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# **Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities**

## **Part I**

### **1. Policy of the state concerning the protection of national minorities**

There is a many decades long tradition of enjoyment and promotion of minority rights in the Republic of Macedonia. One of the basic strategic commitments and objectives of the Republic of Macedonia is the improvement of relations between the Macedonian people and citizens who are part of the Albanian, Turkish, Vlach, Serbian, Roma and Bosniac peoples, as well as other citizens, and in that context a particular attention is paid to full realization of the constitutionally guaranteed rights of members of all communities.

The protection of minority rights is based on the feeling but also the need for mutual understanding and tolerance deeply rooted in the history of the Macedonian people and members of communities living in this area, but also on the respect and implementation of standards in accordance with international treaties and practice in this field.

One may note that as far as the protection and promotion of minority rights are concerned the Republic of Macedonia is at the higher level of application of the international and European standards in this sphere.

The implementation of the meaningful policy for improving the protection of the rights of persons belonging to national minorities in the Republic of Macedonia is a long-term commitment, the main aim of which is to develop a society with highly developed feeling of integration and belonging of all citizens, on one hand, and the developed feeling for individual freedoms and respect for all individual cultural, linguistic, religious and other features, on the other.

Members of various communities should contribute to but also be a bridge to building friendly and good-neighborly relations, as well as to creating a constructive cooperation among the countries in the region. The respect for the rights of persons belonging to national minorities is expected to contribute to stability and peace, not only in the Republic of Macedonia, but in the entire region of South Eastern Europe.

#### **1.1 Statement on the policy of the Government of the Republic of Macedonia concerning the protection of national minorities**

Excerpts from the Program of Work of the Government for the period 2002 to 2006 <sup>1</sup>presented to the Assembly of the Republic of Macedonia on 31 October 2002.

The priority tasks and goals of the Government of the Republic of Macedonia will, *inter alia*, include the following:

- full and consistent implementation of the Ohrid Framework Agreement;
- reestablishment of trust among citizens of different ethnic affiliation and elimination of possible feeling of discrimination, fear and mistrust;
- protection of human rights and freedoms and the constitutionally guaranteed equality of citizens irrespective of their ethnic, religious and ideological affiliation.

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<sup>1</sup> The excerpts relate only to the topics relevant for this Report.

The program identifies measures and activities for its implementation in different spheres:

**In the sphere of education**, the following is, among other things, foreseen: Strengthening of the integrating capacity of education through functioning of a unified education system, as well as through education forms such as workshops for building inter-ethnic trust and understanding, tolerance, civil awareness, fostering of the culture of peace.

Harmonization of education legislation with the provisions of the Framework Agreement and the Law on Local Self-Government that is to say the Law on Financing of Local Self-Government.

**In the sphere of culture and cultural heritage the following is foreseen:**

Urgent adoption of the National (state) cultural program which will constitute a strategy for development of culture in the country and which will determine national interest in the sphere of culture at the state and local levels;

Creation of stable legal, organizational and financial grounds for development and maintenance of cultural and traditional values of the Macedonian people and of parts of other peoples living in Macedonia.

Establishment and support to the institutions the aim of which is to foster and preserve cultural identity of citizens of different ethnic origin and of different religions.

Protection of cultural heritage of the Macedonian people and of parts of other peoples living in Macedonia, in particular of monuments of culture from the destruction, negligent conservation and damaging.

Taking care of the Macedonian language and of the languages of members of other ethnic communities in Macedonia as the most important segment of the cultural identity of citizens and as part of the national treasure of Macedonia.

Funding and implementation of projects in the sphere of culture aimed at supporting and encouraging inter-ethnic cooperation in Macedonia and at increasing mutual understanding and trust.

Affirmation of culture of the Macedonian people and culture of other ethnic communities living in Macedonia and abroad and intensification of international and regional cultural cooperation.

**In the sphere of good governance, decentralization of power and development of local self-government the following is, *inter alia*, planned:**

Promotion of state institutions and of local self-government into a service of the citizens free of party, ideological and ethnic bias, the aim of which is protection and realization of their rights and interests.

Harmonization of the Law on Nationality with the international instruments ratified by the Republic of Macedonia, in particular the European Convention on Nationality, and establishment of conditions for speedy regulation of nationality in conformity with appropriate amendments.

Termination of party monopolies over public services in the sphere of mass media and creation of conditions for their transformation into a public service to all citizens irrespective of their ideological, political and ethnic affiliation.

Elaboration and implementation of an action plan with clearly set deadlines for passing the remaining laws aimed at decentralization and development of local self-government (such as the Law on Financing of Local Self-Government, Law on Territorial Division of Municipalities in the Republic of Macedonia and amendments to laws which provide for new competences of municipalities and sources for funding such competences).

**Lasting peace in Macedonia and security of every citizen in all parts of the territory of Macedonia** will be provided, *inter alia*, through:

Building of inter-ethnic trust based on the respect for publicly pledged word and respect for the signed agreements, principles and values enshrined in international law.

Passing of the remaining laws resulting from the constitutional changes and the Framework agreement within the set deadlines.

Promotion of a climate of mutual solidarity and interdependence in resolving problems shared by the citizens and leaving behind historical atavism, conflicts, divisions and intolerance.

Prevention of any form of violence and pressure for ethnic cleansing of certain settlements or parts of the territory of Macedonia.

Establishment of conditions for the return of persons forcefully displaced from their homes through urgent reconstruction of their houses and of the economic facilities destroyed during the 2001 conflict, but also through promotion of new economic capacities and employment opportunities in ethnically mixed areas as a precondition for subsistence of people in those regions and prevention of migration pressured by the lack of hope and perspective.

Establishment of the Solidarity Fund for overcoming the consequences of the conflict.

Creation of capable, professionally well-trained and well equipped security forces of Macedonia to reflect the ethnic structure of the population whose only aim will be to provide security to citizens and defend the country.

## **2. Information on the status of international law in the domestic legal order**

The Republic of Macedonia belongs to the group of countries whose legal system is governed by the principles of continental law. The basic sources of law in the Republic of Macedonia are the Constitution, laws and international treaties ratified by the Assembly of the Republic of Macedonia. The main principles of this system are constitutionality and legality – all laws in the legal system of the Republic of Macedonia must comply with the higher legal act and consequently all must comply with the supreme one – Constitution of the Republic of Macedonia.

Case law (built on the basis of principle positions and legal opinions of the Supreme Court but also on decisions of lower courts) is a subsidiary source of law.

International treaties are one of the direct sources of law. According to Article 118 of the Constitution of the Republic of Macedonia, international treaties ratified in conformity with the Constitution are part of the domestic legal order and may not be changed by law or another act. This constitutional provision is implemented in Article 98 of the Constitution according to which courts make their rulings on the basis of the

Constitution, laws and international agreements ratified in conformity with the Constitution. Consequently when making rulings, court may freely and directly (without previously adopted special, additional laws or regulations) apply provisions of every international convention ratified by the Assembly of the Republic of Macedonia. In this context, a number of relevant conventions are directly applicable in the Republic of Macedonia.<sup>2</sup>

### **3. Information on the character of the State**

Under Article 1 of the Constitution, the Republic of Macedonia is defined as sovereign, independent, democratic and welfare state in which sovereignty derives from the citizens and belongs to them.

With the affirmation of the citizen as a sovereign power holder, the Constitution of the Republic of Macedonia provides for a system of parliamentary democracy as a form of political system.

Article 8 of the Constitutions sets out fundamental values of the constitutional order of the Republic of Macedonia: fundamental freedoms and rights of the individual and citizen recognized in international law and set down in the Constitution; free expression of ethnic identity and adequate and equitable representation of citizens belonging to all communities in the organs of the state authority and other public institutions at all levels; rule of law; division of state powers into legislative, executive and judicial; political pluralism and free, direct and democratic elections, legal protection of property; freedom of the market and entrepreneurship; humanism, social justice and solidarity; local self-government; proper urban and rural planning to promote a congenial human environment and protection and promotion of the environment and nature; and observance of generally accepted norms of international law.

#### **3.1. Principle of separation of powers**

The system of parliamentary democracy is reflected in the organization of state authority based on the principle of separation of powers. The fundamental value of the constitutional order of the Republic of Macedonia is division of power into legislative, executive and judicial powers.

The Assembly of the Republic of Macedonia is a representative body of the citizens and the legislative power of the Republic is vested in it. The Assembly is composed of 120 representatives elected for a term of office of four years in general, direct and free elections and by secret ballot. The Assembly of the Republic of Macedonia, *inter alia*, adopts and amends the Constitution; adopts laws and gives the authentic interpretation of laws; ratifies international agreements; makes decisions concerning any changes in the borders of the Republic; issues notice of referendum; elects the Government of the Republic of Macedonia; elects judges to the Constitutional Court of the Republic of Macedonia; elects and dismisses judges; carries out political control and supervision of the Government and other holders of public office accountable before the Assembly; and proclaims amnesties. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of representatives. The Assembly elects three of the judges by a majority vote of the total number of

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<sup>2</sup> The Constitution of the Republic of Macedonia accepts the principle of incorporation in respect of international treaties.

representatives, within which there must be a majority of the votes of the total number of representatives belonging to the communities not in the majority in the Republic of Macedonia.

The President of the Republic Macedonia is a head of state and represents the Republic. The President is a Commander-in-Chief of the Armed Forces of the Republic of Macedonia. The President of the Republic of Macedonia: nominates a mandator to form the Government of the Republic of Macedonia; appoints and dismisses by decree ambassadors and other diplomatic envoys of the Republic of Macedonia abroad; accepts the credentials and letters of recall of foreign diplomatic representatives; proposes two judges to the Constitutional Court of the Republic of Macedonia; proposes two members of the Republic Judicial Council; appoints three members to the Security Council of the Republic of Macedonia; and grants pardons in accordance with the law.

The Government of the Republic of Macedonia is a principal holder of the executive power. The organization and work of the Government is regulated by the Law on Government. The Government and each of its members are accountable before the Assembly. Under Article 91 of the Constitution, the Government of the Republic of Macedonia, *inter alia*, determines the policy for implementation of laws and other regulations of the Assembly and is responsible for their execution; proposes laws, the budget of the Republic and other general regulations adopted by the Assembly; decides on the recognition of states and governments; establishes diplomatic and consular relations with other states; proposes the public prosecutor.

Pursuant to Article 98 of the Constitution, the judicial power is exercised by courts. Courts are autonomous and independent and make judgments on the basis of the Constitution, laws and international agreements ratified in accordance with the Constitution. There is one form of organization for the judiciary. Emergency courts are prohibited. The types, competence, establishment, abrogation, organization and composition of courts, as well as the procedure before them are regulated by law adopted by a two-third majority vote of the total number of representatives.

The Law on Court of 1995 gives effect to the constitutional provision on the court power. The Law, *inter alia*, defines the aims and functions of the judiciary which include: a) impartial application of law irrespective of the position and status of the parties; b) promotion, within the judicial function, of the protection and respect for human rights and freedoms and c) legal security and creation of conditions for every individual to live freely within the application of law. As far as the powers of courts are concerned, the law prescribes that courts make their decisions, in a procedure determined by law, on the rights of citizens and legally based interests, disputes between citizens and other legal entities, punishable actions and other matters placed within the courts' competence under the law. The judicial power in the Republic of Macedonia is exercised by 27 basic courts, 3 appellate courts and the Supreme Court of the Republic of Macedonia.

The ongoing reform of the judiciary includes the adoption of the Strategy for the reform of the judiciary, the Law on the Independent Court Budget and amendments to the Law on Courts the aim of which is to strengthen the independence and autonomy of the judicial power in the Republic of Macedonia. The Government of the Republic of Macedonia is interested in advancing the cooperation with the Council of Europe in the sphere of judiciary.

### **3.2. Forms through which citizens exercise their power**

Citizens of the Republic of Macedonia exercise their power through democratically elected representatives, through referendum and through other forms of direct expression (Article 2, paragraph 2 of the Constitution).

Under Article 73 of the Constitution, the Assembly decides on issuing notice of a referendum concerning specific matters within its sphere of competence by a majority vote of the total number of representatives. The decision on a referendum is adopted if the majority of voters supported it and if more than half of the total number of voters cast their vote.

The Assembly is obliged to issue notice of a referendum if it is proposed by at least 150,000 voters. The decision made in a referendum is binding.

These constitutional provisions have been operationalized in the Law on Referendum and Civil Initiatives. The Law foresees the following types of referenda: obligatory, legislative, advisory and a referendum in respect ratification of international treaties. A referendum must be organized in case of adoption by the Assembly of the decision on the alteration of state borders and the decision on entering or withdrawing from the alliance with other states (Article 3). According to Article 4 of the Referendum Law, the legislative referendum may be organized in respect of the issues that must be arranged by law (preliminary referendum) or for the reassessment of a law already passed (subsequent referendum). Advisory referendum may be preliminarily organized for matters of broad importance for citizens and the state. The decision reached in an advisory referendum is not binding for the Assembly.

Citizens may decide in a referendum on issues within the competence of a municipality, as well as on other issues of local importance. The council is obliged to organize a referendum on request of at least 20 percent of voters in that municipality. The decisions reached in a referendum is binding for the council (Article 28 of the Law on Local Self-Government). The Law on Referendum also regulates ways in which civil initiatives are carried out.

The initiative for collection of signatures for starting the procedure to amend the Constitution of the Republic of Macedonia, adoption of a law, as well as for making decisions and for resolution of other issues within the powers of the Assembly may be launched by 100 voters, a registered political party or an association of citizens.

The proposal for starting the procedure to amend the Constitution of the Republic of Macedonia may be submitted by 150.000 citizens with voting rights. The proposal for adoption of a law may be submitted by 10.000 voters in accordance with the Assembly's Rules of Procedure. The civil initiative for organization of a referendum may be launched by 150.000 voters on certain issues within the powers of the Assembly.

The initiative for adoption of a law may be put forward by any citizen, group of citizens, institutions and association to the authorized proposers.

### **4. Main historical events**

Three historical events in the XX century were of exceptional importance for building the Macedonian state: Krusevo Republic of 1903, session and decisions reached at ASNOM (Antifascist Assembly of National Liberation of Macedonia) of 1945 and in 1991 – referendum and proclamation of independence.

In a referendum held on 8 September 1991 the citizens of the Republic of Macedonia, confirming by a plebiscite the statehood and sovereignty of the Republic of Macedonia, voted for a sovereign and independent Macedonia.

The referendum result was confirmed by a Declaration adopted by the Assembly of the Republic of Macedonia at its session held on 17 September 1991.

In parallel with the activities aimed at the independence of the Republic of Macedonia, a new Constitution was drafted and adopted by the Assembly of the Republic of Macedonia on 17 November 1991. On 19 December 1991 the Assembly of the Republic of Macedonia adopted a Declaration calling for international recognition of the Republic of Macedonia as a sovereign and independent state.

On 26 November 2001 the Assembly of the Republic of Macedonia adopted the constitutional amendments resulting from the implementation of the Ohrid Framework Agreement.

## **5. Information on the demographic situation in the country**

### **5.1 Population in the Republic of Macedonia according to ethnic affiliation and its structures**

The number and structure of the population in the Republic of Macedonia, according to ethnic affiliation, is best seen from the data collected in population censuses. The last census was held from 1 to 15 November 2002, due to the delay of the regular census supposed to be held in 2001. The official results are expected at the end of the third quarter of 2003.

The size of the population in the Republic of Macedonia, viewed through censuses, is on slight increase. The number of the population was increased from 1.152.986 in 1948 to 1.945.932 in 1994.

