

## Macedonia<sup>1</sup>

**IHF FOCUS: elections; freedom of expression and the media; judicial system and independence of the judiciary; detainees' rights; torture, ill-treatment, and police misconduct; national and ethnic minorities; internally displaced persons; trafficking in human beings; social rights.**

The Helsinki Committee for Human Rights of the Republic of Macedonia stated that the human rights situation in Macedonia in 2002 was characterized by rising awareness among citizens of their own rights, lack of sensitivity about the rights of other persons, and the absence of legal and administrative mechanisms for the protection of these rights. According to the Helsinki Committee, state structures not only failed to promote and protect human rights and freedoms, but instead, presented the greatest threat to these rights.

In 2002, most energy was spent on the rehabilitation from the consequences of the armed conflict in 2001, on the implementation of the Ohrid Framework Agreement as a guarantee for peace, and on enabling regular elections. The post-conflict period was characterized by intensive political developments including: the establishment of new political parties, the change in the balance of power, steadily increasing corruption of the political structures, large-scale partisan policy in the state administration, and the untouchable status of the political elite. The pre-election activities and the period of transfer of power after the election aggravated this situation. Moreover, citizens manifested their mistrust of the legal system by taking "justice" into their own hands and by staging prolonged strikes and demonstrations. Court cases brought against authorities proceeded extremely slowly and in many cases it took an unduly long time to even commence a legal case in a court.

The overall political situation can be characterized by an atmosphere of insecurity among the population due to the limited operation of the police force on the one hand, and the uncontrolled parts of the police force on the other; the presence of armed groups; the failure of the judiciary to function; the deterioration of the standard of living; the growing unemployment, and cuts in social protection. Further, the initial moves of the newly elected government gave reason to expect that partisan politics within the state apparatus will continue as before.

The country's economy continued to gradually deteriorate. As a result of the conflict and of the previous long-term unfavorable economic trends, the standard of living of the population fell. The negative economic situation could be largely attributed to state expenditures linked to the 2001 armed conflict and to discontinued production and trade in the areas of the country that were closely involved in the conflict. However, the situation was also a result of the continued mismanagement of the economy, illegal privatizations, and abuse of power for purposes of securing personal and party benefits by the ruling coalition of the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE) and the Democratic Party of Albanians (DPA), who were in power until the September elections. After the elections, the new coalition government, called For Macedonia took office. For Macedonia is comprised of the Social-Democratic Alliance of Macedonia (SDSM), which is the strongest party, and its main ally, the Liberal-Democratic Party (LDP) on one side, and the Democratic Union for Integration (DUI) which is mainly an ethnic Albanian party on the other.

Increased social tensions and violations of a large number of citizens' labor and social rights characterized the entire year. They also made up the largest part of the cases brought to the attention of the Helsinki Committee in 2002. Under the conditions of evident social and inter-ethnic tension, the situation of persons belonging to already marginalized groups (for example, women, disabled persons, and homosexuals) remained vulnerable.

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<sup>1</sup> If not otherwise noted, based on the *Annual Report of the Helsinki Committee the Republic of Macedonia*, December 2002.

In 2002, more attention was paid to violence against women. Statistics and NGO's research results showed that eight out of ten women were victims of physical violence. However, only 20% of the cases of physical or psychological violence were reported to authorities, and police intervened in only 8% of the reported cases.

Associations of disabled persons intensified their activities, holding events, campaigns, and other activities that were organized with the aim of facilitating their integration into every-day life. The state was not involved in any way in these activities and did not demonstrate awareness of its obligations toward the protection of these people's rights. This impeded the presentation and resolution of their problems. Instead, measures were taken which led to the deterioration of their situation and caused them to become victim to increased social segregation. Such measures were manifested in a number of fields including education, employment, social and health protection, and transport policies. Many small moves were systematically introduced in bylaws and resulted in the exclusion of disabled persons from social activities, affected them financially and in terms of decision making, and denied them equal enjoyment of basic rights and freedoms.

