oppositionsgruppen festzunehmen. Darunter befanden sich mehrere Männer, die im August aus dem Dubrava-Gefängnis im Kosovo ausgebrochen waren und sich im Grenzgebiet zum Kosovo versteckt hielten. Einer der Geflohenen, der frühere Kommandeur der bewaffneten Oppositionsgruppe Albanische Nationalarmee (AKSh),

Xhavit Morina, war am 1. November von Unbekannten in der Nähe von Tetovo getötet worden. Während der Operation wurden im Dorf Brodec sechs Menschen getötet und 13 in Haft genommen. Laut Zeugenaussagen, die dem Mazedonischen Helsinki-Komitee vorliegen, wurden die festgenommenen Männer geschlagen, während sie in Handschellen gefesselt am Boden lagen. Fünf der Männer wurden für mehrere Tage ins Krankenhaus eingewiesen, nachdem sie sich Berichten zufolge gegen ihre Festnahme gewehrt hatten. Eine interne Ermittlung des Innenministeriums kam zu dem Ergebnis, dass ‚der Gebrauch von Schusswaffen durch die Polizeibeamten angemessen, verhältnismäßig, gerechtfertigt und notwendig war‘ und die Verhafteten verletzt wurden, als sie Widerstand gegen ihre Festnahme leisteten.

[...] Im Mai stellte der UN-Ausschuss für die Beseitigung der Rassendiskriminierung fest, dass Mazedonien seine Verpflichtungen gegenüber der Gemeinschaft der Roma nicht erfülle, insbesondere was die Erlangung der Staatsbürgerschaft, den Gebrauch der Sprache und den Zugang zu Dokumenten angehe, die für die Inanspruchnahme grundlegender Rechte erforderlich sind. [...] Die mazedonischen Behörden taten nichts, um die Rechte der Frauen und Mädchen der Roma-Gemeinschaft zu schützen. Diese waren einer zweifachen Diskriminierung ausgesetzt - zum einen wegen ihrer ethnischen Zugehörigkeit und zum anderen wegen ihres Geschlechts. [...] Frauen und Mädchen der Roma-Gemeinschaft erlebten auch Diskriminierung, wenn sie versuchten, den Behörden Fälle familiärer Gewalt zu melden. Bisher war keine umfassende Antidiskriminierungs-Gesetzgebung in Kraft. Obwohl die Behörden Berichten zufolge im Dezember Diskussionen über ein solches Gesetz begannen, wiesen sie diesbezügliche Entwürfe, die von Nichtregierungsorganisationen vorgelegt wurden, zurück.“ (AI, 28. Mai 2008)

- FH - Freedom House: Freedom in the World 2008 – Macedonia, 2. Juli 2008
http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7437&pf

“International watchdog groups have on various occasions charged the police with ill-treatment and torture of prisoners.” (FH, 2. Juli 2008)
- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
http://www.ecoi.net/file_upload/1227_1229347565_macedonia.pdf

“Roma women and girls continue to suffer from double racial and gender discrimination.

[...] In the area of anti-discrimination policies, neither a framework law on anti-discrimination has yet been enacted nor has this issue been clearly regulated in the existing legal provisions. Mechanisms to identify, pursue and criminalise all forms of discrimination by state and nonstate bodies against individuals or groups have not yet been established. Minorities and persons with disabilities continue to suffer from discrimination. Lesbian, gay, bisexual and transgender (LGBT) people are also subject to discrimination. The envisaged national antidiscrimination strategy should therefore also address discrimination on grounds of sexual orientation and gender identity.

[...] As regards minorities, inter-ethnic tensions were generally at a low level but have intensified in some areas and at certain moments.

[...] Little progress can be reported regarding the Roma. The four action plans prepared by the Ministry of Labour and Social Policy in the framework of the 2005-15 Decade of Roma Inclusion are being implemented slowly. A further six Roma information centres were set up, bringing the total to eight. The societal hostility towards Roma continued, but the instances of direct attacks have diminished significantly. A Roma has been appointed as minister without portfolio in the new government. However, inter-ministerial co-ordination, as well as the commitment of line ministries, remains weak. Discrimination against Roma people continues." (EC, 5. November 2008, S. 18-21)