**T-1: Population structure according to the declared ethnic affiliation (in censuses)**

<b>Ethnic affiliation</b>	<b>1948</b>	<b>1953</b>	<b>1961</b>	<b>1971</b>	<b>1981</b>	<b>1991</b>	<b>1994</b>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Macedonians	65.8	66.0	71.2	69.3	67.0	65.3	66.6
Albanians	17.1	12.5	13.0	17.0	19.8	21.7	22.7
Turks	8.3	15.6	9.4	6.6	4.5	3.8	4.0
Roma	1.7	1.6	1.5	1.5	2.3	2.6	2.2
Vlachs	0.8	0.7	0.6	0.4	0.3	0.4	0.4
Serbs	2.6	2.7	3.0	2.8	2.3	2.1	2.1
Others	1.0	1.0	1.4	2.3	3.8	4.1	2.0

The population structure according to ethnic affiliation (T-1) shows gradual decrease in the number of Macedonians in the total population, increase in the participation of the Albanian population. There is also an increased number of Roma, while there is a decreased number of Turks and Serbs.

The population structure according to age is an important indicator for the development of population at large. The age structure is determined by a large number of factors which most frequently work in combination; it has an important impact on the formation and size of many population contingents, above all the capable of working and supported population. Demographic transition substantially alters the age structure of the population what is reflected in the process of population aging in the Republic of Macedonia (T-2).

The Republic of Macedonia is struck by an intensive aging process which causes continual decline in the number of young population between 0 and 14 years old, and an increase in the number of older population over 65 years old.

This trend is expected to continue and according to projections, the participation of the population between 0 and 14 years is expected to decline to 17,2 %, whereas the participation of old population is expected to increase to 15,7%. The critical point of 7% for the population over 65 years old was reached at the beginning of the 20<sup>th</sup> century.

**T-2: Structure of population by age**

Census year	Total	Age groups		
		0-14	15-59	60+
1948	100.0	38.0	53.3	8.7
1953	100.0	36.9	54.9	8.2
1961	100.0	37.2	55.0	7.8
1971	100.0	32.5	58.6	8.9
1981	100.0	29.1	61.7	9.2
1994	100.0	24.9	62.1	13.1

3) It should be underlined that the aging process does not effect equally all communities living in the Republic of Macedonia (T-

**T-3: Participation of large age groups in the total population in the Republic of Macedonia (by ethnic affiliation)**

	1948			1957			1961			1971			1994		
	0-14	15-59	60+	0-14	15-59	60+	0-14	15-59	60+	0-14	15-59	60+	0-14	15-59	60+
Total	38.0	53.3	8.7	36.9	54.9	8.2	37.2	55.0	7.8	32.5	58.6	8.9	24.9	62.1	13.1
Macedonians	37.3	53.7	9.0	36.2	55.3	8.4	36.1	55.8	8.1	29.0	61.3	9.6	21.7	63.4	14.9
Albanians	40.8	50.7	8.5	38.3	53.6	8.1	40.8	51.9	7.3	43.1	49.6	7.3	33.0	58.5	8.5
Turks	41.0	51.1	7.9	40.1	52.4	7.6	42.6	50.6	6.8	42.5	50.7	6.8	31.7	58.8	9.5
Roma	44.4	49.8	5.9	44.2	50.4	5.4	49.5	46.2	4.3	46.7	49.4	3.8	34.0	60.0	6.0
Vlachs	34.5	52.7	12.8	32.3	54.3	13.4	31.5	55.2	13.3	25.2	58.8	16.0	16.9	60.0	23.1
Serbs	29.3	64.2	6.5	30.9	62.2	7.0	30.1	63.4	6.5	24.6	67.3	8.1	16.2	65.1	18.7
Others	23.7	71.1	5.2	24.9	68.6	6.5	28.3	65.4	6.3	33.2	60.1	6.7	24.4	64.2	11.4

On the basis of the data presented in Table 3 one may conclude that the participation of the age group from 0 to 14 years old in the total population for Macedonians had been continually declining in the period from 1948 to 1994, the percentages being 37.3 in 1948 and 21.7 in 1994. Similar changes can be noted in the Serb and Vlach communities, but more intensely than in the case of the Macedonian population.

In the Albanian community one may also note the decrease in the participation of the age group from 0 to 14 years old, from 40,8% in 1948 to 33.0% in 1994. This decrease is not a continual process in the entire post-war period, but occurs in the period after 1971. Similar changes may be noted regarding the Turkish and Roma populations respectively.

The situation regarding the age group over 60 years old is critical in particular in the case of the Macedonian population since their participation in the total population is increased (from 9.0% in 1948 to 14,9 % in 1994) or the increase amounts to 65.6%. This trend of the increased participation of old population in the total one is more intense in the case of the Serb and Vlach communities respectively.

As regards the Albanian population, there are no changes in this age group whatsoever. The Turkish population has a slight increase, while the Roma population has a decreased participation of old age group in the total population.

Changes in the size and structure of the population are a result of changes taking place in the components of the demographic development, as well as a result of the so-called unpredictable factors (wars, natural disasters, epidemics and alike) whose impact and intensity may not be foreseen, but which may cause exceptionally significant disturbance in the functioning of demographic factors.

## 5.2. Marriage and divorce rates of the population according to ethnic affiliation

The issues of marriage and divorce rates are of great importance in the context of observation and examination of inter-ethnic relations. The so-called homogenous and mixed marriages are an important factor in this regard. The existence of mixed marriages depends on a number of factors including homogeneity or heterogeneity of the territory, social and political circumstances, tradition and customs, cultural and education level, size of the “marriageable” population and their age-gender structure etc.

If ethnic affiliation is taken as an indicator, the largest percentage in the total number of marriages is homogeneous. In the observed period (Table 4), the percentage of homogeneous marriages <sup>3</sup> varies from 88.4% in 1975 to 91.5% in 1995.

**T-4: Structure of homogeneous and mixed marriages in the total number of concluded marriages by ethnic affiliation**

	1970	1975	1980	1985	1990	1995	2000
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Homogeneous	89.6	88.4	89.9	90.2	89.4	91.5	90.5
Mixed	10.4	11.6	10.1	9.8	10.6	8.5	9.5

According to ethnic affiliation, the largest percentage of homogeneous marriages in the period from 1970 to 1995 were between Macedonians (Table 5). One may however note that the homogeneity of Macedonian marriages has been decreased, what means that the Macedonians ever increasingly enter into mixed marriages. As distinct from them, the homogeneity of Albanian marriages is on the constant rise and in the period from 1970 to 1995 the percentage was increased by 63 %.

**T-5: Structure of homogeneous marriages by ethnic affiliation**

	1970	1975	1980	1985	1990	1995	2000
Macedonians	63.9	65.5	63.6	61.6	57.0	55.1	50.8
Albanians	17.8	16.5	19.1	21.4	25.3	29.0	32.1
Turks	4.8	4.0	4.2	3.8	3.5	3.6	3.6
Roma	2.1	2.4	3.3	3.3	3.5	3.3	3.7

<sup>3</sup> When the percentage of homogeneous marriages was calculated, marriages between persons of unidentified ethnic belonging or persons identified as others were not taken into account.

The divorce rate in the Republic of Macedonia (divorced marriages per 1000 inhabitants) has been on constant decrease and in 1997 amounted to 0.5%. Furthermore, the dynamics of the divorce rate per 1000 concluded marriages has been decreased from 81,7 in 1975 to 44.9 in 1995.

**T-6: Divorce rate by ethnic affiliation**

	1971	1981	1991	1994
Total	0.3	0.5	0.2	0.3
Macedonians	0.3	0.5	0.2	0.2
Albanians	0.1	0.3	0.3	0.4
Turks	0.2	0.4	0.4	0.5
Roma	0.2	1.0	0.5	0.8
Serbs	0.6	...	0.3	0.3

The data presented in Table 6 show that the divorce rates are low and that the state average rate applies to all nationalities. The Roma are a slight exception and in their case divorce rates are somewhat higher than the average as well as than the rates for other nationalities. The Republic of Macedonia, with the average rate of 0.5%, has the lowest divorce rate compared to other European countries.

### **5.3. Migration of population**

In addition to birth and death rates, migrations of the population constitute a third component of demographic development. The effect of the migration component on demographic trends may be direct in terms of influx or outflow of human resources and territorial distribution of the population, as well as indirect in terms of the effect of migrations on the intensity of performance of the other two components (for instance in case of intensive emigration of young population from one state into another, the contingent of the so-called fertile population who make up the reproduction base of a certain state is diminished).

Migration trends (of all types) in the Republic of Macedonia have been intense over a longer period of time. Internal migrations were particularly intense during the first two decades following the WW II in the period of the so-called industrialization of the country when they were one-way, that is to say village-town migrations and caused serious consequences on the territorial distribution of the population. These developments have continued until nowadays but with much smaller intensity.

As regards external migrations, the Republic of Macedonia may be characterized as extremely emigration oriented area although in certain periods of its post-war development it was the country of intensive immigration primarily from other areas of the former SFRY.

In addition to these general observations, there are interesting conclusions resulting from the analysis of consequences of migration trends in respect of certain ethnic communities living in the Republic of Macedonia.

As far as internal migrations are concerned, population of ethnic Macedonian affiliation shows the greatest mobility. Only in the period of the so-called industrialization, 180.000 are estimated to have moved from villages into towns what brought about a specific rural exodus and exceptionally fast development of towns. This is why there is a large number of settlements totally empty nowadays or which have an exceptionally small number of inhabitants, mainly old age ones.

External migrations in the Republic of Macedonia have mainly the form of emigration from the country. In this case too there are differences in respect of intensity, but also destinations of external migrations by ethnic communities.

Thus the main feature of emigration by ethnic Macedonians in the observed period was that it was of permanent character and countries of destination were overseas and European countries.

On the other hand, due to enormous concentration of population in the places largely inhabited by Albanians, their high birth-rate and limited spatial and existential perspectives, Albanians are also not immune to emigration. As distinct from Macedonians, countries of destination for the Albanian population are mainly European countries (Switzerland, Germany, Italy and others). These emigration flows were not of permanent character until recently (most frequently the male members of household were abroad), but over the last decade they have also gained the character of permanent emigration.

When external migrations are being analyzed, one must take into account the large emigration wave of the Turkish population from the Republic of Macedonia into the Republic of Turkey in the late 1950s and early 1960s, what brought about total abandonment of a large number of settled places, but also settlement of the deserted "Turkish" villages, mainly of Muslims emigrating from the triangle among Serbia, Montenegro and Bosnia and Herzegovina, Albanians from Kosovo and Southern Serbia, as well as Serbs and others.

Regretfully, statistical monitoring of migrations in the Republic of Macedonia does not have a long history. Until 1992, the only sources on migrations flows were censuses. With the introduction of special statistical research on migrations, the data again do not reflect the real situation, in particular in regard to the segment of emigration. This is a consequence of the fact that the statistics on migrations are administrative. Therefore this analysis is not based on statistics but on the combination of data coming from a number of sources.

**T- 7: Population that immigrated in the Republic of Macedonia by ethnic affiliation**

<b>Year of immigration</b>	<b>Total</b>	<b>Macedonians</b>	<b>Albanians</b>	<b>Turks</b>	<b>Serbs</b>	<b>Roma</b>	<b>Others</b>
<b>1994</b>	1782	78	600	29	416	42	617
<b>1995</b>	2088	438	879	40	230	68	433
<b>1996</b>	1489	273	647	38	189	47	295
<b>1997</b>	1295	228	597	28	133	38	271
<b>1998</b>	1057	176	430	36	115	32	268
<b>1999</b>	1118	233	436	34	141	26	248
<b>2000</b>	1199	192	478	25	117	19	367

## 6. Information on the existence of so-called minority-in-minority situations in certain areas

According to the 1994 census data, there are 30 places in the Republic of Macedonia in which the number of Macedonians is smaller than the number of members of communities.

Municipalities in which  
Macedonian population is  
in minority  
(1994 census)

	Macedonians	Albanians	Turkish	Roma	Vlachs	Serbs	Others
VELESTA	0.0	99.8	0.0	0.0	0.0	0.0	0.2
NEGOTINO - POLOSKO	0.0	99.8	0.0	0.0	0.0	0.0	0.1
SIPKOVICA	0.0	99.6	0.1	0.0	0.0	0.0	0.3
BOGOVINJE	0.1	99.6	0.0	0.1	0.0	0.0	0.1
ZELINO	0.2	99.6	0.1	0.0	0.0	0.0	0.1
DELOGOZDI	0.0	99.2	0.0	0.0	0.0	0.0	0.8
DJEPCISTE	1.3	98.7	0.0	0.0	0.0	0.0	0.0
OSLOMEJ	1.7	98.2	0.0	0.0	0.0	0.0	0.1
KONDOVO	0.2	97.8	0.1	0.8	0.0	0.0	1.0
CEGRANE	2.1	97.5	0.0	0.4	0.0	0.0	0.1
LIPKOVO	0.9	97.1	0.1	0.0	0.0	1.8	0.1
ZAJAS	2.8	97.1	0.0	0.0	0.0	0.0	0.1
SRBINOVO	5.3	94.7	0.0	0.0	0.0	0.0	0.0
KAMENJANE	0.3	88.0	11.3	0.0	0.0	0.0	0.3
ARACINOVO	10.4	88.5	0.0	0.0	0.0	0.2	0.9
SARAJ	6.1	87.9	0.2	0.8	0.0	0.1	4.8
TEARCE	13.7	83.4	2.2	0.4	0.0	0.2	0.0
VRUTOK	14.9	72.5	12.4	0.1	0.0	0.1	0.1
STUDENICANI	0.3	66.2	21.2	0.9	0.0	0.0	11.3

DEBAR	18.8	62.2	11.0	6.3	0.0	0.2	1.5
BRVENICA	39.8	59.4	0.0	0.0	0.0	0.6	0.1
TETOVO	31.7	59.3	3.2	3.5	0.0	1.3	0.9
GOSTIVAR	29.5	55.1	9.8	4.1	0.0	0.6	0.9
DOLNA BANJICA	15.3	50.2	31.8	2.4	0.0	0.2	0.1
ZITOSE	9.0	49.8	4.1	0.0	0.0	0.4	36.8
VRAPCISTE	13.5	47.9	38.2	0.0	0.0	0.2	0.3
CUCER - SANDEVO	33.0	37.9	0.0	0.1	0.0	27.8	1.1
PLASNICA	2.6	0.7	96.7	0.0	0.0	0.0	0.0
CENTAR ZUPA	17.5	6.1	74.1	0.0	0.0	0.0	2.3
SUTO ORIZARI	7.1	11.9	0.4	79.1	0	0.3	1.3



## **7. Basic economic indicators**

### **7.1. Workforce by ethnic affiliation**

All population of one country cannot actively participate in the labor market due to their biological and other characteristics. Therefore the analysis of workforce as the main promoter of economic development of every country deserves special attention.

Structural changes in the Macedonian economy that took place over the last several years caused great changes in the structure and basic features of the workforce.

Employment in the Republic of Macedonia is characterized by a rather unfavorable gender, age and education structure. This structure has been unchanged over a longer period of time first of all due to unstable economic and social conditions in the country and the disparity between the available and needed profiles on the labor market.

According to the workforce survey in 2000, there were 1.534.256 persons over 15 years old. Of them 52.9% was active and took part on the labor marker, while 47.1% was inactive. The total workforce in the Republic of Macedonia in 2000 was 811.710. The employed population in the total active population accounts for 67.8%, while unemployed persons account for 31.2%.

According to the analysis of active population rates in the last five years, total activity of the population has decreased; there are no noticeable changes in employment, whereas there is a slight decrease in unemployment. The data show that due to long-term negative situation on the labor market (high unemployment, protracted unemployment) a large part of active population has been excluded from the labor market.