For the first time, an association was founded to promote the rights of homosexuals: the Center for Civil and Human Rights. This was just a first step towards protecting human rights related to sexual orientation. A research project conducted by the Helsinki Committee revealed that public attitude towards homosexuality was mostly negative. Homosexuality was perceived to be an illness, and homosexuals could not publicly manifest their sexual orientation due to a clear threat of discrimination at work and in society in general. As a result, they were ghettoized and their freedom of movement was limited.

The year 2002 was also characterized by raised awareness about environmental problems. However, no concrete solutions were offered. The Helsinki Committee registered several cases of severe pollution of the environment which were not appropriately dealt with by the authorities and did not result in convictions of the polluters. An international conference for environmental protection was held under the auspices of the Environmental Fund on June 27 in the city of Veles. It focused on the tragic fate of the environment in this city which is polluted by the MHK "Zletovo" lead smelting furnace, and highlighted the toxic effects of the production of lead, lead's compounds, and cadmium. Unfortunately, the Ministry of Environmental Protection failed again to publish the result of its research on the situation in Veles. This was not the first attempt to cover up an environmental disaster in Veles and its surroundings.<sup>2</sup>

In November the census of citizens, households, and apartments was conducted and monitored by 50 international experts from 26 countries. According to the statements from the State Census Commission and the Statistics Bureau, the census was carried out according to international standards. However, field information gave a different picture and reported numerous irregularities.

A positive step in the protection of the freedom of thought and conviction was the implementation of the right to alternative civilian service, provided by the Law on Defense. In November, the Ministry of Defense approved several applications for alternative service. Positively, the right to conscientious objection was granted both on religious grounds and on other grounds of personal conviction. Most of the cases were processed through the Helsinki Committee office.

## **Elections**

Despite the fact that the Ohrid Framework Agreement envisaged extraordinary parliamentary elections to be held on January 27, 2002, they were moved to September 15 due to the opposition of the ruling VMRO-

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<sup>2</sup> Four years ago, a documentary was broadcast called "MAC - Maximally Allowed Concentration," which unveiled horrifying facts about pollution in Veles. Due to public reaction, it was shelved.

DPMNE and DPA parties. International observers – including representatives from the OSCE, the Council of Europe, the European Union, and a number of NGO's and domestic observers – assessed the elections as fair and democratic. Nevertheless, the Helsinki Committee believed that there was plenty of room to further improve the election system.

The Helsinki Cmmittee registered several significant irregularities in the pre-election period, which may have had an impact in the election process. They included: indications of forged voting lists; the use of pre-filled, forged ballot papers; attempts to enlarge the voters' register by issuing citizenship to ethnic Macedonians living in neighboring countries and elsewhere abroad; intimidation of political opponents by law enforcement officials which created an atmosphere of insecurity; disrespect by the interior minister and his deputy of article 7 of the Law on Elections where it is stipulated that they must step down from their ministerial post once they have been confirmed as candidates for the parliament; bribing of voters; and hate speech by candidates of various parties.

Pre-election silence was grossly violated in several places in the country through the distribution of leaflets and by several electronic media, including the state-owned MRTV and several local television stations. The MRTV, the newspapers, *Nova Makedonija* and *Vecer*, as well as the private television station "SITEL" spread anti-western propaganda and proclaimed the non-governmental sector as the "fifth column."

Several political parties resorted to pressure on the day of elections: at many polling stations full voting secrecy was not guaranteed due to inappropriate facilities and inappropriate positioning of the voting booths. The prohibition to carry guns at polling stations was not fully respected. Further, in many places no access was available for disabled persons. The Macedonian Helsinki Committee observed sloppiness in the spraying of thumbs as evidence of completed voting as well as irregularities in the composition, training, and neutrality of the election committees.

Within the Albanian community, collective voting and non-autonomous voting by women took place. The election committee usually turned a blind eye to the practice of spouses voting together and to the practice of whole families voting together, which was wide-spread in all ethnic communities.

One of the basic remarks regarding the State Election Commission (SEC) – which generally carried out its tasks well – was the lack of greater flexibility and readiness to react to incidents and violations of voting rights.

Following the elections, VMRO-DPMNE officers intruded into the facilities of the SEC. According the Chair of the SEC, the party had tried to influence the committee's work. However, neither this nor other smaller-scale violations of the law served as grounds for filing criminal proceedings. Later, Interior Minister Boskovski filed a complaint to the Supreme Court alleging election irregularities but the court rejected the complaint.