Soziale Gruppen

- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

"While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim; however, legal sanctions were not a significant deterrent. The requirements for proof were more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from one to 15 years' imprisonment. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma. Domestic and other violence against women was a persistent and common problem. An NGO that maintained centers for victims of domestic violence reported increased use of their facilities by victims of domestic violence. MOI statistics for the first six months of the year also indicated an increase of reports of criminal acts and complaints of violence against women, as well as a decrease in actual offences, compared to the same period in 2007. There were 130 reports of physical violence, 1,409 reports of psychological violence, as well as three cases of rape reported in the first six months of the year. Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence rarely filed criminal charges. Although the law specifically criminalizes domestic violence and prescribes substantial punishments for violators, authorities rarely applied the law in practice. While the law provides for civil restraining orders to protect potential victims, there were reports that police officers were unaware of provisions of the law that allowed them to act to protect victims of family violence. Police often did not respond to allegations of domestic violence. The government did not require domestic violence training for police, prosecutors, or judges; however, international organizations provided such training to a number of law enforcement officials. The government operated six limited-capacity shelters for women at risk and assisted in funding a national NGO-operated hot line for victims of domestic violence in Skopje. In addition, there was an NGO-operated shelter as well as a crisis center for temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs working to combat domestic violence relied to a large extent on international

donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the problem.

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

[...] The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, within, and from the country. Women and children were trafficked internally, mostly from the rural eastern part of the country to urban bars in the western part of the country. [...] The government increased its law enforcement efforts related to trafficking and its aggressive prosecution efforts resulted in an increased number of arrests and convictions. Authorities discovered most victims of trafficking during police raids on bars and nightclubs. During the year police conducted 16 raids of suspicious bars in the western part of the country as well as makeshift apartments in towns near the southern border and discovered 99 potential trafficking victims. Local NGOs participated in the post-raid interviews and confirmed the police numbers. By the end of the year, 57 trafficking-related cases had been prosecuted, and 184 individual suspects had been put on trial for involvement in trafficking.

[...] According to the 2002 census, the population was 64.2 percent ethnic Macedonian, 25.2 percent ethnic Albanian, 3.9 percent ethnic Turkish, 2.7 percent Romani, 1.8 percent ethnic Serb, 0.8 percent Bosniak, and 0.5 percent Vlach. [...] According to the Romani NGO DROM (Roma Community Center), societal hostility toward Roma continued, but instances of direct attacks on Roma diminished significantly. Relations between the ethnic Macedonian majority and the ethnic Albanian minority continued to be strained.

[...] Roma complained of widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities.

[...] Activists representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, including harassment or discrimination by employers and state officials. The press carried antigay articles and television stories." (USDOS, 25. Februar 2009, Sec. 5)

- FH - Freedom House: Freedom in the World 2008 – Macedonia, 2. Juli 2008
http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7437&pf

"Women in Macedonia enjoy the same legal rights as men, although societal attitudes limit women's participation in nontraditional roles. [...] Domestic violence and trafficking of women remain serious problems, although in 2006 it was reported that the number of trafficked women was on the decline." (FH, 2. Juli 2008)

- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
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[...] A national strategy against domestic violence was adopted in April 2008. Amendments to the law on the family provided clearer definition of family violence. The definition of rape in criminal law was widened thus affording more protection to women. A public campaign has been organised for raising awareness especially among young people on prevention of and protection from trafficking in human beings. Police carried out activities to break up criminal groups involved in illegal migration, including human trafficking. Some progress has been made in preventing trafficking of women.

[...] The amendments to the Criminal Code adopted in January 2008 strengthened provisions to protect children from crimes such as child pornography, sexual abuse and trafficking of juveniles." (EC, 5. November 2008, S. 18)

Diese Informationen beruhen auf einer zeitlich begrenzten Recherche in öffentlich zugänglichen Dokumenten, die ACCORD derzeit zur Verfügung stehen. Diese Antwort stellt keine Meinung zum Inhalt eines bestimmten Ansuchens um Asyl oder anderen internationalen Schutz dar. Wir empfehlen, die verwendeten Materialien zur Gänze durchzusehen.

Quellen: (Zugriff auf alle Quellen am 5. Mai 2009)

- AI – Amnesty International: Jahresbericht 2008, 28. Mai 2008
<http://www.amnesty.de/jahresbericht/2008/mazedonien>
- EC – Europäische Kommission: The Former Yugoslav Republic of Macedonia 2008 Progress Report [SEC(2008) 2695], 5. November 2008 (veröffentlicht auf ecoi.net)
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- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Macedonia, 25. Februar 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>

Wir hoffen, dass wir Ihnen behilflich sein konnten, und stehen für weitere Nachfragen gerne zur Verfügung.

Mit freundlichen Grüßen



Mag. Daisuke Yoshimura