Basic indicators of economic activity of the population show the decline in the activity rate and in the employment rate and high unemployment rates.

The activity rate in 2000 amounted to 52.9%, employment rate to 35.8% and unemployment rate to 32.2 %.

The unemployment rate shows a high level of unemployment in the Republic of Macedonia, as a reflection of the entire economic situation in the country.

When the situation is analyzed according to ethnic affiliation, the conclusions reached show enormous differences in the behavior of different communities.

The lowest activity rate may be noticed in the Albanian population 36.5%, and the highest in the Macedonian population. The employment rate is highest in the case of Vlachs and amounts to 61, 9%, and lowest for the Albanians. The unemployment rate is highest for the Roma 73.1%, and lowest for the Macedonians 28.2%.

Table 8 presents the data on the workforce size, number of employed and unemployed persons by gender and ethnic affiliation. These data relate to the period 1996 to 2000 in absolute indicators.

**T- 8: Workforce by ethnic affiliation**

		Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1996	Workforce	789.081	608.605	99.488	21.434	18.748	4.869	13.739	22.198
	Employed	537.591	451.540	44.973	10.344	5.371	4.247	9.686	11.430
	Unemployed	251.490	157.065	54.515	11.090	13.377	622	4.053	10.768
1997	Workforce	800.513	614.572	108.365	19.303	18.519	3.798	14.526	21.430
	Employed	512.300	429.169	45.136	11.018	4.375	3.281	8.961	10.360
	Unemployed	288.213	185.403	63.229	8.285	14.144	517	5.565	11.070
1998	Workforce	823.825	643.689	112.190	22.600	16.280	2.443	11.590	15.033
	Employed	539.761	455.946	50.915	12.564	4.165	1.845	7.350	6.976
	Unemployed	284.064	187.743	61.275	10.036	12.115	598	4.240	8.057
1999	Workforce	806.674	636.306	101.913	20.176	15.796	3.292	13.995	15.196
	Employed	545.224	460.009	49.131	10.676	4.459	2.759	9.879	8.311
	Unemployed	261.450	176.297	52.782	9.500	11.337	533	4.116	6.885
2000	Workforce	811.556	639.364	105.928	20.307	13.364	2.289	11.693	18.611
	Employed	549.846	459.200	53.866	12.474	3.588	1.555	7.416	11.747
	Unemployed	261.710	180.164	52.062	7.833	9.776	734	4.277	6.864

## Men

		Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1996	Workforce	480.259	346.995	80.483	15.824	10.793	2.898	9.187	14.079
	Employed	340.579	273.154	38.889	7.453	4.078	2.539	6.562	7.904
	Unemployed	139.680	73.841	41.594	8.371	6.715	359	2.625	6.175
1997	Workforce	490.121	350.264	89.562	14.227	11.168	2.683	8.667	13.550
	Employed	328.404	260.569	41.278	8.314	3.296	2.468	5.533	6.946
	Unemployed	161.717	89.695	48.284	5.913	7.872	215	3.134	6.604
1998	Workforce	506.835	366.375	95.653	15.492	10.824	1.731	7.091	9.669
	Employed	341.875	272.635	46.870	8.652	2.965	1.412	4.607	4.734
	Unemployed	164.960	93.740	48.783	6.840	7.859	319	2.484	4.935
1999	Workforce	496.126	359.543	88.925	14.904	11.189	2.252	9.246	10.067
	Employed	337.995	268.341	43.870	8.106	3.209	1.826	6.619	6.024
	Unemployed	158.131	91.202	45.055	6.798	7.980	426	2.627	4.043
2000	Workforce	488.544	355.630	89.401	14.080	8.543	1.655	6.959	12.276
	Employed	339.550	266.737	47.642	8.299	2.635	1.219	4.622	8.396
	Unemployed	148.994	88.893	41.759	5.781	5.908	436	2.337	3.880

Women

		Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1996	Workforce	308.822	261.610	19.005	5.610	7.955	1.971	4.552	8.119
	Employed	197.012	178.386	6.084	2.891	1.293	1.708	3.124	3.526
	Unemployed	111.810	83.224	12.921	2.719	6.662	263	1.428	4.593
1997	Workforce	310.392	264.308	18.803	5.076	7.351	1.115	5.859	7.880
	Employed	183.896	168.600	3.858	2.704	1.079	813	3.428	3.414
	Unemployed	126.496	95.708	14.945	2.372	6.272	302	2.431	4.466
1998	Workforce	316.990	277.314	16.537	7.108	5.456	712	4.499	5.364
	Employed	197.886	183.311	4.045	3.912	1.200	433	2.743	2.242
	Unemployed	119.104	94.003	12.492	3.196	4.256	279	1.756	3.122
1999	Workforce	310.548	276.763	12.988	5.272	4.607	1.040	4.749	5.129
	Employed	207.229	191.668	5.261	2.570	1.250	933	3.260	2.287
	Unemployed	103.319	85.095	7.727	2.702	3.357	107	1.489	2.842
2000	Workforce	323.012	283.734	16.527	6.227	4.821	634	4.734	6.335
	Employed	210.296	192.463	6.224	4.175	953	336	2.794	3.351
	Unemployed	112.716	91.271	10.303	2.052	3.868	298	1.940	2.984





## 7. 2. Basic economic indicators for the Republic of Macedonia for the period 1994 to 2001

	<b>1994</b>	<b>1995</b>
Population at mid-year ( in thousands)	1 946	1966
Live births	33487	32154
Deaths	15771	16338
Unemployment rate	30,0	35,6
Average net salary paid per employee ( in Denar)	7754	8581
Exports ( in 000 USD)	1086343	1204048
Imports ( in 000 USD)	1844092	1718904
Industrial output	89,5	89,3
Retail prices	221,8	115,9
GDP ( in 000 000 USD)	3389	3351
GDP per capita ( in USD)	1742	1705

	<b>1996</b>	<b>1997</b>
Population at mid-year ( in thousands)	1983	1997
Live births	31403	29478
Deaths	16063	16596
Unemployment rate	38,8	36,0
Average net salary paid per employee (in Denar)	8817	9063

Exports ( in 000 USD)	1147440	1236808
Imports ( in 000 USD)	1626917	1778515
Industrial output	103,2	101,5
Retail prices	103,0	104,4
GDP ( in 000 000 USD)	3390	3458
GDP per capita ( in USD)	1709	1732

	<b>1998</b>	<b>1999</b>
Population at mid-year ( in thousands)	2008	2017
Live births	29244	27309
Deaths	16870	16789
Unemployment rate	34,5	32,4
Average net salary paid per employee ( in Denar)	9394	9664
Exports ( in 000 USD)	1310679	1191266
Imports ( in 000 USD)	1914663	1776151
Industrial output	104,5	97,4
Retail prices	100,8	98,9
GDP (in 000 000 USD)	3575	3730
GDP per capita (in USD)	1781	1848

	<b>2000</b>	<b>2001</b>
Population at mid-year (in thousands)	2026	2031
Live births	29308	26972

Deaths	17253	16778
Unemployment rate	32,2	30,5
Average net salary paid per employee ( in Denar)	10193	10552
Exports (in 000 USD)	1318993	1155068
Imports (in 000 USD)	2084738	1687600
Industrial output	103,5	96,9
Retail prices	110,6	105,2
GDP (in 000 000 USD)	3899	-
GDP per capita (in USD)	1924	1823

## **PART II**

### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

1. The Republic of Macedonia “will be committed to consistent observance of the generally accepted principles contained in the UN documents, OSCE Helsinki Final Act and the Paris Charter.”

Based on this commitment expressed in the Declaration of Independence of the Republic of Macedonia adopted by the Assembly of the Republic of Macedonia on 17 September 1991, the Republic of Macedonia has become a member and actively participates in the work of a large number of international organizations and institutions among which the most important are the United Nations, the Council of Europe and the OSCE.

The Republic of Macedonia has ratified all important international treaties concerned with the protection of human rights as well as all international instruments obliging it, on the basis of the non-discrimination principle, to respect the rights of individuals with different national, ethnic origin, different religious belief or speaking a different language. Having acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Macedonia accepted the most important obligations, in particular the right of individual application, but also the monitoring procedure in respect to the fulfilment of obligations by the state.

The Republic of Macedonia ratified the Framework Convention for the Protection of National Minorities on 10 April 1997 and it entered into force on 1 February 1998. The European Charter for Regional or Minority Languages has been signed and its ratification procedure is under way. The Republic of Macedonia has also signed the 12<sup>th</sup> Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms relating to discrimination.

Since June 1993, the OSCE High Commissioner on National Minorities has been involved in the Republic of Macedonia. The main issues on the agenda of the HCNM, the position held by Max van der Stoep until July 2001, and for which he delivered his confidential recommendations, were: census, inter-ethnic dialogue, minority education, participation of minorities in the state administration, participation of minorities in public life, role of local government, access to media and citizenship. However, the main focus in the HCNM’s involvement in Macedonia was placed on the improved opportunities for higher education of members of the Albanian community, in accordance with the laws of the Republic of Macedonia. High Commissioner van der Stoep, accompanied by a team of renowned international experts, had intense cooperation with the expert team of the Ministry of Education on the drafting of the new Law on Higher Education. After its adoption, the High Commissioner actively worked on the elaboration of the business plan

and mobilization of donors for the realization of the project for establishment of a private higher education institution in the Republic of Macedonia opened as the South East Europe University, the so-called "Stoel's University".

The cooperation continues with current High Commissioner Rolf Ekeus.

2. The court protection of human rights is guaranteed by the Constitution. Under Article 8 of the Constitution of the Republic of Macedonia, the fundamental value of the constitutional order of the Republic of Macedonia is the rule of law. One of the basic principles which ensures the rule of law is the **principle of equal access** to courts for all persons, as stipulated in Article 7 of the Law on Courts, according to which everyone is equally entitled to court access in the protection of his/her rights and legally grounded interests. Everyone is entitled to legal, impartial and fair trial within reasonable time. No one can be denied access to courts due to limited financial resources. This legal provision corresponds to Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 14 of the International Covenant on Civil and Political Rights.

The Law on Civil Procedure and the Law on Criminal Procedure elaborate this principle appropriately. In that regard, in accordance with the provisions of the Law on Civil Procedure, the court must fully and truthfully establish disputable facts upon which the grounds of the claim depend. The Court is obliged to try to carry out a procedure without delay and at the lowest expense possible and to prevent any misuse of rights the parties to the proceedings are entitled to. The Law on Criminal Procedure stipulates that the person accused of committing a criminal offence is entitled to fair and public trial, within reasonable time, before the competent, independent and impartial court established by law.

Furthermore the enjoyment of the right to court protection of rights of citizens is not limited by the lack of financial resources. According to the provisions of the Law on Criminal Procedure, when there are no conditions for obligatory defense counselor, and the procedure is instituted for the crime for which the sentence of over 3 year imprisonment is foreseen, the court will appoint a defense counselor at the defendant's request if his/her financial situation is such that he/she cannot cover the costs of the proceedings. As far as the defense costs are concerned, the defendant for whom the court appointed defense counselor because he/she could not afford it and in cases of obligatory defense, is relieved from the obligation to pay defense costs even if found guilty should this jeopardize his/her subsistence or the subsistence of his/her family.

**The right to appeal** is constitutionally guaranteed. Under Article 15 of the Constitution: "The right to appeal against individual legal acts issued in first instance proceedings by a court, administrative body, organization or another institutions carrying out public mandates shall be guaranteed." The two tier system is the main principle of all court proceedings and is implemented in the Law on Criminal Procedure, Law on Civil Procedure, Law on Administrative Procedure and Law on Administrative Disputes. The amendments to these laws adopted in 2002, done in conformity with the adopted constitutional amendments, provide for the use of another official language, and its alphabet, spoken by at least 20 percent of citizens.

## **Article 2**

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good-neighborliness, friendly relations and cooperation.**

The international legal personality of the Republic of Macedonia is based on the observance of international norms regarding the relations between states and on full respect for the principles of territorial integrity and sovereignty, non-interference into internal affairs, strengthening of mutual respect, trust and development of versatile cooperation with all countries and peoples in the spheres of common interest.

In pursuance of these principles, the Republic of Macedonia is committed to the development of good-neighbourly relations and cooperation in all spheres with all of its neighbours, as well as to the development of cooperation with all European and other countries, international organizations and institutions. In this context, the vital interest of the Republic of Macedonia is full-fledged membership in integration processes in Europe. The Republic of Macedonia also actively participates in bilateral and multilateral forms of cooperation in the region.

The Republic of Macedonia is committed to consistent implementation of the principles contained in the Declaration of the Assembly of the Republic of Macedonia adopted on 17 September 1991. Strengthening of good-neighbourly and friendly relations is of exceptional importance for the Republic of Macedonia and in this context it is committed to intensifying cooperation with its neighbours. The Republic of Macedonia has signed a large number of bilateral agreements in various spheres of cooperation with the Republic of Greece, Bulgaria, Albania and Serbia and Montenegro. The Republic of Macedonia pays special attention to regional cooperation and partnership in all spheres of common interest.

A Forum of Regional and Local Authorities was held in Skopje in 2000. At this forum the initiative for enhanced cooperation of local authorities in the region of South Eastern Europe was supported, further promoted in the Declaration adopted at the Forum meeting in Istanbul in 2001. As a result of the activities in this sphere in February 2000 the Prime Ministers of Macedonia, Albania and Greece signed a trilateral agreement by which the Prespa region was proclaimed the only protected region. This agreement was a basis for the promotion of the idea for establishment of the Ohrid-Prespa Euro region. In November 2002 Skopje-Sofia-Nis Euro region was established as well.

### Article 3

**1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

In conformity with the Declaration contained in the ratification instrument deposited by the Republic of Macedonia on 10 April 1997: “the Republic of Macedonia declares that the provisions of the Framework Convention for the Protection of National Minorities shall be applied to the Albanian, Turkish, Vlach, Roma and Serbian national minorities living in the Republic of Macedonia”.

The Constitution of the Republic of Macedonia, as the highest legal act, does not operate with the term national minorities. With the 2001 constitutional amendments, the term nationality used in the Preamble to the Constitution hitherto was abandoned. Amendment IV to the Constitution replaced the Preamble to the Constitution of the Republic of Macedonia.

Under these provisions, the Republic of Macedonia is constituted as an independent and sovereign state in which the citizens of the Republic of Macedonia, Macedonian people as well as the citizens who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people, Bosniac people and others, take over the responsibility for the present and the future of their homeland.

Free expression of ethnic affiliation has been one of the fundamental values for a long time enshrined in constitutional order of the Republic of Macedonia contained in Article 8 of the Constitution. According to it, one of the fundamental values of the constitutional order of the Republic of Macedonia is free expression of ethnic affiliation and adequate and equitable representation of citizens belonging to other communities in the organs of the state authorities and other public institutions at all levels. This constitutional provision is implemented in the Law amending the Law on the Census of Populations, Households and Residences in the Republic of Macedonia in 2002. Under Article 9 of the Law, the data on ethnic features such as ethnic affiliation and religion, were collected in respect of the persons covered by the census.

The question about the declaration of ethnic affiliation may not be answered by a person for whom the data is collected for private reasons (Article 11, paragraph 2). Demographic data in the Republic of Macedonia are collected by the Statistical Office of the Republic of Macedonia. The Law on Statistics passed in 1997 incorporates the basic standards of the UN and EU official statistics, defines the competences of the State Statistical Office in respect of the collection, processing and dissemination of statistical information ([www.stat.gov.mk](http://www.stat.gov.mk)).