## **Freedom of Expression and the Media**

On January 15, the third channel of the Macedonian Radio, Radio Culture, ceased to broadcast. The decision to take it off air was made by Ljupco Jakimovski, MRTV's general manager, due to disagreements with its reporters about the issue of ethnic roots of Macedonians. The reporters regarded the move as a form of censorship of public expression. In another move that limited public expression, some media outlets campaigned against the Macedonian Helsinki Committee, and specifically against its President, Mirjana Najcevska, and one of its board members, Sasko Todorovski. The campaign was conducted in relation to the assessments and views expressed in the Committee's 2001 *Annual Report*.<sup>3</sup>

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<sup>3</sup> IHF, "Helsinki Committee in Macedonia Under Pressure from Interior Ministry, Media, Church, 'Human Rights Are Vanishing In the Air,'" press release, January 16, 2002, at [www.ihf-hr.org/appeals/020116mac.htm](http://www.ihf-hr.org/appeals/020116mac.htm)

In the pre-election period there were several politically motivated attacks on journalists, and it was suspected that the acts were linked to the ruling parties. For example, the following journalists were subjected to violence: Mare Stoilova (A1 TV), Simon Ilievski (*Utrinski Vesnik* newspaper), Zoran Bozinovski (Radio Tumba), Trajce Stoimanovski (Radio Probistip), and Magdalena Andonovska (*Nova Makedonija* newspaper). In response to this wave of violence, journalists organized a protest in front of the Ministry of Interior under the slogan “We are here – beat us.” According to the journalists, more than 40 attacks on journalists had taken place in the past three years, and the authorities did nothing to track down the perpetrators or to hinder such attacks.<sup>4</sup>

- The most dramatic and only case prosecuted involving a journalist was that of Zoran Bozinovski from the private station Radio “Tumba” in Kumanovo. He was severely beaten by a group of masked men armed with iron bars on September 26. He immediately accused that one of the perpetrators was a member of the special “Lions” police unit. The main perpetrator of the beating was sentenced to imprisonment.

On June 4, the Broadcasting Council of the Republic of Macedonia issued a press release in which it presented its findings on the monitoring of the electronic media in May. The council noted that two programs prepared by the Albanian-language desks at MTV 2 and TV Gura in Kicevo, consisting of recordings of a so-called “anniversary of its liberation” in the village of Slupcane, violated article 35 of the Broadcasting Law because they: called for a violation of the territorial integrity of the Republic of Macedonia, called for military aggression, and incited national and religious hatred. Similarly, the Macedonian Media Council very perceptively noted that some Albanian-language media had again started to use the word “Macedonians” in a pejorative manner, as they had done during the conflict a year earlier.

International bodies assessed the media in Macedonia negatively due to the continued domination of hate speech in the media, as well as due to the unprofessional, unethical, and unbalanced presentation of information. A positive step was the establishment of the Council of Honor, an organ of the Association of Journalists of Macedonia, which dealt with journalists’ mistakes and omissions.

In the run-up to the September elections, the situation worsened when Interior Minister Ljube Boshkovski warned “ambassadors of international organizations and some ambassadors” to Macedonia that the ministry had information that “certain individuals were preparing a scenario to destroy the reputation of the current government in the pre-election period.” The statement went on to warn that if such activity continued, the ministry would initiate criminal proceedings against the editors and media outlets responsible.<sup>5</sup>

The failure to adopt a Law on Information complicated the situation and bred confusion in the media.

## **Judicial System and Independence of the Judiciary**

The judicial system continued to lose independence and functionality as the third branch of power. The executive branch and political parties increased their influence on the courts and on the Public Prosecutor’s Office. The influence was most obvious in the election of judges and the appointment of public prosecutors. On the first level, influence was exercised on the Judicial Council in charge of the selection judges for appointment. With only some exceptions, it proposed candidates who were close to the VMRO-DPMNE ruling party and parliament elected them as judges. Several candidates with proven expertise and competence did not gain the

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<sup>4</sup> RFE/RL Media Matters, Vol. 2, No. 38, October 4, 2002.