The term “ethnic affiliation” means declaration by the population of the affiliation with the Macedonian people or with the communities living in the Republic of Macedonia – Albanians, Turks, Roma, Vlachs, Serbs, Bosniacs and others. In certain time

periods before independence, the following terms were used for members of the communities: members of nationalities, members of ethnic groups and alike, but with the defined features of particular groups.

It should be underlined that the answer to the question of “ethnic affiliation” in all censuses of population carried out since 1948 up to now, as well as in all other statistical researches, is based exclusively on the principle of free expression by a person to whom the question relates.

**T-9: Structure of the population by declared ethnic affiliation (in censuses)**

Ethnic affiliation	1948	1953	1961	1971	1981	1991	1994
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Macedonians	65.8	66.0	71.2	69.3	67.0	65.3	66.6
Albanians	17.1	12.5	13.0	17.0	19.8	21.7	22.7
Turks	8.3	15.6	9.4	6.6	4.5	3.8	4.0
Roma	1.7	1.6	1.5	1.5	2.3	2.6	2.2
Vlachs	0.8	0.7	0.6	0.4	0.3	0.4	0.4
Serbs	2.6	2.7	3.0	2.8	2.3	2.1	2.1
Others	1.0	1.0	1.4	2.3	3.8	4.1	2.0



#### **Article 4**

**1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

#### **Paragraph 1**

Under Article 9 of the Constitution of the Republic of Macedonia citizens are guaranteed equality in regard to their rights and freedoms irrespective of gender, race, skin colour, ethnic and social origin, political and religious belief, wealth or social status. Citizens are equal before the Constitution and laws. Any citizen may invoke the protection of freedoms and rights determined by the Constitution before regular courts and before the Constitutional Court of the Republic of Macedonia, in a procedure based upon the principles of priority and urgency. Judicial protection of legality of individual acts of the state administration, as well as of other institutions carrying out public mandates, is guaranteed.

A citizen has the right to be informed of human rights and basic freedoms as well as actively to contribute, individually or in community with others, to their promotion and protection.

The constitutional provisions on equality before the law and the right to equal protection of civil rights are implemented in the Law on Courts. No one is immune to court authority, except in cases of court immunity determined by the Constitution and international agreements ratified in accordance with the Constitution.

According to the Law on Execution of Criminal Sanctions, the rules for execution of sanctions are applied impartially. Discrimination based on race, color of skin, gender, language, religion, political and other beliefs, ethnic and social origin, kinship, wealth or social status or some other kind of status of the person to be sanctioned is prohibited.

The Law on Judges foresees that there will be no discrimination based of gender, race, color of skin, ethnic and social origin, political or religious beliefs, wealth or social status when judges and lay judges are appointed. In this procedure, it shall be attempted to secure adequate representation of nationalities in the Republic of Macedonia.

Actions by which non-discrimination principle is violated are incriminated as criminal offences contained in the Criminal Code of the Republic of Macedonia – Article 137 - Injury to the equality of citizens, Article 319- Stirring up national, racial or religious hatred, discord and intolerance and Article 417 – Racial and other discrimination.

### **State infrastructure**

**The Constitutional Court of the Republic of Macedonia** is an organ of the Republic protecting constitutionality and legality. In carrying out the task of safeguarding constitutionality and legality, the Constitutional Court shall annul or revoke provisions of laws if it determines that they are not in conformity with the Constitution. The Constitutional Court shall also annul or revoke collective agreements, other regulations or general acts, statutes, programs of political parties or associations of citizens if it established their incompatibility with the Constitution and laws.

In addition to its principal mandate – protection of constitutionality and legality, the Constitutional Court carries out direct constitutional judicial protection of rights and freedoms of citizens. Namely, according to Article 110, sub-paragraph 3 of the Constitution, the Constitutional Court protects freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and actions and the prohibition of discrimination of citizens on the grounds of gender, race, religion or ethnic, social or political affiliation.

The procedure related to the protection of rights and freedoms before the Constitutional Court is regulated in the Rules of Procedure of the Court. According to the Rules, a citizen may invoke protection of rights and freedoms before the Constitutional Court within two months after he/she has been delivered final or effective decision, or since the day he/she learned about the action by which such a violation had been committed but not later than within 5 years as of that day. As a rule, the Constitutional Court decides on the basis of a public hearing to which parties to the proceedings and the Ombudsman are invited. In a decision on the protection of rights and freedoms, the Constitutional Court will establish whether such rights have been violated and against that background will annul the individual act, will prohibit the action by which the violation was committed or will dismiss the application. The Constitutional Court may bring a decision to stop the individual act or action until it has reached a final decision.

A particularly important institution for the protection of rights and freedoms of citizens is **People's Attorney (Ombudsman)**. According to Article 77 of the Constitution, the People's Attorney protects the constitutional and legal rights of citizens when violated by organs of the state administration and by other bodies and organizations with public powers.

The People's Attorney is elected by the Assembly of the Republic of Macedonia for a term of office of eight years, with the right to one reelection. Under paragraph 1 of the Amendment XI to the Constitution of the Republic of Macedonia, the Assembly elects the People's Attorney by a majority vote of all representatives provided that he/she is supported by the majority vote of the representatives who belong to non-majority communities in the Republic of Macedonia.

Under paragraph 2 of the same amendment, the People's Attorney pays special attention to the protection of the principles of nondiscrimination and adequate and equitable representation of members of communities in the organs of the state administration, organs of local self-government units and in public institutions and services.

Furthermore, in line with the Amendment XII, the Assembly establishes a **Committee for Inter-Community Relations**, composed of 7 members from the ranks of Macedonian and Albanian representatives respectively, and one Turk, Vlach, Roma, Serb and Bosniac respectively. If one of these communities is not represented in Parliament, the People's Attorney, following the consultations with relevant representatives of these communities, will propose other members of the Committee.

In order to strengthen the position of the People's Attorney, the procedure for amending the Law on People's Attorney of 1997 is under way. With these amendment, more efficient and independent functioning will be ensured through the expansion of its powers.

For the protection of rights and freedoms of the individual and citizen the Assembly sets up a **Standing Survey Commission for the Protection of Freedoms and Rights of Citizens**. (Article 74, paragraph 4)

Within its mandate, the Commission in particular: reviews issues of principle, proposals and opinions in connection with the implementation of the provisions of the Constitution of the Republic of Macedonia which relate to fundamental freedoms and rights of citizens; considers initiatives and proposals for adoption of laws, draft laws and other regulations and acts significant for the protection of rights and freedoms of citizens; points to the need for adoption of laws and other regulations and acts to provide for full protection of rights and freedoms of citizens; follows, considers and analyzes the implementation of ratified international treaties dealing with the protection rights and freedoms of citizens; considers letters from citizens and takes views on them.

The Commission cannot carry out investigating or other judicial functions. The findings of the Commissions constitute the basis for initiation of a procedure to ascertain the responsibility of public office holders. This responsibility primarily relates to acts and actions by holders of these offices that violate or jeopardize rights and freedoms of citizens.

### **Factual situation**

According to the data provided by competent courts, one person was convicted under Article 319 - Stirring up of national, racial and religious hatred, discord and intolerance in the period from 1996 to 2001.

In September 1997, the Basic Court in Gostivar brought 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.

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

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.

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.

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.

The Court in Strasbourg found that “ The applicant complaints 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.”

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.

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”.

### **Paragraphs 2 and 3**

According to Amendment VI to Article 8 of the Constitution, the fundamental principle of the constitutional order of the Republic of Macedonia is adequate and equitable representation of citizens belonging to all communities in organs of the state authority and in other public institutions at all levels.

For the purpose of implementing the Framework Agreement and Amendment VI to Article 8 of the Constitution, the Assembly of the Republic of Macedonia adopted the Law amending the Law on Civil Servants.

The amendments to the Law give full effect to the constitutional principle of **adequate and equitable representation in employment of citizens belonging to the communities** in the Republic of Macedonia in organs of the state authorities covered by the Law on Civil Servants.

In conformity with the amendments to Article 3 of the Law, "the principle of adequate and equitable representation of citizens belonging to all communities for employment in organs listed in Article 3, paragraphs 2, 3 and 4<sup>4</sup> is applied to all positions set down by the Law, with the respect for the criteria of professionalism and competence."

For the purpose of coherent implementation of the constitutional principle of appropriate and equitable representation, the Agency for Civil Servants will:

- develop employment policy, appropriate and equitable representation, selection and dismissal, salaries and taxes on salaries, appraisal, classification and description of jobs and disciplinary action.
- Collect and process data on employees in the organs listed in Article 3, paragraph 2 belonging to communities.

Article 48a of the Law amending the Law on Internal Affairs foresees that in **cases of employment in the Ministry of Internal Affairs** citizens belonging to all communities will be appropriately and equitably represented. It also foresees the respect for the criteria of professionalism and competence.

In addition, under Annex C "Implementation and Confidence Building Measures", paragraph 5.2 of the Framework Agreement, the parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. With the aim of fulfilling the commitment, the Ministry of Internal Affairs published three public competitions for recruitment of police officers, of which two were finalized. In autumn of 2001 and in 2002, the first 533 police officers belonging to non-majority communities were trained in accordance with the Framework Agreement. These police

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<sup>4</sup> Article 3 , paragraphs 2,3 and 4 of the Law on Civil Servants read as follows:

“(2) A civil servant in the sense of paragraph 1 of this Article is a person employed in the organs of the state administration and professional services of: Assembly of the Republic of Macedonia, President of the Republic of Macedonia, Government of the Republic of Macedonia, Constitutional Court of the Republic of Macedonia, Supreme Court of the Republic of Macedonia, courts, Republic Court Council, People’s Attorney, Public Attorney’s Office, National Bank of the Republic of Macedonia and the State Auditing Office.

(3) The provisions of this Law will apply appropriately top persons employed in organs of local self-government units and the city f Skopje, that perform duties in accordance with paragraph 1 of the preset Article as well as that carry out tasks entrusted to them by the law and persons employed in public services, establishments and institutions that carry out functions of the state entrusted to them as public powers.

(4) A person employed in the organs listed in paragraph 2 of the present Article that carries out administrative, technical and supporting tasks does not enjoy the status of a civil servant and general regulations on labor relations apply to him/her.

officers have been already deployed and work in police stations in ethnically-mixed regions. The training of additional 500 police officers belonging to non-majority communities is being carried out in 2003. It should be noted that the number of trained police officers by ethnic communities corresponds to their percentage in the ethnic structure of the population.

One of priorities of the Government of the Republic of Macedonia in the sphere of **education**, after the independence of the Republic of Macedonia and its international recognition, was to establish equal opportunities for all in pre-school, primary and secondary education irrespective of ethnic belonging, gender, social origin and religious affiliation.

The right of parents to choose a kind of schooling for their children is guaranteed. The education process (teaching) in kindergartens, primary and secondary schools is conducted in Macedonian, and for pupils who are part of the Albanian, Turkish and Serbian peoples, classes and schools are set up in their mother tongue; primary school pupils belonging to the Vlach and Roma communities are organized the instruction of their mother tongue. This help to foster understanding, tolerance and friendship among children of different ethnic affiliation.

The democratic processes aimed at the implementation of the Framework Convention for the Protection of National Minorities are strengthened in particular with the education of teachers belonging to communities at certain departments at the University, systematic publication of textbooks, manuals and other literature for students attending instruction in Macedonian, Albanian, Turkish and Serbian, as well as Roma and Vlach language textbooks.

Primary health care, free textbooks for the majority of subjects and transportation to primary schools for children living in distant places are provided for children and youth in the education sector. Significant funds are allocated to additional food for students in schools and accommodation in dormitories for secondary school and university students. There are scholarships, secondary school and university students loans for education of children and youth from lower social strata. All these basic standards are separately operationalized within every sub-system, from pre-school to university education.

Article 4 of the Framework Convention guarantees the right of equality before the law and of equal protection of the law and prohibition of any discrimination based on ethnic affiliation. Against this background, Article 6 of the Law on Higher Education guarantees equal access to higher education to citizens of the Republic of Macedonia. The Law Amending the Law on Higher Education of 25 July 2003, in its Article 96 foresees that "members of communities, for the purpose of expressing, fostering and developing their identity and other features, shall have the right to instruction in community languages other than Macedonia, at certain study programs and courses, in state higher education establishments. State funding shall be provided for higher education in the languages spoken by at least 20 percent of the population in the Republic of Macedonia". Furthermore, "the instruction at higher education establishments for teaching staff for preschool and primary education, as well as methodology courses for teachers in secondary education, may be carried out in languages of other communities not in the majority in the Republic of Macedonia. When

defining criteria for public competitions for enrolment of students in the first year of studies, higher education establishments, universities shall provide adequate and equitable access to citizens belonging to communities not in the majority in the Republic of Macedonia."

Public competitions for enrollment in higher education institutions provide for additional quota for members of communities, as a form of affirmative action facilitating their increased number in these institutions.

#### **Article 5**

**1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

**The Law on Culture** defines subjects engaged in culture: artists, institutions and other legal and natural persons. It also sets down conditions and the way or pursuing cultural activities, in particular establishment, management and decision-making, funds and foundations in the sphere of culture. This implies that anyone who fulfils conditions determined by the law may be registered and perform cultural activities, and anyone may apply for funding from the state budget in a procedure set by law, under equal conditions and control.

Every citizen of the Republic of Macedonia, irrespective of his/her origin, ethnic affiliation, gender and other enjoy equal rights prescribed by law in respect of creation and use of culture.

This principle is a framework for realization and protection of cultural identity of citizens of different ethnic origin and establishment of conditions for equitable cultural development in the Republic and right to professional organizations.

According to the law, disclosure, protection and use of works of culture have the form of following activities in the sphere of culture: music, publishing, drama, theater, ballet, folk dance, film, gallery, museum and film archives, activities of community centers, erection of architectural works, agency in culture and protection of architectural cultural heritage.

It should be underlined that 115 organizations, set up as social in the preceding system, whose activities *inter alia* promote the culture of the communities, still enjoy the status of national institutions and are financed from the budget of the state. A large number of private legal and natural persons, various types of trading companies and institutions operating in the sphere of promotion and protection of culture of the communities have been registered and are working.

According to the information available in regard to the preceding period, private institutions or trading companies were established most often in the sphere of publishing and film industry, and agency in cultural matters, whereas this was rarely or not done at all for other spheres.

Associations of citizens are also one form of civil society active in the sphere of culture as non-governmental and non-profit organizations.

Up to 2001, 51 associations of citizens, including associations that present and foster culture of the communities, were funded from the state budget (except for program activities and wages). Since the start of 2001 the Ministry of Culture funded projects of state interest, including projects which promote culture of the communities.

The essence of culture of the Republic of Macedonia is the emphasis on the nobility of different cultures on the soil of the Republic of Macedonia. The facts about activities of state institutions and other beneficiaries of funds from the state budget in the context of realization of rights of national minorities are presented in the Appendix III.

### **Publishing and Libraries**

There is a number of publishers in the Republic of Macedonia specialized in the publication of books in Albanian, Turkish, Vlach and Roma (Flaka e Vllazerimit, NIP Asdreni, Association of Albanian writers, Birlik, Vlach Culture Union, Association of Romanian Folklore). Dailies and weeklies are published in the languages of the communities which fulfill the needs for their timely informing (Fakti, Birlik, Cirikli). The Ministry of Culture assists financially most of them, and grants other kinds of benefits.

The Ministry of Culture respects the autonomy of publishers of religious publications and does not inhibit their free distribution.

As far as library activities are concerned, the Ministry of Culture takes care of regular purchase, renewal and enrichment of library funds.

The professional staff working in libraries in linguistically mixed regions include persons belonging to Albanian, Turkish, Serbian and other communities.

### **Film and Theatre**

Film and theatre are forms of art which are a result of a collective effort because artists belonging to different communities and ethnic groups take part in their creation.

Numerous crews that made Macedonian films always included, in the technical and creative segments, members of various communities and ethnic groups as script writers, costume designers, film editors and alike (Albanians, Turks, Serbs, Vlachs, Roma etc.).

There is also a large number of Serbs, Roma, Turks, Vlachs, Albanians and others as authors of amateur films.

As far as film reproduction is concerned, the most often imported movies, in addition to world production, are films from Serbia and Montenegro, Croatia, Albania, Romania, which are most frequently presented on TV screens.

In the sphere of theatre, there are 11 professional theatres, but also a large number of alternative groups and stages, including the Theatre of the Nationalities, the Serbian Theatre “Branislav Nusik” from Skopje, Multiethnic Theatre “Positive Energy” from Skopje, Vlach Cultural Union in Macedonia, Roma theatres “Romano Ilo”, “Roma” and “Student”.

### **Music and Dance**

There is a large number of artists, composers, reproductive artists, dancers, choreographers, opera singers, folklorists, ethno musicians, belonging to communities that create this kind of art.

There are institutions in the sphere of culture that provide opportunities for any interested professional or amateur (irrespective of ethnic affiliation, religion, language) to carry out their ideas and to express their talents.

The ballet, opera and orchestra of the Macedonian National Theatre always include members of communities. This also applies to various manifestations and festivals in the country and abroad during presentations of the Republic of Macedonia.

Preservation of folklore is actively pursued by professional and amateur ensembles and music groups. Young population belonging to the communities is involved in the work of children’s cultural centers, in a large number of sections and groups with the aim of fostering their own traditions, folklore and customs. They may use various scholarships, attend specialized studies, post-graduate studies awarded by the Ministry of Culture.

Community centers are rather widespread and serve to promote amateurism in all spheres of culture including music and dance.

Thus members of the communities active in these community centers are included in choirs, folk and dance groups, classical and modern ballet, music groups, folk orchestras, and play ethno instruments. They take part in competitions, carnivals and festivals where they present the Albanian, Turkish, Vlach, Roma, and Serbian folklore and music.

The Ministry of Culture finances manifestations organized by members of the communities (Struga Folk Festival, Tetovo Regional Folk Festival, Turkish Music Festival, Vlach Music Festival, Roma Music Festival).

### **Protection of Movable and Immovable Cultural Heritage**

Viewed from the historical and cultural perspective, monuments of culture are a manifestation and confirmation of universal values that existed in this territory. Therefore one of the primary concerns of the state is protection and preservation of movable and immovable cultural heritage.

The collection of monuments in the Republic of Macedonia is extremely rich in movable and immovable monuments of the most different kinds and periods of origin, with most diverse cultural influences and styles, with outstanding cultural, historical and artistic values.

Based on these universal values, each monument of culture, as well as each item determined to have features of a monument of culture, is registered in the registry of monuments of culture and their further conservation and restoration is the responsibility of appropriate institutions, in accordance with the Law on the Protection of Monuments of Culture.

The only criterion for the protection of a certain work is its value. Starting from the importance of works, their universal values, they are treated as an acquisition to the entire civilization.

The Republic of Macedonia has about 976 registered immovable monuments of culture (churches and monasteries) of different artistic forms and periods with exceptional cultural, scientific and other values.

131 sacral monuments are registered in the territory of the Republic of Macedonia.

A large number of buildings were erected in the Republic of Macedonia during the Turkish rule (mosques, Muslim monasteries-teke, baths, inns, domed market buildings, domed burial sites and others) which, according to their architectural values, are outstanding examples of Islamic art.

The importance of Islamic architecture having been taken into account, much progress has been achieved in the past with regard to the protection of the most important monuments of culture, in particular in the Skopje and Bitola regions.

Under the Law on the Protection of Monuments of Culture the following buildings of profane architecture were registered on the territory of the Republic of Macedonia: 27 baths, 3 domed market buildings located in Bitola, Skopje and Stip, 19 feudal towers, 15 watch towers, 14 bridges (including Goremicki bridge – village of Gorenci, Radin Bridge, Grofcanski Bridge, Jokcanski bridge in Kratovo, Deer Leap – village of Susica and others) and old towns.

Islamic sacral monuments are registered under the same law, the monuments being as follows: 83 mosques, 7 Muslim monasteries -teke and 23 domed burial sites.

Full conservation (restoration and preparation for use) of the following most important monuments was completed: Sesrem Ali Baba Teke, - Tetovo, Daut Pasha Bath – Skopje (Art Gallery), Kursum Li Inn Skopje (Collection of stone monuments), - Yeni Mosque Bitola (Art Gallery), Domed market building in Stip (Art Gallery), Domed market building in Bitola and others.

The conservation of the following important monuments of Islamic architecture was also carried out: Ajdar Kadi Mosque and Deboj in Bitola, Sultan Murat's and Mustapha Pasha's Mosques in Skopje and others.

The following works are under way: replacement of zinc plated roof with lead plates on the Daut Pasha Bath, conservation with presentation of Chifte Bath in Skopje, Agim Bey House in Tetovo, Orta Mosque, Hunkar Mosque in Strumica and others.

### **Fine Arts, Museums and Gallery Art**

All requests by painters members of communities have always been considered with due attention in support of their presentation on the artistic scene. At the same time they have been and still are equally treated in respect of membership in associations, participation in painting colonies, exhibitions, purchase of works, awards, international presentations and amateur fine arts.

A practical example of the due attention paid to various ethnic communities in fine arts, in addition to their participation in exhibitions, is a large number of painting colonies, in regard to which the Republic of Macedonia enjoys high international rating as a country which takes good care of artists members of the communities.

Annual programs and other activities of national institutions dealing with gallery and museum arts include exhibitions and other program activities in the function of promoting contemporary artistic production and cultural heritage of the communities.

### **State infrastructure**

The competence of the Ministry of Culture is defined by the **Law on Organization and Work of Organs of the State Administration** (Official Gazette of the Republic of Macedonia No. 58/2000). According to Article 26 of the Law, the Ministry of Culture carries out the activities related to following, analyzing and proposing regulations and measures aimed at developing and promoting culture; organization, financing and development of the network of national institutions and funding of programs and project of national interest in the sphere of culture; protection of cultural heritage; activities in the spheres of publishing, music, theatre, film, galleries, libraries, archives, museums and film archives, work of community centers and agency in culture; protection of copyright and related rights; memorial celebrations of certain events and prominent figures of national interest; supervision in the sphere of culture and other matters set down in the Law. Under the law, the structure of the Ministry of Culture should include the

Department for Affirmation and Promotion of Culture of Communities in the Republic of Macedonia but it has not been established yet.

The competence of municipalities in the sphere of culture is established in the **Law on Local Self-Government** (Official Gazette No. 2/2002).

According to Article 21 of the Law, the municipalities regulate and carry out independently, in the framework of the Law, matters of public interest of local importance as set out in this or another law and are in charge of their realization.

Under Article 22 paragraph 5 of the same Law, in the sphere of culture municipalities are in charge of institutional and financial support to cultural institutions and projects, fostering of folklore, customs, old handicrafts and similar cultural values, organization of cultural manifestations; encouragement of different specific forms of art.

According to Article 7 of the **Law on Culture**, “*local interest in culture*” is a culture of importance for citizens living in units of local self-government. Local interest in culture, its scope and realization are determined in general regulations of local self-government units.

The process of taking over of founding rights in cultural organizations by municipalities/city has not been completed. Therefore the Law foresees a transitional regime under which institutions with social capital registered in the previous system will be financed as national institutions pending determination of their future status (national, local or privatized). This transitional regime is still in force.

#### **Article 6**

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

In pursuance of Article 8, subparagraph 2 of the Constitution, according to which a fundamental value of the constitutional order is free expression of ethnic identity, Amendment VIII to the Constitution (Official Gazette of the Republic of Macedonia 91/01) amending Article 48 of the Constitution stipulates that members of the communities have the right to freely express, nourish and

develop their identity and characteristics of their communities. Members of communities have the right to establish cultural, art, educational institutions as well as scientific and other associations for expressing, fostering and developing their identity.

Under Amendment IX to the Constitution, replacing Article 56 of the Constitution, the Republic guarantees protection, promotion and enrichment of historical and artistic wealth of Macedonia and of all communities in Macedonia, as well as of the assets which makes it, regardless of the legal regime they are subject to.

At the same time, the Republic is concerned with the position and rights of persons belonging to the Macedonian people living in neighboring countries, as well as Macedonian expatriates, assists their cultural development and promotes links with them.

The Republic is also concerned with the cultural, economic and social rights of the citizens of the Republic abroad (Article 49).

Article 47 of the Constitution guarantees **freedom of scholarly, artistic and other forms of creative work**, that is to say rights deriving from scholarly, artistic or other intellectual creative work. At the same, the Republic stimulates, helps and protects the development of science, arts and culture.

The concept of fundamental values of the constitutional order, namely fundamental freedoms and rights of the individual and citizen recognized in international law and the Constitution, from the perspective of realization of cultural rights, that is to say realization of culture, copyright and related rights, is set out in the Law on Culture (Official Gazette of the Republic of Macedonia No. 31/98) and the Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia No. 47/96 and 3/98).

**The Law on Culture**, whose concept is based on the constitutional provisions in this sphere elaborated above, UN Covenant and a series of international conventions in this sphere, defines the fundamentals of culture as a central value of the Republic of Macedonia, forms of performing culture, the modalities and conditions for its financing, as well as other issues of interest for culture.

According to this Law, the basic principle of culture is equal position of all operators – natural and legal persons in carrying out culture. The equality of natural persons promotes the civil concept of culture according to which every citizen of the Republic, irrespective of his/her origin, ethnic affiliation, gender and other is entitled to equal rights in the creation and enjoyment of culture, guaranteed by the law. Generally speaking, the main subject in culture is a citizen as a creator and beneficiary of culture, irrespective of his/her status, age and any sort of affiliation.

According to the civil concept of culture, the main subject in culture – author may be not only the citizen (national) of the Republic of Macedonia, but any individual – foreign national, stateless person or persons with double nationality. The constitutionally guaranteed right to free creation is a fundamental right from which all other rights ensue.

The objective, set out in the Law on Culture, to stimulate creation and protection of the finest cultural values and their as large utilization as possible, as well as to stimulate cultural diversity, is an effectuation of the constitutionally proclaimed attitude of the state towards culture, according to which the state guarantees realization of certain relations in the interest of culture and protection of certain values by introducing the institute “national interest in culture”.

In the Republic of Macedonia, as a state of equal individuals regardless of ethnic origin, culture at the state level is carried out via the so-called national interest. The national interest in culture is a culture of common interest to the citizens of the Republic which necessitates continued creation as well as availability to all citizens under equal conditions.

The notion of “national” reflects the sovereignty of each individual – citizen of the Republic of Macedonia. Whether one work belongs to one national (ethnic) culture or another does not depend on the affiliation of the author to a certain group (religious, ethnic or alike), but its formal status – nationality or place of permanent residence, irrespective of the language in which the work has been created, or other forms of expression.

At the same time, the attribute of national work for films created by film producers or stage works created by theatre producers is given on the basis of the registered seat of the producer although authors may be nationals of different states. Culture, as a sphere of human work, is always unique or conditionally speaking always individual culture because its creator (author or performer) may only be a natural person. The creation of a certain work is a result of the decision of its author or performer.

Therefore it is impossible to speak about cultural rights of citizens of different ethnic origin, that is to say belonging to non-majority communities living in the Republic of Macedonia without speaking about cultural rights of the majority people because culture is unique and common to all citizens, the basis being an individual as a creator and values created by him/her.

The civil concept applied for the regulation of relations in culture defined in the Law on Culture is in conformity with the constitutional principle according to which everyone is entitled to work, free selection of job, protection at work and material support during temporary unemployment. Under the Constitution, everyone is entitled to equal access to any job under equal conditions and everyone is entitled to appropriate wages.

Equal position of citizens irrespective of their ethnic origin, status, or any other affiliation is furthered in the provisions of the Law on Culture regarding employment in the sphere of culture. This principle also provides for the right to establish associations and professional organizations.

**The Law on Copyright and Related Rights** based on legal obligations set out in a number of international documents in the sphere of copyright and related rights such as the Bern Convention for the Protection of Literary and Artistic Works, Global (Universal) Copyright Convention, International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations - Roma Convention, Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite - Satellite Convention, Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms - Phonogram Convention, WIPO Copyright Treaty, WIPO Performances and Phonograms Treaty, TRIPS Agreement (trade related aspects of intellectual property rights), relevant EU directives, recommendation of the Council of Europe in this field and other documents, in its exclusively and essentially civil legal concept, regulates the regime for the realization and protection of copyright and related rights as one of the forms for the realization of economic, social and cultural rights of the individual and citizen.

The focus of this Law is to regulate the exercise and protection of copyright of the citizen – author (creator) irrespective of gender, race, color of skin, ethnic or social origin, political or religious belief, material or social position in respect of his/her copyrighted work. The Law also protects related rights of performers, broadcasters, producers, publishers and other holders of related rights on the same principle applied to copyrights and the specifics of related rights (phonograms, videograms, shows, editions and alike).

According to the Law, the author is a natural person who has created a copyright work, that is to say the author is a person whose name, pseudonym or designation is denoted in the customary manner on the work or is stated at the time of its disclosure.

Copyright belongs to the author on the basis of the creation of the work, regardless of whether it has been disclosed and is integral and inseparable from the copyright work, which comprises exclusive personal powers (moral rights), exclusive property powers (economic rights) and other powers (other rights).

A copyright work, within the meaning of the Law, is an individual and intellectual creation in the spheres of literature, science, arts and other domains of creation, regardless of the type, manner and forms of expression.

The regime for administration (transfer and protection) of copyright or related rights, under the Law and other regulations, is free in principle, that is to say guarantees equal treatment in the protection of copyrights of authors irrespective of their ethnic affiliation. This regime may be limited only under conditions set out in the Law for the purpose of unimpeded acquisition of information of general importance, teaching purposes, as well as other related or similar goals.

The mentioned regime for the exercise of copyrights, as well as the authorization for the use of copyright works are applied, *mutatis mutandis*, to the regime of related rights (rights of performers in regard to their performances, and rights of phonogram, film and stage producers, of broadcasting organizations and publishers in regard to their phonograms, videograms, stage works, broadcasting shows or editions).

## **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

### **1. Freedom of peaceful assembly**

The Constitution of the Republic of Macedonia guarantees the right of citizens to peaceful assembly and to public protest without prior notice or special permission. This right is equally enjoyed by all citizens irrespective of their ethnic affiliation. The

enjoyment of this right may be restricted only in times of war or state of emergency. The constitutional provisions on the right to peaceful assembly is regulated by the Law on Public Gatherings (Official Gazette 55/95).

Public gatherings, within the meaning of this Law, include gatherings in open or closed space for the purpose of realizing the entertaining, cultural, religious, humanitarian, social, political, economic, sport and other similar interest of citizens, organized with the aim of public expression of opinion or protest.

The Law does not require obligatory announcement of a public gathering, nor does it foresee approval for holding a gathering, what is in conformity with the Constitution. However, the Law foresees the obligation on the part of the organizer of a public gathering to secure order during the public gathering and to organize a security service. The organizer must stop the gathering in the event the life and health, security and personal safety of people and property come at risk and must in such a case inform the Ministry of Interior accordingly.

The Ministry of Interior may call off the public gathering when it is directed against the life, health, security, personal safety and property of citizens; it may also call it off in the event of carrying out or incitement to carry out crimes determined by law and jeopardy to the environment, as well as in case it breaches international agreements which foresee the obligation for unimpeded traffic.