<sup>5</sup> Amnesty International, “Macedonia: threats to freedom of expression in run-up to election,” News Service No. 158, September 9, 2002.

necessary votes in parliament. This was also the case with the election of a judge for the Supreme Court, the one elected had never been a judge but was a party activist.

The influence of VMRO-DPMNE as ruling party was also reflected in a series of cases involving alleged war criminals, which started in October. Sadula Duraku, former National Liberation Army (NLA) member and now a high-ranking official of DUI was arrested on the basis of an order issued by the Skopje II First Instance Court. He was charged with having committed crimes of “grievous forms of high treason endangering the territorial integrity of Macedonia” and for “committing war crimes against civilians” during the 2001 crisis. Duraku was released after several “political interventions.” By the beginning of November, two other former NLA members had gone through the same procedure.

In addition, the executive branch and political parties exerted pressure on judges to make the ‘right’ decisions. Sources of control over the judges were article 99(3.6) of the Constitution and article 2 of the Law on the State Judicial Council which allowed for judges to be dismissed for “inexpert and poor performance of the judicial office.” These provisions were abused on several occasions in inappropriate proceedings against judges who were not in the good graces of those in power or under the direct protection of an appropriate political party. Two judges were dismissed in such a manner by the new authorities. The lack of appropriate argumentation and seriousness in the dismissal proceedings characterized a continuation in the erosion of the independence of the judiciary.

The issue of judges’ salaries was raised on several occasions. The salaries were paid by the Ministry of Justice, which also decided how much each judge earned, a practice that provided another opportunity for control over judges.

Some state-owned companies moved their headquarters to other towns to suit the circuit of judges who were in favor of a certain political party or certain business circles. In this way they could make sure that possible company disputes could be solved in manner that was favorable to them. For example Makedonija Tabak 2000 and its affiliates moved their headquarters to Stip, and the Lozar Company moved their headquarters from Bitola to Skopje.

The situation in the Public Prosecutor’s Office was similar to that in the judiciary: the appointment procedure was influenced by the executive branch. As a result, the Public Prosecutor’s Office was the main obstacle for initiating or proceeding with legal charges against authorities for abuse of power, against economic crimes, and, particularly, against abusive law enforcement officers. At the same time, criminal proceedings against renowned political opponents were launched on obvious political grounds.

- By abusing the so-called “obligatory instructions,” lower level public prosecutors were ordered to prosecute former officials of the Ministry of Interior and of the Public Prosecutor’s Office who were political opponents in the new political situation.
- The state public prosecutor was dismissed without any public debate, using a simplified procedure without the presentation of adequate arguments against him. This indicated that the office was deemed to be filled in exclusively by party activists to protect the party interests of the governing party.

In 2002, the Bar Association prohibited Nikola Petrov, a lawyer from Strumica, from practicing law on the grounds that he worked to release a minor from detention at a time when lawyers were on strike in Macedonia. By doing this, the Bar Association violated articles 12, 13, and 18 of the Law on Lawyer’s Profession, which generally stated that the bar lawyer was supposed to do his utmost to defend the accused. Furthermore, article 5 of the Statute of the Bar Association states that every lawyer has to be a member of the Bar Association. This was in contradiction of the freedom of association and the independence of lawyers in the performance of their duties.

## **Detainees' Rights**

The police rarely informed suspects about their right to contact a lawyer, or assisted them in finding a lawyer. They also tried to hinder contacts between lawyers and detainees and tried to prevent lawyers' participation in interrogations. Further, detainees were not provided with appropriate medical care. Most police stations did not have appropriate facilities for detention or funds for the alimentation of detainees.

Police stations did not keep appropriate records of persons detained or kept in police custody, which resulted in the failure keep track of cases of prolonged detention. In addition, the conditions authorizing arrest and detention by the police were not defined.