Foreigners may convene and hold a public gathering provided that they announce it and are given a permission by the Ministry of Interior.

The right to peaceful assembly of citizens enjoy criminal legal protection. Article 155 of the Criminal Code sanctions the crime of prevention or impediment to public gatherings.

### **Factual situation**

According to the data of the Ministry of Interior, from 1998 until March 2002, 7.370 public gatherings were held on the territory of the Republic of Macedonia that had been previously announced to the Ministry of Interior. There is no single case of prohibition of a public gathering.

There was one public gathering called off by the Ministry of Interior, and one by the local population.

In the same period, there were four gatherings registered which were organized by foreigners. For three of them permissions by the Ministry of Interior were not issued.

In the mentioned period there were no registered cases of use of force or overstepping of powers by police officers and there were no cases of complaints lodged with the Ministry of Interior by citizens due to prohibition of a public gathering or overstepping of powers.

In addition to the announced, there were 460 public gatherings held in the Republic of Macedonia in the specified period. In two cases, these gatherings were called off due to large scale disruption of public order and peace. Nevertheless, force was not use by

police officers during their intervention for calling off such gatherings and reestablishing the public order and peace; there were no registered overstepping of powers as well.

## **2. Freedom of Association**

Freedom of association is guaranteed by the Constitution of the Republic of Macedonia. Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions. Citizens may freely establish associations of citizens and political parties, join them or leave them. Programs and activities of associations and political parties of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance. Military or paramilitary associations which are not part of the Armed Forces of the Republic of Macedonia are prohibited.

In order to exercise their economic and social rights, citizens have the right to establish trade unions. Trade unions may establish associations and become members of international trade union organizations. The law may restrict the conditions for the exercise of the right to trade union organization in the armed forces, the police and organs of the state administration.

### **Political Parties**

The Law on Political Parties regulates the manner, conditions and procedure for foundation, registration and dissolution of political parties.

Citizens may freely found political parties in order to: a) exercise and protect political, economic, social, cultural and other rights and convictions of their members and to participate in the political decision-making process, and b) to participate in the procedure regarding the election of representatives for the Assembly of the Republic of Macedonia and of councilors in the local self-government units.

Membership and termination of membership in a political party is free.

The restrictions on the right to political organizing and actions is foreseen for certain holders of public offices. These constitutional provisions relate to public prosecutors, judges of the Constitutional Court and members of the Republic Judicial Council. In this regard, the Constitution states that the performance of judicial function is incompatible with the performance of other public office, profession or membership in a political party. Political organization and activities in the judiciary are prohibited. The Law on People's Attorney provides for the incompatibility of this function with membership in a political party.

A political party may be established by 500 citizens of age in the Republic of Macedonia. A political party acquires the capacity of a legal entity on the day of its entry into the court register. The court register is kept by the competent basic court. A political party is obliged, within 30 days as of the day of its establishment, to submit an application for entry into the court register. The Court is obliged to make a decision on registration of a political party within 15 days as from the day of submission of the application.

The Court will not make an entry into the court register should it established that the political party is founded for activities contrary to the provisions of the Constitution, taken over in Article 4 of the Law on Political Parties.

A complaint may be lodged with the Supreme Court against the decision rejecting the application for entry into the register, within 15 days as of day of the receipt of the decision.

A competent basic court depending on the location of the seat of a political party will make a decision for banning the activity of the political party once it has been established that it runs counter to the Constitution and the Law. The procedure before the court shall be instituted upon proposal of the competent public prosecutor. The public prosecutor in charge and the person authorized to represent the political party shall be summoned as parties. In the event the court bans the activity of the political party, it must state in the decision banning the activity of the political party the grounds on which the banning of the activity is based and give appropriate reasoning. The public prosecutor in charge and the political party may lodge a complaint with the Appellate Court within 8 days as of the day of receipt of the decision.

### **Factual Situation**

According to the data provided by the competent Basic Court in Skopje which keeps the register of political parties, there 55 are registered political parties in the Republic of Macedonia. For three political parties the procedure is under way.

Political parties representing the interests of members of the communities in Macedonia are as follows:

- 1) Albanian community
  - Democratic Union for Integration
  - Party for Democratic Prosperity
  - Democratic Party of Albanians
  - Party for Democratic Unity of Albanians in Macedonia
  - Democratic Alliance of Albanians in Macedonia
  - National Democratic Party
- 2) Bosniac community
  - Bosniac Democratic Party
  - Democratic League of Bosniacs in the Republic of Macedonia
- 3) Vlach community
  - Party of Vlachs in Macedonia
- 4) Roma community
  - Party for Full Emancipation of Roma in Macedonia
  - Party for Democratic Movement of Egyptians

- Union of Roma in Macedonia
- United Party of Roma in Macedonia
- Party for Unity of Roma in Macedonia
- Union of Egyptians
- 5) Serb community
  - Democratic Party of Serbs in Macedonia
  - Democratic Union of Serbs in Macedonia
  - Democratic Party for Orthodox Unity of Serbs and Macedonians
- 6) Turkish community
  - Democratic Party of Turks in Macedonia
  - Party for Movement of Turks in Macedonia
  - Democratic Muslim Party.

So far there has been no case of banning the activity of any political party in the Republic of Macedonia.

### **3. Associations of Citizens**

The Law on Association of Citizens and Foundations foresees that citizens may associate freely and voluntarily in associations of citizens and establish foundations in order to exercise and protect economic, social, cultural, scientific, professional, technical, humanitarian, educational, sports and other rights, interests and beliefs, in conformity with the Constitution and the law.

The association of citizens may be established by at least 5 citizens of age with a permanent residence in the Republic of Macedonia. Membership in associations of citizens, joining or leaving them is free. They are independent in organizing and carrying out their aims and activities, and their work is public.

Associations of citizens and foundations have the capacity of a legal entity which they acquire on the day of their entry into the register of associations of citizens and foundations kept by basic court where their seat is registered. On the basis of the data collected from basic courts, there is a Single Register of Associations of Citizens and Foundations in the Republic of Macedonia.

The court shall not execute the entry into the register if it determines that the goals and activity, the articles of incorporation, statute and program of the association of citizens or foundation do not conform to the provisions of the Law and if the applicant, having been advised accordingly, did not eliminate the shortages in the application.

The founder of an association of citizens or a foundation has the right to lodge an appeal against the decision for rejection of the application for entry into the register with the appellate court, within 15 days after having received the decision.

The dissolution of an association of citizens or a foundation is decided upon by the basic court covering the area in which the association or a foundation has its seat.

An association of citizens or a foundation is dissolved if a decision has been passed by the assembly of the association with two thirds majority; if the number of members of the association decreases under the number prescribed for the establishment; if the Constitutional Court of the Republic of Macedonia passes a decision that the program and statute of the association of citizens do not conform to the Constitution; if it is established that the association has ceased to operate; and in other cases determined by law.

A court procedure is instituted at the proposal of the basic public prosecutor. Associations of citizens and foundations may file an appeal against the decision on the termination of the activity with the Appellate Court within 8 days as of the day of receipt of the decision. The Appellate court decides on the appeal within 3 days.

According to the data provided by the Single Register of Associations of Citizens and Foundations, four applications were rejected for the following reasons: the activity of the association being established was incompatible with the provisions of the law; there was a previously registered association and the court was not in charge of registration of association of citizens. A complaint was filed in three cases but the Appellate court confirmed the decisions of the basic court. A complaint was not filed in one case.

The basic court has also decided on the dissolution of 4 associations of citizens and foundation on their request.

Associations representing the interests of women belonging to the communities are also active in the Republic of Macedonia. They include: Association of Serb Women in the Republic of Macedonia, Association of Vlach Women in the Republic of Macedonia, Association of Turkish Women – DERJA, Association of Albanian Women for Humanitarian and Social Projects “Perspectives”, Humanitarian organization of Roma Women BALKAN, Association for Friendship of Turkish Women of the City of Skopje and Organization of Albanian Women.

## **Article 8**

**The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.**

The Constitution of the Republic of Macedonia guarantees the freedom of religion. The right to express one's religion freely and publicly, individually or in community with others is guaranteed. The Macedonian Orthodox Church, as well as the Islamic Religious Community, Catholic Church, Evangelistic-Methodical Church and Jewish Community, and other religious communities and groups are separated from the state and are equal before the law. The Macedonian Orthodox Church as well as the Islamic Religious Community, Catholic Church, Evangelistic-Methodical Church and Jewish Community, and other religious communities and groups are free in establishing religious schools and social and welfare institutions in a procedure regulated by the law.

The constitutional provisions guaranteeing the freedom of religion and the status of religious communities are operationalized in the Law on Religious Communities and Religious Groups.

The Law contains a prohibition by which any citizen in any way may be forced or obstructed to become and be a member of a religious community or a group. It is also prohibited to force or prevent a citizen to take part or not in religious ceremonies or other forms of expression of faith.

A citizen may not be denied the rights provided for in the Constitution and the law due to his/her religious beliefs, affiliation with a religious community or group, performance or participation in performance of religious ceremonies or other forms of expression of faith. On the other hand, expression of faith and affiliation with a religious community or a religious group does not absolve a citizen from the obligation he/she has under the Constitution, laws and other regulations. Furthermore, foreign nationals have the right to perform religious matters and ceremonies upon prior approval by the organ in charge of the issues linked with religious communities and groups – Commission for Relations with Religious Communities and Religious Groups.

The Law on Defense foresees the right of a citizen to conscientious objection. Namely, a recruit who due to his moral or religious beliefs does not want to serve in the Army and carry a weapon may serve without carrying a weapon or serve a civilian service. In that case the service lasts 14 months.

### **Religious Communities and Religious Groups**

The Law on Religious Communities and Religious Groups regulates the status of religious communities and groups. Religious communities and religious groups are free to perform religious matters and religious ceremonies. Under this Law, a religious community is defined as a voluntarily organized, non-profit community of believers of the same confession. There may be only one religious community for one confession. A religious group is defined as voluntary, non-profit association of believers with the same religious conviction who do not belong to the registered religious communities.

Under this Law, religious communities and groups may in their work use the mass media and pursue publishing activities.

Religious ceremonies and matters are performed in churches, mosques and other temples, as well as in courtyards forming an entirety with them, in graveyards and other premises of a religious community or a group. They may not be detrimental to public order and peace, as well as offensive to religious feelings and other freedoms and rights of citizens who do not belong to that religious community or a group.

As regards the fulfillment of religious needs of convicts, the Law on Execution of Sanctions contains a provision under which convicted persons may satisfy his/her religious feelings and needs in line with the conditions and possibilities of the specific institution.

Under the Criminal Code, illegal prevention of performance of religious ceremonies is sanctioned by a fine or imprisonment of up to one year.

Five religious communities and 17 religious groups have been registered in the Republic of Macedonia.

### **Religious Schools**

Under Article 45 of the Constitutions: “Citizens shall have a right to establish private educational establishments at all levels of education, with the exception of primary education”.

Religious communities and groups have the right to establish religious schools at all levels of education, with the exception of primary education, to educate their clergy, as well as dormitories to accommodate persons attending such schools. A prior approval by the organ responsible for matters linked with religious communities and groups – the Commission for Relations with Religious Communities and Religious Groups is required for their establishment.

The Republic of Macedonia has a reservation on the right guaranteed in Article 2 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms reading as follows:“ The right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions cannot be realized in primary private education in the Republic of Macedonia, what is in conformity with Article 45 of the Constitution of the Republic of Macedonia”.

Religious communities or religious group manage independently their religious schools and dormitories established by them in conformity with this Law. The curricula of religious schools may not contravene the Constitution and the law.

Religious schools may be attended by persons who completed the compulsory primary education or by persons for whom the obligation for compulsory primary education has ceased to exist under the law. Instruction in a religious school may be conducted only by a national of the Republic of Macedonia. Exceptionally, instruction may be occasionally carried out by a foreign national, with the approval of the organ responsible for matters linked with religious communities and groups – the Commission for Relations with Religious Communities and Religious Groups

The consent of a parent or a guardian of a minor over 10 years old , as well as his/her consent are required for attendance of religious teaching.

Disrespect for the provisions of the Law involves appropriate legal sanctions. Apart from offences for which this Law foresees appropriate fines, Article 137 of the Criminal Code stipulates that a person who, based on a difference in gender, race, color of skin, ethnic and social origin, political and religious belief, wealth and social position, the language and other grounds, denies or limits the rights of the individual and citizen, determined by the Constitution, by law or by ratified international treaty shall be punished with imprisonment of three months to three years. If this crime is committed by a person, in his/her official capacity, the punishment is more severe and amounts to the imprisonment of six months to five years.

### **State Infrastructure**

The status and powers of the Commission for Relations with Religious Communities and Religious Groups are regulated in the Law on the Organization and Work of Organs of the State Administration.

Under this Law, the Commission for Relations with Religious Communities and Religious Groups is an independent state organ which pursues matters related to the legal positions of religious communities and religious groups, as well as matters linked with the relations between the state, religious communities and religious groups.

The Assembly elects members of the Commission for Relations with Religious Communities and Religious Groups, which include members of political parties and religious communities.

### **Factual Situation and Policy**

The Commission follows the work and cooperates with religious communities and religious groups in the Republic of Macedonia by maintaining contacts with them and by exchanging information on issues of common interest.

In 2000 while the procedure for adoption of the Law on Denationalization was under way, the Commission raised the issue of restitution of property to religious communities and groups in the Republic of Macedonia and recommended the Government to include legal solutions under which religious communities and groups would be eligible for restitution of property. Under Article 2 of the Law on Denationalization: “The property shall be restituted or compensated for to natural persons, and to religious temples, monasteries and legacies nationalized since 2 August 1944”.

Furthermore, in 2001 the Commission recommended that the Law on Defense should contain a provision on civil service in the army for persons who do not want to serve in the army due to moral or religious beliefs (conscientious objection).

In 2002 the Commission supported the draft Law on abolishing the provision contained in Article 13, paragraph 2 of the Law on Primary Education under which it was not allowed to organize religious education in primary schools.

In its 2002 program of activities, the Commission recommended to the Government adoption of a Law on Confession as well as legal regulation of religious instruction in primary and secondary schools. At the same time the Commission advocates erection or reconstruction of buildings destroyed during the 2001 conflict when 25 buildings of the Macedonian Orthodox Church and 16 buildings of the Islamic Religious Community were destroyed or damaged.

There are 2.306 religious buildings in use in the Republic of Macedonia of which 1.800 belong to the Macedonian Orthodox Church, 470 to the Muslim community, 20 to the Catholic Church and 16 to the Protestant Church.

The Commission follows the work of educational establishments and their requests for inclusion of religious schools and faculties in the education system of the Republic of Macedonia.

Of the existing religious communities, educational establishments are organized by the Macedonian Orthodox Church (Theological Faculty and Secondary religious school), Islamic community ( Secondary religious school - medrese) and Ordinary of the Skopje-Prizren Bishopric (Secondary Catholic School).

The budget of the Republic of Macedonia allocates funds for the realization of activities in the Commission's competence such as funding of the participation of the religious communities representatives in the manifestations such as Days of SSTs Cyril and Methodius in Rome and Evalgen in Germany.

From 10 to 14 May 2002 the Institute for Global Dialogue from Philadelphia, USA organized a Conference in the Republic of Macedonia entitled "Confidence Building among Churches and Religious Communities in the Republic of Macedonia".