## **Torture, Ill-Treatment, and Police Misconduct**

The treatment of suspects in police detention remained a serious concern. The Council of Europe's Committee for the Prevention of Torture (CPT) visited Macedonia twice in 2002 and published its findings in January 2003. It concluded that the physical ill-treatment of detainees at the hands of law enforcement agencies was a serious problem, affecting ordinary criminal suspects as well as those suspected of crimes against the state. According to it, in a number of cases, the ill-treatment was of such severity that it amounted to torture. Ill-treatment was allegedly inflicted upon persons deprived of their liberty by the following groups: security forces under the Ministry of the Interior, including regular police, criminal police, personnel from the Directorate for Security and Counterintelligence (UBK), special police units ("Lions" and "Tigers") and, in some cases, police reservists. Apart from allegations of punches and kicks on various parts of the body, there were many allegations of beatings with batons, metal rods, wooden sticks, and baseball bats, which involved – in a number of cases – the infliction of repeated blows on the buttocks, the soles of the feet, and/or the palms of the hands. Other types of alleged ill-treatment included sleep deprivation during prolonged periods of time and mock executions.

Moreover, the information gathered by the CPT revealed that there was no guarantee that an effective investigation would be carried out when it came to the attention of judges and prosecutors that a person may have sustained injuries while in police custody.<sup>6</sup>

According to the Macedonian Helsinki Committee, the number of cases of torture by the police decreased in 2002 compared to the number of cases during the period of the armed conflict, but the problem remained widespread.

- Ismail Jaoski, the mayor of Plasnica, was brutally beaten in the Prilep police station in February.
- Vulnet Qazimi from Tetovo, who was suspected of a crime, was kept for 11 days in several police stations and was beaten and otherwise ill-treated. For example, he was not given food or water for extensive periods of time. Further, he was not allowed to contact a lawyer.
- It was suspected that seven foreign nationals were summarily executed by the police in Rastanski Lozja in March.
- The police used unnecessary force when breaking up a demonstration organized by the Alliance of Trade Unions in April.

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<sup>6</sup> CPT, "Council of Europe Anti-Torture Committee publishes reports on 'the former Yugoslav Republic of Macedonia'", January 16, 2003, at [www.cpt.coe.int/en/press/20030115en.htm](http://www.cpt.coe.int/en/press/20030115en.htm), and at [www.cpt.coe.int/en/states/mkd.htm](http://www.cpt.coe.int/en/states/mkd.htm)

- A group of officers from the “Tigers” special unit systematically beat up a group of citizens in Vinica in July. One was killed. Similarly, officers from the “Lions” special unit blocked a Pletvar road in order to prevent a political meeting of the opposition.
- On June 21, Ljubica Dimcevska was confined first into the Negorci mental hospital and later to the Bardovci mental hospital without a court warrant but with the assistance of the police. As the Macedonian Helsinki Committee looked into the case, it concluded that the sole reason for placing her in a mental hospital was an incident with her neighbors. This case was in violation of articles 58 and 59 of the Law on Non-Litigation Procedure. After examinations in the Bardovci hospital, Dimcevska was released.

### **National and Ethnic Minorities**

Inter-ethnic relations in 2002 were still shadowed by the previous year’s armed conflict. Also in 2002, the protection of minority rights was reduced to the promotion and protection of the rights of ethnic Albanians only, the largest minority community. While the Ohrid Framework Agreement also focused on the inter-ethnic relations between Macedonians and ethnic Albanians, it totally ignored the fate of other minorities, for example, the Roma, Turks and Vlachs. Their representatives were not included in the negotiation process. As a result, those communities were neglected and their situation even deteriorated.

In a positive development, the national television station, MTV, inaugurated a multi-ethnic channel on August 20, featuring programming in the languages of the Albanian, Turkish, Serbian, Romany, Vlach, and Bosnian Muslim minorities. Nine hours of the total 12 hours of daily programming were in the Albanian language.<sup>7</sup>

#### *Albanian Minority*

During the first half of the year, it appeared that the relations between the Macedonian and Albanian communities were relatively relaxed. Ethnically mixed police patrols started to operate in the conflict area. However, in several cases in which police wanted to arrest ethnic Albanians, the local population blocked the roads and prevented the patrols from carrying out their task. In each of these cases international assistance was necessary to accomplish the task.

In reality, however, the armed conflict had deepened the gap between ethnic Albanians and Macedonians. In 2002, new forms of communication and cooperation were established, but, at the same time, the inherent differences between the two communities was stressed and there were a series of smaller conflicts which hindered the stabilization of the inter-ethnic situation.

A new political party, DUI, was established in the lead-up to the elections. It was composed primarily of members and sympathizers of the NLA. This new political move radicalized VMRO-DPMNE and the two ethnic Albanian parties, the Democratic Party of Albanians (DPA) and the Party for Democratic Prosperity (PDP).

Several minority-related constitutional amendments were made and the Law on Amnesty was adopted. The absence of information about these legal changes and their lack of promotion caused Macedonians to oppose them. Ethnic Albanians voiced their dissatisfaction claiming the improvements insufficient and the pace of progress too slow. For example, there were problems related to the interpretation of the Amnesty Law by

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<sup>7</sup> RFE/RL Media Matters, Vol. 2, No. 32, August 23, 2002.

authorities on both sides, so both sides failed to implement it, which led to increased tension and further human rights violations.

Most problems, however, occurred in the field of education. The state did not adopt any special strategy for the substantial organizational changes that have to be carried out in schools to promote tolerance, respect for diversity, and respect for human rights. As a result, ethnically mixed schools experienced disintegration. Inter-ethnic tensions continued particularly after the Albanian ethnic community demanded that the names of the schools their children attended be changed to reflect Albanian culture and its well-known people. In addition, they placed Albanian symbols in front of many schools.

In parallel with this “cultural war,” smaller incidents in the field of education escalated into violent conflicts. The students of the “Zef Ljus Marku Secondary School,” where instruction was given in the Albanian language, repeatedly complained that the number of students was far too high in relation to the school’s capacity. In September 2002 they rejected a temporary solution to the problem to have their lessons in three different schools. They demanded taking over the building of the Macedonian-language “Cvetan Dimov Secondary School.” When this demand was declined, the ethnic Albanian students initiated protests which escalated into violent incidents and the kidnapping of the Albanian student leader, Faton Kruezi. An “L” was carved with a knife into his chest, referring to his organization called Lehtesimi. On the same day, riots spread to other schools leading to other kidnappings and violence on both sides and culminating in the police shooting and killing young Albanian Matin Adili in Tetovo on October 18. According to police, the officer had acted in self-defense.

The Macedonian Helsinki Committee’s investigation into the incident left many questions open because reconstructing the events turned out to be impossible. Immediately after this incident, the violence escalated dramatically: 30 ethnic Macedonians who were playing basketball outdoors were shot at with an automatic weapon from a passing car in Tetovo on October 19, killing the secondary school student Vanco Josifovski. Two others were hospitalized. The murder triggered protests of solidarity throughout Macedonia. On October 23, during one such demonstration with about 15,000 students gathered in Skopje, extremist demonstrators attacked a passer-by who looked like an ethnic Albanian, seriously beat a Macedonian Moslem, and injured two Albanians and one Macedonian. The vicious circle of retaliation continued, and on October 24, seven young ethnic Macedonians were attacked and beaten in the area of the University of St. Cyril and Methodius-Bit Pazar-Stajkovci. Later the same day, a group of ethnic Macedonians attacked a bus full of ethnic Albanians.

At the time of writing, the police said they were still investigating the killing of Josifovski, but it appeared that the case of Adili had been closed.

### *Other Minorities*

Of all the minority groups in Macedonia, the situation of the Roma was still the worst, and authorities showed no interest in trying to improve it. For example, Roma with university degrees were not employed in the state administration, and Roma had problems getting recruited as police officers. Court proceedings filed by Roma against abusive police officers were dragged out and, typically, the officers were not convicted. Such cases were recorded, for example, in the Negotino and Struga First Instance Courts.

Moreover, although it was clear that the Roma were socially vulnerable, they were excluded from all state programs that could improve their social standing. For example, no Roma families from Mesnost Ramina, the poorest Roma settlement, were awarded municipally-owned apartments usually allocated to welfare cases.

Ethnic Turks complained about the continued neglect of their rights by the ethnic Macedonian majority, and intensive pressure by the Albanian community. They pointed to the lack of school curricula providing for instruction in their mother tongue, as well as to their difficult social situation especially in rural areas.



Despite the fact that there were several Vlach associations and that they recently succeeded to unite politically, the Vlach language was threatened with extinction due to the lack of state support for its use and instruction. Moreover, the issue of registration of the Vlach religious community and religious services in the Vlach language remained unresolved.