The participants in the Conference, of whom some 40 were from abroad, were confident that there were common points in all religions that bind them together. The leaders of the communities in the Republic of Macedonia agreed to teach their followers about the true meaning of religion. At the same time, there was an appeal not to justify any crime in the name of religion, that is to say not to use religion as a reason for conflict. Speaking about the 2001 crisis in the Republic of Macedonia, the representatives of religious communities agreed and reaffirmed that the conflict had not been religiously motivated.

The principal conclusions and proposals agreed upon at the Conference were establishment of the Council for Inter Religious Cooperation, establishment of cooperation and maintenance of regular contacts, as well as the cooperation among educational establishments of the religious communities in the Republic of Macedonia.

The Council for Inter Religious Cooperation will intensify the already established contacts among the religious communities and will review and take an active part in the adoption of the Law on Churches and Religious Communities." The Law is supposed to provide a solid basis for the promotion of cohabitation and inter-religious cooperation and must be drafted to fulfill the needs of members of all the communities", said Mr. Viktor Mizrahi, President of the Jewish Community in Macedonia.

The President of the Republic of Macedonia addressed the conference devoted to confidence building among the churches and religious communities in Macedonia saying: "With the help of tolerance, people of different religions may overcome obstacles and live together. If we eliminate the obstacles dividing us and if we accept individuality and understand individual's convictions, we may build true cohabitation."

## **Article 9**

**1 The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

#### **Paragraph 1**

Basic principles and standards regarding the freedom of expression in the languages of national minorities that is to say communities and access of national minorities that is to say members of the communities to the mass media contained in the Framework Convention for the Protection of National Minorities are appropriately implemented in the national legislation of the Republic of Macedonia.

**The Constitution of the Republic of Macedonia (Article 16)** guarantees the freedom of speech, public address and public information, as well as free establishment of mass media. It also guarantees free access to information, freedom to receive and impart information.

According to **Article 48 of the Constitution**, members of the communities have the right freely to express, foster and develop their identity and attributes of their communities and use symbols of their communities. The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities. Members of the communities have the right to establish cultural, art, educational institutions, as well as scientific and other associations for the purpose of expressing, fostering and developing their identity.

**The Framework Agreement of 13 August 2001**, in its Annex C entitled Implementation and Confidence Building Measures, paragraph 6. on Culture, Education and Use of Languages underscores the need to increase assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media and well as to increase professional media training programs for members of communities not in the majority in Macedonia.

**The Law on Broadcasting** (Official Gazette of the Republic of Macedonia No. 20/97) as *lex specialis*, regulates the conditions and manner of performing broadcasting activities. This Law contains, *inter alia*, the provisions which specifically define the way in which members of the communities exercise their rights in this sphere.

Namely, Article 45, paragraph 2 of the Law on Broadcasting, requires the public broadcasting company, which broadcasts programs on the territory of the Republic of Macedonia (Macedonian Radio and Television), besides in the Macedonian language, to broadcast programs in the languages of communities as well.

Paragraph 3 of the same Article of the Law on Broadcasting foresees that in the areas where members of communities constitute a majority or a significant number, the local public broadcasting company must broadcast programs in the language of that respective community.

Paragraph 4 of Article 45 of the Law on Broadcasting foresees the right of commercial broadcasting organizations (trading broadcasting companies), besides in the Macedonian language, to broadcast programs in the languages of communities as well.

Under Article 6, paragraph 1, subparagraph 1 of the **Law on the Establishment of the Public Company Macedonian Radio Television** (Official Gazette of the Republic of Macedonia No. 6/98 and 98/2000), the public company Macedonian Radio and Television is obliged to produce and broadcast radio and TV programs within the framework of the guaranteed freedoms and rights of the individual and citizen in respect of informative, educational, cultural, scientific, sport, musical, entertaining and other contents in the languages of nationalities, that is to say communities living in the Republic of Macedonia.

#### **Paragraph 2**

The Law on Broadcasting, as *lex specialis* regulating the sphere of broadcasting, in its Article 13 stipulates that broadcasting organizations carry out their activities on the basis of concession.

In accordance with Article 13, paragraph 2 of the Law on Broadcasting, the public broadcasting company established on the territory of the Republic of Macedonia (Macedonian Radio and Television) will be granted concession for the performance of broadcasting activities with the law by which it has been established that is to say the Law on the Establishment of the Public Company Macedonian Radio Television.

According to Article 13, paragraph 4 of the Law on Broadcasting, public companies broadcasting locally are awarded concessions under the founding charter of municipalities or the city of Skopje, after the prior approval by the Broadcasting Council. The Law on Local Self Government (Official Gazette of the Republic of Macedonia No.5/2002), as the principal law regulating the powers of municipalities, does not mention directly the possibility of establishing local public broadcasting companies by local self-government units, but indicates, in the part dealing with the powers of municipalities (Article 21), that municipalities independently manage and carry out, in the framework of the law, matters of public interest set out in the Law on Local Self-Government or other laws and are accountable for their performance. However, transitional and final provisions of the current Law on Local Self-

Government foresee that the provisions of the preceding Law on Local Self-Government of 1995 will apply pending their harmonization with the new Law on Local Self- Government, but not later than 31 December 2003.

Under paragraph 4 of Article 13 of the Law on Broadcasting, commercial broadcasters that is to say trading broadcasting companies receive concessions in public competitions awarded by the Government of the Republic of Macedonia as a conessor, on the proposal by the Broadcasting Council. A concession is awarded to the applicant which offers better conditions for broadcasting performance through: program offer, production of its own program, production of its own program to meet the needs of a particular community in a particular area, technical and exploitation conditions for program broadcasting in line with the set standards, quality of premises, professional and technical staff and funding for the program implementation.

**Paragraph 3**

On the basis of the above listed provisions contained in the Law on Broadcasting and the Law on the Establishment of the Public Company Macedonian Radio Television, there are altogether 138 broadcasters in the public and commercial sectors in the Republic of Macedonia.

The broadcasting milieu in the Republic of Macedonia consists of the following operators:

1. 30 operators comprise the public broadcasting sector, of which
  - Macedonian Radio and Television as a public broadcasting service at the national level (broadcasting on three TV and radio channels, respectively)
  - 29 local public broadcasting organizations.
2. 108 commercial broadcasting companies comprising the commercial sector, of which:
  - 4 commercial broadcasting companies broadcasting programs at the national level (2 radio and 2 TV stations, respectively)
  - 104 commercial companies broadcasting programs at the local level (48 televisions and 56 radio stations).

Program offers of the mentioned broadcasters include programs in the languages of communities in both public and commercial sectors, as envisaged by Article 45, paragraphs 2,3 and 4 of the Law on Broadcasting.

1.1. The Program of the Macedonian Radio and Television as a public broadcasting service at the national level includes programs in the languages of all communities.

The table bellow shows the participation of programs in the languages of members of the communities (Albanian, Turkish, Roma, Vlach and Serbian) that is to say the total hours in one week:

Public broadcasting company	Albanian	Turkish	Roma	Vlach	Serbian
Macedonian Television Second Channel	19	9	1	1	1

Macedonian Radio Programs of communities	-	59,5	38,5	3	3	-
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The table shows that the most largely represented in terms of duration and variety are programs broadcast in the Albanian language, what indicates that there is a positive discrimination of members of the Albanian community in relation to members of other communities.

1.2. Out of the total 29 public local broadcasters, 7 public local radio stations broadcast programs in languages of communities (Albanian, Turkish, Roma, Vlach and Serbian). The duration varies depending on the ethnic structure of the population in the broadcasting area.

Public broadcasting company	Albanian	Turkish	Roma	Vlach	Serbian
Radio Tetovo	105 <sup>5</sup>	7	-	-	-
Radio Gostivar	77	28	-	-	-
Radio Debar	24,5	2,5	-	-	-
Radio Kicevo	12	-	-	-	-
Radio Struga	14	3,5	-	0,5	-
Radio Kumanovo	6	-	2,5	0,5	0,5
Radio Krusevo	-	-	-	1	-

Total broadcast program in one week (in hours)

2. In the commercial sector, programs in the languages of the communities are broadcast by commercial broadcaster which are awarded concessions for broadcasting at the local level. Out of the total of 104 commercial broadcaster at the local level:
  - 11 commercial radio stations
  - 17 commercial TV stations
 broadcast programs in the languages of the communities.

<sup>5</sup> Radio Tetovo broadcasts 105 hours per week in Macedonian and Albanian respectively, on two different frequencies, while each of them broadcasts 7 hours per week in Turkish.

2.1. Commercial radio stations broadcasting in the languages of communities:

Commercial broadcasting company	Albanian	Turkish	Roma	Serbian	Vlach
1. Radio Aracina - Skopje	+				
2. Radio Vat - Skopje	+				
3. Radio Skaj - Skopje					+
4. Radio Visar - Tetovo	+	+			
5. Radio Fama - Tetovo	+				
6. Radio Bleta - Tetovo	+	+			
7. Radio Rumeli FM – Gostivar		+			
8. Radio Cerenja - Stip			+		
9. Radio Albana – Kumanovo	+	+	+		
10. Radio Ternipe - Prilep			+		
11. Radio Merlin - Debar	+				

2.2. Commercial TV stations broadcasting in languages of communities:

Commercial broadcasting company	Albanian	Turkish	Roma	Serbian	Vlach
1. TV Sutel - Skopje			+		
2. TV Era - Skopje	+	+			
3. TV 96 - Skopje				+	
4. TV BTR - Skopje			+		
5. TV Kaltrina - Struga	+	+	+		
6. TV Art Kanal - Struga	+	+			
7. TV Spektra - Struga					
8. TV Art - Tetovo	+	+			
9. TV Koha - Tetovo	+				

10. TV Globus - Gostivar	+				
11. TV Zeri i Cegranit – Gostivar	+	+			
12. TV Due - Gostivar	+				
13. TV Festa - Kumanovo	+				
14. TV Hana - Kumanovo	+				
15. TV Gura - Kicevo	+				
16. TV Uskana - Kicevo	+				
17. TV De 2 - Delcevo			+		

On the basis of the presented data, one may conclude that in both the public and private sectors in the Republic of Macedonia a large portion of programs in the electronic media is broadcast in the languages of communities.

#### **Paragraph 4**

The Law on Broadcasting contains provisions on financial support to radio and TV productions, for both Macedonian programs and programs in the languages of the communities, provided from the broadcasting fee.

Namely, Article 77, paragraph 1, subparagraph 5 and Article 78, paragraph 2 of the Law on Broadcasting envisage that 10% of the collected broadcasting fee shall be used for funding that is to say production of programs of public interest by commercial broadcasters and independent producers.

In three competitions for funding projects of public interest carried out thus far, for which funds were provided from the broadcasting fee (the fourth one is under way) the following funds were granted to the projects in community languages:

- the total amount of 53.701.063,00 Denars to commercial broadcasters
- the total amount of 1.010.000,00 Denars to independent producers.

When projects to be funded with the funds coming from the broadcasting fee are being selected, the Broadcasting Council takes particular care to support projects that meet multicultural interest of citizens. In this manner, the assistance to projects in the sphere of the media, underscored in paragraph 6 of the Annex C - Implementation and Confidence Building Measures - of the Framework Agreement, is being provided.

The presented data show that in the Republic of Macedonia, compared to the European standards, both public and private sectors provide rather large participation of programs in community languages in the electronic media.

## **Article 10**

**1 The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

The Constitution of the Republic of Macedonia of 1991 and the constitutional amendments adopted by the Assembly of the Republic of Macedonia in November 2001 are a continuity in the advancement of the linguistic right of members of communities.

The use, development and fostering of the linguistic identity of members of the communities are first and foremost guaranteed in Article 7 of the Constitution which defines and regulates in general terms the right to use languages in the Republic of Macedonia and in Article 48 which guarantees the protection of ethnic, cultural, linguistic and religious identity of the communities.

Under these provisions, the use of languages of communities has the following forms:

- in private life through free use of their language in everyday communication, in the family and alike;
- in official records;
- for issuance of personal documents. Personal documents of citizens who speak the official language other than Macedonian and its Cyrillic alphabet are issued in the official language and alphabet used by the citizen in question (see Article 11).
- right to instruction in mother tongue in primary and secondary education (see Article 14)
- right to use languages of communities in local self-government units. In local self-government units where a community comprises at least 20 percent of the population, the language of that community will be used as an official language in addition to Macedonian and its Cyrillic alphabet. The organs of the local self-government unit will decide on the use of languages and alphabets spoken by less than 20 percent of the population in that local self-government unit. This constitutional provision is operationalized in identical terms in the Law on Local Self-Government.
- right to use languages of communities in communications with ministries and regional offices of ministries and in organs of the state authority (see Article 10, paragraph 2).
- right to use languages of communities in court proceedings (see Article 10, paragraph 3)
- right to use languages of communities in plenary sessions of the Assembly of the Republic of Macedonia

- right to use languages of communities for publication of laws and other regulations. In conformity with the provisions of the Framework Agreement and Amendment V to the Constitution, the Assembly passed the Law amending the Law on Publication of Laws and Other Regulations in the Official Gazette of the Republic of Macedonia. Article 8, paragraph 2 of the Law prescribes that laws will also be published in another official language and alphabet spoken by at least 20 percent of citizens belonging to the communities in the Republic of Macedonia.

Governed by the need for the implementation of provisions on the use of languages contained in the Framework Agreement and the new Article 7 (Amendment V) of the Constitution, in June 2002 the Assembly of the Republic of Macedonia adopted amendments to the Law on the Census of the Population, Households and Dwellings in the Republic of Macedonia.

According to the Law, the enumerator is obliged to inform persons being enumerated about their right to choose freely whether they will be enumerated in the official Macedonian language and its Cyrillic alphabet or in another official language and its alphabet spoken by at least 20% of the citizens of the Republic of Macedonia; in the official Macedonian language and its Cyrillic alphabet and in the official language and alphabet used by at least 20% of citizens in the local self-government units; as well as in the official Macedonian language and its Cyrillic alphabet and in the language and alphabet of the communities the persons being enumerated belong to (Turkish, Vlach, Roma, Serbian).

The enumeration (census taking) is carried out in the official Macedonian language and its Cyrillic alphabet.

In cases when census taking is conducted in the official language spoken by at least 20 percent the citizens of the Republic of Macedonia, the census form is filled out in that language and alphabet and additionally in the Macedonian language and its Cyrillic alphabet.

When the enumeration is carried out in Turkish, Vlach, Roma and Serbian the census form is filled out in the language chosen by the person being enumerated and additionally in the Macedonian language and its Cyrillic alphabet.

Forms are printed in the official Macedonian language and its Cyrillic alphabet; in the language and alphabet spoken by at least 20 percent of the citizens of the Republic of Macedonia and in the Macedonian language and its Cyrillic alphabet; as well as in the Turkish, Vlach, Roma and Serbian languages and alphabet, respectively and in the Macedonian language and its Cyrillic alphabet.

The Criminal Code of the Republic of Macedonia sanctions criminal offences which infringe on the right to the use of language. The crime of infringement of the right to the use of language and alphabet is incriminated in Article 138 of the Criminal Code under the Chapter Crimes Against Freedoms and Rights of the Individual and Citizen.

## **Paragraph 2**

Any citizen living in a unit of local self-government in which at least 20 percent of the citizens speaks an official language other than Macedonian may use any official language to communicate with the regional office of the ministries; regional offices responsible for those local self-government units shall reply in Macedonian and its Cyrillic alphabet and in the official language and

alphabet used by that citizen. Any citizen may use one of the official languages and its alphabet to communicate with ministries, while ministries shall reply in Macedonian and its Cyrillic alphabet and in the official language and alphabet used by the particular citizen.

In the organs of the state authority, any official language other than Macedonian may be used in accordance with the law. (Amendment V, paragraphs 3 and 4).