### *Census*

During the November census, the media reported a series of irregularities, including: the filling in of census forms with pencil, the belated submission of authorizations for census takers in Debar and its surroundings, and the fact that some families in Kavadarci refused to be included because they believed that the selection of census takers was made on the grounds of party membership (in favor of VMRO-DPMNE). In addition, there were cases of alleged census manipulation with the ethnic affiliation of Macedonian Moslems in Debar, Zupa Center, Struga and in the Ohrid region. The people in these regions were registered as ethnic Albanians or Turks. An additional aggravating fact in terms of verification of the results was the refusal by some villages in the Polog region to conduct a post-census examination.

The Albanian-language media pointed to the lack of Albanian-speaking census takers in Albanian-speaking municipalities, such as in Sutka and Cair. In the first case, the launch of the census was delayed; in the second case, it was carried out by Macedonians who mocked the ethnic Albanians when they asked the census to be taken in their mother tongue.

Macedonian Helsinki Committee monitors noted that there were numerous irregularities in the process of selecting census takers, and that the real estate records were in most cases outdated or otherwise incorrect. This was confirmed by several cases in the Skopje region with the result that entire streets, even entire local communities, were left out of the census. The Roma community informed the Helsinki Committee that a large number of Roma families in several cities in Macedonia were not included in the census at all. In the Veles region, Roma were not represented in the Census Commission, a violation of article 29(4) the Census Law, and there were no Roma census takers. Also, the high illiteracy rate among the Roma and their widespread lack of identity documentation affected the census particularly because many census takers did not have the PD-1 forms that were specially designed to be used for persons with no ID.

### **Internally Displaced Persons**

According to information from the International Committee of the Red Cross, the number of internally displaced persons (IDPs) during the 2001 crisis reached 70,000. The number decreased from 16,500 at the beginning of 2002 to 9,500 in November 2002. In addition, there were approximately 3,200 Roma refugees who had fled from Kosovo under pressure from Kosovo Albanians following air strikes in Serbia.

Most IDPs were accommodated in collective centers (72%), while others stayed with relatives or friends. Accommodations in the collective centers were inappropriate. They were overcrowded and the minimal hygiene conditions were not appropriate for the development of children. Most of the humanitarian assistance for these people came from external donors, but there were indications that this funding would cease at the beginning of 2003.

Contrary to international standards, the Framework Agreement did not envisage alternative solutions to the problems of the IDPs. In practice, this left only one solution: return to the previous place of living. In order to prevent the ethnic cleansing of the territories after the 2001 conflict – and with the support of the international community – the state insisted (using force and blackmail if necessary) that all displaced persons return to their pre-conflict homes as soon as possible.

However, the state failed to satisfy the minimal prerequisites for their return: most of the damaged houses were not reconstructed; the repaired houses were not equipped with basic appliances and facilities; compensation was not paid for cattle killed nor agricultural crops destroyed by army bombardment; the necessary infrastructure and services were not provided; the life, property, and security of citizens were not secured; and some of the reconstructed houses of ethnic Macedonians and Serbs were robbed and destroyed again, particularly in the villages of Jedoarce, Otunje, Setole, and Aracinovo in the Tetovo region.

In an attempt to provide for some protection of their own rights, the IDPs established two associations, which made unsuccessful efforts to establish a dialogue with representatives of the authorities. There were indications for the institution of several private lawsuits against the state for compensation of damages incurred during the armed conflict. In December, a new state body was established to resolve the situation of IDPs, but it did not include an IDP representative.

Over 3,000 Roma refugees from Kosovo continued to live in utter misery, without elementary medical care, basic hygienic conditions, or any care and education for the children. They had only a minimum amount of food. With their refugee status pending, they did not have the right to work legally, so they had no means to earn a living. Their return to Kosovo was impossible due to direct and indirect threats by ethnic Albanians and the inability of the international forces to guarantee protection for them. The fate of the Roma children was of particular concern as they could not attend school and lived in conditions that damaged their health and development.

### **Trafficking in Human Beings**

The problems related to the trafficking in human beings gradually gained attention in Macedonia. Macedonia was also no longer only a transit country, but was becoming destination for victims of trafficking. Article 418-a of the Criminal Code was amended to define trafficking in human beings as a criminal offense, but it was not followed by changes in the operation of state institutions. Despite the fact that the importance of establishing centers for victims of trafficking was recognized and the main perpetrators and transit channels were, to a great extent, identified, no systematic measures were taken to prevent and punish such criminal activities. Convictions in several criminal proceedings in this area were a positive sign, but they were far from adequate given the significant challenge organized trafficking posed to the state.

According to official information, one third of the 300 nightclubs in Macedonia were situated in Tetovo and its surroundings and the nightclubs “employed” women, most of whom were victims of trafficking. In reality, those women worked without remuneration, living in rooms with minimal hygiene conditions. They hardly had anything to eat, were forced into prostitution, and were sold from one nightclub to another. Sometimes, especially in rural environment, the victims were forced into prostitution in coffee and tea shops.

Trafficking-related problems were difficult to solve as certain business circles and high-ranking authorities or police were directly or indirectly involved. Prosecutors were often put under pressure to cover up such activities and not to initiate proceedings. Furthermore, the victims themselves did not trust the police, since, very often, uniformed persons used their “services” or cooperated with the traffickers.

In the courts, victims of trafficking, especially sexually exploited girls, were still treated as prostitutes, i.e.: as perpetrators, covered by article 191 of the Criminal Code on “mediation in prostitution.” Furthermore, it was often impossible to secure the presence of the victims during the investigation and at the main hearing as damaged parties or as witnesses because they were foreign nationals without IDs. Hence, they were immediately expelled from the territory of Macedonia – a practice that was very convenient for the police officers allegedly involved in trafficking. The International Organization of Migration contributed to the alleviation of this

problem, and opened a transit center in Skopje to accommodate victims of trafficking until their presence before court.

## **Social Rights**

Approximately 78,000 households with four family members each received welfare assistance in the monthly amount of 3,600 MKD (about €60). According to some research reports, every fifth citizen was hungry and 22.3% of the population lived below the poverty line.

The unemployment rate reached 50% of the entire population capable of work.

The negative trend could be largely attributed to the deterioration of the functioning of the economy after the 2001 crisis, as well as to the liquidation of several companies. As a rule, the closing or transformation of loss-making companies and the completion of the privatization process was accompanied by flagrant violations of the laws. Typical examples were factories such as Gazela, FAS 11 Oktomvri, and mines such as Bucim, Jugohrom, and Sasa. In addition, the negative side to the practice of privatization could be seen in the cases of the Nova Makedonija publishing house and the Lozar Company from Bitola. These privatizations resulted in more frequent strikes which caused the new owners to strip the workers of the right to strike. In many cases, the new management used physical force against the strikers by engaging security companies or using the police force for their own purposes.

Following a change in the leadership of the Association of Trade Unions of the Republic of Macedonia, large-scale strikes were organized in the first half of 2002 in order to put pressure on the government to raise the minimum salary in the public sector. The government agreed after long consideration.

The year 2002 was also characterized by obvious party-based recruitment policy in the public sector as well as promotion according to party membership. This practice was particularly evident in the period before the September parliamentary elections. The legally prescribed procedures for employment were violated and the role of the Agency for Civil Servants was marginalized. However, this did not exempt it from responsibility since it maintained its role as a passive observer. It failed, however, to engage in serious efforts to invoke relevant laws and instruments at its disposal to put an end to the mismanagement.

After numerous announcements, as late as the election year, the government started the construction of state-owned apartments for the socially disadvantaged who fulfilled specific social criteria. However, the allocation procedure lacked transparency, and people were denied access to essential documents which hindered them from submitting their applications. Finally, as a result of public pressure, the new government annulled the allocation of apartments.

In addition to the general economic crisis and extraordinarily low standard of living, citizens' frustrations were deepened by the lack of cooperation on the part of banks in respect of housing credits.

One of the first measures by the new government was to rebalance the budget in order to pay the overdue obligations. This rebalancing satisfied some of the striking workers, but it did not include payment of overdue subsidies to disabled persons, pensioners, and children. Thus, the selection of the recipients of state subsidies neglected the most vulnerable groups of population.