These constitutional provisions are operationalized in the Law amending the Law on General Administrative Procedure adopted by the Assembly of the Republic of Macedonia in June 2002.

As stipulated in the Law on Administrative Procedure, the Macedonian language and its Cyrillic alphabet is the official language. 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.

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.

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

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.

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.

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.

### **State Infrastructure**

Organs of the state administration are obliged, within their competence, to provide to citizens efficient and lawful enjoyment of the legally defined rights and interest of all parties to administrative proceedings (Article 4 of the Law on the Organization and Work of Organs of the State Administration).

The administrative inspection carries out the supervision of the implementation of the Law on General Administrative Procedure, which relates in particular to efficient realization of rights and interest of citizens, timely involvement of the parties

concerned in the administrative proceedings and application of set deadlines in the first and second instance administrative proceedings (Article 1 of the Law on Administrative Inspection).

Matters linked with administrative inspection in the framework of rights and duties of the state are carried out by the State Administrative Inspection Office within the Ministry of Justice.

### **Paragraph 3**

In June 2002 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 and the Law amending the Law on Administrative Disputes.

These amendments occurred due to the need to harmonize the provisions of these laws on the use of language with the provisions of Amendment V to the Constitution of the Republic of Macedonia.

Namely, as stipulated in Amendment V to the Constitution of the Republic of Macedonia, the Macedonian language and its Cyrillic alphabet is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia. Another language, and its alphabet, spoken by at least 20 percent of citizens is also an official language.

Paragraph 5 of Amendment V to the Constitution of the Republic of Macedonia sets down that " an official language other than Macedonian may be used in the organs of the state authority in the Republic of Macedonia in accordance with the law."

At the same time, the adoption of these laws is required by the Framework Agreement which foresees, *inter alia*, the use of community languages other than Macedonian in court proceedings.

The right to free interpretation is among the set of minimum guarantees for the defendant in the criminal proceedings contained in the first part of the Law on Criminal Procedure - General Provisions - Basic Principles.

The set of minimum guarantees includes: the right of the accused to be promptly and in detail informed in the language he/she understands about the causes of the indictment; the right to have sufficient time and facilities to prepare the defense and to communicate with an attorney of his/her own choosing; right to be tried without unnecessary delay; right to be present, right to attorney, right to free legal counsel, right of the accused not to testify against himself/herself or to plead guilty.

The provisions on minimum guarantees for the accused contained in the Law on Criminal Procedure correspond to Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 14, paragraph 3 of the International Covenant on Civil and Political Rights and Article 10 of the Universal Declaration of Human Rights.

A person summoned, brought in or detained must be promptly informed, in the language he/she understands, about the reasons for being summoned, brought in or detained and about any criminal offence against him/her, as well as about his/her rights; he/she cannot be asked to give a statement. Any accused person has the right to be promptly informed, in the language he/she understands and in detail, about of the nature of the accusation and the evidence available.

In accordance with the Law Amending the Law on Criminal Procedure, 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 accordance with this law.

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. The court will provide interpretation of statements of that person as well as of statements of other persons, as well as of documents and other written evidence. The court will provide translation of written documents which are important for the proceedings or for the defense.

Other parties, witnesses and participants in the proceedings have the right 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 advise and the statement of the person will be entered in the records. Interpretation is done by a court interpreter.

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

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.

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

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

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

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.

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 summons, decisions and other writs in the language he/she used in the proceedings.

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.

The amendments to the Law on Criminal Procedure stipulate that 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.

According to the amendments to the Law on Civil Procedure, civil proceedings are conducted in the Macedonian language and its Cyrillic alphabet. 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.

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 are borne by the court.

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 advise of the court and the statement by the party or another participant in the proceedings.

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.

The parties and other participants in the proceedings will be provided interpretation in their mother tongue of all presented in the proceedings, as well as interpretation and translation of documents used as evidence in court. Interpretation will be done by court translators.

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.

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.

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.

The parties and other participants 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 advise and the statements of the parties or participants in the proceedings will be entered into the records.

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.

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

In conformity with the Law Amending the Law on Administrative Disputes, the provisions of the Law on Civil Procedure relating to the use of languages are applied to administrative disputes.

## **Article 11**

**1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

The provisions of Article 11, paragraph 1 of the Framework Convention for the Protection of National Minorities are appropriately implemented in the legal system of the Republic of Macedonia through the Law on Personal Name (Official Gazette of the Republic of Macedonia No.8/95) which applies to all citizens of the Republic of Macedonia irrespective of their affiliation with one community or another. According to Article 1 of that Law, personal name is a personal right of the citizen. The citizen uses the personal name registered in the register of births.

Members of communities have the right to have their language and alphabet used for writing their personal names in the registers of births, marriages and deaths and on identity cards. As a result of the constitutional amendments, laws relating to the issuance of persona documents were amended as well.

The Law amending the Law on Identity Card stipulates that forms for identity cards for citizens speaking an official language other than Macedonia are printed in that language. They are also filled out in the official language and alphabet used by that citizen. In addition, the identity card form contains the signature of the ID holder, what enables him/her to write his/her name in the language and alphabet he/she uses irrespective of the fact to which community he/she belongs, what is in conformity with Article 11 of the Framework Convention for the Protection of National Minorities.

Under the Law Amending the Law on Safety of Road Traffic, forms for driving licenses, tractor driving licenses and driving certificates for citizens speaking an official language other than Macedonian and its Cyrillic alphabet are printed and filled out in the official language and alphabet spoken by the citizen, in addition to the Macedonian language and its Cyrillic alphabet. The identical solution is applied to the printing and filling out of forms for registration licenses and certificates of registration.

The Law Amending the Law on Registers of Births, Deaths and Marriages stipulates that in the local self-government units in which at least 20 percent of citizens speaks an official language other than Macedonian, forms for registers of births, deaths and marriages are also printed and filled out in the official language and alphabet used by the citizen; certificates issued on the basis of the data contained in the registers are issued to these citizens in Macedonian and in the official language and alphabet used by the citizen.

#### **Article 12**

**1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

There are particularly important activities in the sphere of education and research in the Republic of Macedonia the aim of which is advancement of knowledge of culture, history, language and religion of national minorities, including:

#### **1. Preschool education**

Preschool education is not compulsory. It is regulated by the Law on the Protection of Children and the Law on Primary Education.

In conformity with the above-mentioned laws, separate education groups are set up in kindergartens and preschools, which are part of primary schools, for children who belong to the Albanian, Turkish and Serbian communities. Instruction is carried out in the mother tongue of children (Albanian, Turkish, Serbian).

Preschools function in the framework of primary schools, while other institutions function either independently or jointly. The work is organized in groups depending on the age of children, and the way of work corresponds to the needs of parents in respect to accommodation and upbringing of their children during the working hours.

A particular attention is paid to providing teaching materials (picture books, tale books and children's poetry books) in their mother tongue (Albanian, Turkish and Serbian).

The number of children in kindergartens and preschools in the period 1997-2000 (presented below) shows that there is a general trend of increasing number of children in the Albanian ethnic group.

**T -10: Number of Children in preschool institutions in the period 1998-2000.**

Year	Total number of children	Number of children by language of instruction				
		Macedonian	Albanian	Turkish	Serbian	Others
1997/98	36.666	31.410	5.889	351	93	23
1998/99	37.766	31.848	6.032	357	73	38
1999/00	37.801	31.222	6.032	349	74	124
2000/01	36.502	29.964	6.027	350	63	98

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 1999,2000, 2001 and 2002.

The staff in preschool institutions are mainly educated in two-year pedagogical academies. Since several years ago, the education of pedagogues lasts four years.

**T-11: Staff according to the declared ethnic affiliation in kindergartens and preschool institutions within primary schools**

Year	Total staff	Number of staff by ethnic affiliation				
		Macedonians	Albanians	Turks	Serbs	Others
2000	4.432	3.887	364	39	78	64
2001	4.175	3.645	347	38	77	68

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 2001 and 2002.

**2. Primary Education**

(For generation from 7 to 14 years old)

Every child at the age from 7 to 14 is provided conditions to regularly attend instruction in the compulsory eight grade school. Children, who reach 7 years until the end of the calendar year in which a particular school year began, are enrolled in the first grade. Children who reached 6 years in September when the school year started may be enrolled as well, provided that they have a positive opinion of a physician, pedagogue or a psychologist.

The Law on Primary Education of 1995 guarantees equal rights in respect of the primary education for all children – Macedonians and those who belong to the parts of the Albanian, Turkish, Roma, Vlach, Serbian, Bosniac people and to others. For children citizens of the Republic of Macedonia who belong to the Albanian, Turkish and Serbian communities instruction is carried out in their respective mother tongues and alphabets. Pupils belonging to the Roma and Vlach communities are provided instruction of their mother tongue.

Pupils belonging to the communities in the Republic of Macedonia study the Macedonian language as the official language in the Republic of Macedonia.

The situation with the number of children in primary schools in the period 1997-2000 is given in the table below. It shows a general tendency of a decreasing number of children in primary schools; there is an evident decline in the number of Macedonian pupils, while the number of children attending schools in Albanian is on a noticeable rise; there is a slight increase in the number of children belonging to the Turkish community.

**T – 12 Staff by declared ethnic affiliation in kindergartens and preschools within primary schools**

Year	Total number of pupils	Number of pupils by language of instruction			
		Macedonian	Albanian	Turkish	Serbian
1997/98	256.275	175.534	74.122	5.938	681
1998/99	255.150	172.383	76.090	5.990	687
1999/00	252.212	168.526	76.752	6.307	627

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 1999,2000 and 2001.

The prevailing number of primary school teachers have finished two-year studies (after secondary schools) in pedagogical academies for specific study groups (teachers for the first four grades and teachers for specific subjects). Qualifications of teachers for specific subjects enable them, most frequently to teach two related subjects (natural science, social science or languages). Recently, there is a trend teachers in primary schools to be university graduates. For that purpose curricula and teaching programs are being changed.

The teaching staff for instruction in Albanian, Turkish and Serbian are educated at separate study groups in their mother tongue, pedagogical academies or corresponding institutions, and since 4 years ago at the Pedagogical Faculty in Skopje. Studies for mother tongue teachers (Albanian, Turkish, Serbian) are organized at the appropriate Departments of the Faculty of Philology (Albanian, Turkish, Serbian). Since last year, the private University in Tetovo is educating staff for this activity.

**T- 13 Number of teachers in primary schools by language of instruction for the period 1997-2000**

Year	Total number of teachers	Number of teachers by language of instruction			
		Macedonian	Albanian	Turkish	Serbian
1997/98	13.376	9.175	3.817	300	84
1998/99	13.604	9.327	3.888	301	88
1999/00	13.782	9.395	3.986	316	85

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 1999,2000 and 2001.

### 3. Secondary Education

After primary schools, pupils have the right to enroll in secondary schools on equal criteria. According to the Law on Secondary Education of 1995, secondary education may be carried out, in addition to state (public) institutions, in private institutions as well.

Instruction in secondary schools is carried out in the Macedonian language and its Cyrillic alphabet. Instruction for students who belong to the Albanian, Turkish and Serbian communities in public and private secondary schools is carried out in the language and alphabet of the ethnic community to which students belong, in the manner and under conditions defined by the law.

Students belonging to the Albanian, Turkish, Serbian, Roma, Vlach and Bosniac communities study the Macedonian language as well.

Under the 1995 Law, instruction in secondary schools may be carried out in some of the internationally spoken languages.

State schools are established by the Government of the Republic of Macedonia. The Government issues licenses to private schools confirming that pedagogical standards set by the Ministry in charge have been met.

Secondary schools apply curricula for grammar schools, vocational and artistic education. Students belonging to the communities in the Republic of Macedonia are covered by all types of secondary education.

The number of students in secondary schools for the period 1997-2000 presented in the table below shows that there is a general trend of increase in the total number of students. There is an evidently increased number of students attending instruction in Macedonian, Albanian and Turkish.

**T- 14: Number of students in secondary schools by language of instruction in the period 1997-2000**

Year	Total number of pupils	Number of students by language of instruction			
		Macedonian	Albanian	Turkish	English

1997/98	84.059	71.990	11.341	567	161
1998/99	87.420	73.566	12.973	584	297
1999/00	89.775	74.632	14.093	602	448

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 1999, 2000 and 2001.

Teachers for general subjects in grammar schools acquire their diplomas at the Faculties of Philology, Philosophy, Mathematics and Sciences, Arts and Physical Culture; teachers for vocational-theoretical instruction and training acquire their diplomas at technical and other faculties. Teachers who do not have appropriate pedagogical education are obliged to take additional exams.

**T- 15: Number of teachers in secondary schools by language of instruction for the period 1997-2000**

Year	Total number of teachers	Number of teachers by language of instruction			
		Macedonian	Albanian	Turkish	English
1997/98	5.226	4.422	692	72	40
1998/99	5.372	4.493	755	80	44
1999/00	5.557	4.589	825	79	64

Source: State Statistical Office of the Republic of Macedonia, Press Releases and Publications, Skopje, 1999, 2000 and 2001.

**4. Higher Education**

1. Article 6 of the Law on Higher Education guarantees the right to equal access to higher education to citizens of the Republic of Macedonia.
2. Appropriate opportunities for education of teachers.

Article 96 of the Law on Higher Education foresees, *inter alia*, that the instruction at higher education establishments for training of the of teaching staff for preschool and primary education, as well as methodology courses for teachers in secondary education, may be carried out in languages of other communities not in the majority in the Republic of Macedonia.

The training of teachers for preschool and primary education at the Pedagogical Faculty is carried out, in addition to the Macedonian language, in Albanian and Turkish as well.

### **3. Promotion of equal opportunities for access to higher education**

According to Article 6 of the Law on Higher education, nationals of the Republic of Macedonia have the right to education, under equal conditions, at higher education establishments in the Republic of Macedonia.

There is an additional quota for members of communities in the Republic of Macedonia set by the Government for public competitions for enrolment in higher education establishments. This is a positive discrimination measure and goes beyond standards in the sphere of education. In line with this quota policy aimed at increased participation of members of the non-majority communities in the Republic of Macedonia, the faculties will enrol, besides the percentage enrolled as part of the set number for regular students, an additional number of students members of non-majority communities up to their percentage in the total population in the Republic of Macedonia provided that they have passed the entrance examination that is to say if they won at least 60 points on all bases. This number of points is a basic condition for enrolment in higher education establishments in the Republic of Macedonia or the bottom-line threshold to enter higher education.

#### **Article 13**

**1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2 The exercise of this right shall not entail any financial obligation for the Parties.**

The right to establish and administer private higher education establishments is recognized in Article 34 of the Law on Higher Education.

This right is applied for the establishment of the South East Europe University in Tetovo.

#### **Article 14**

**1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

**2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education**

**systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

The provisions of all relevant international instruments pertaining to the language of instruction for persons belonging to national minorities are rather flexible and carefully formulated. According to (Article 4.3) the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, " States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue." A similar wording is contained in the OSCE Copenhagen Document: "The participating States will endeavor to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue..." (Article 34).

Despite the difficult economic situation in the Republic of Macedonia, as well as the flexible standards contained in the international instruments in this sphere, the Government of the Republic of Macedonia provides full preschool, primary and secondary education in community languages, as well as higher education in the sphere of linguistics, stage arts and pedagogy. These education standards, motivated by the need to preserve ethnic, cultural, linguistic and religious identity of communities in the Republic of Macedonia are not only above the minimum standards but in line with higher standards contained in the European Charter for Regional or Minority Languages regarding education (Article 8).

Recognition of the right to instruction in community languages: Article 95 of the Law on Higher Education provides the opportunity for instruction in community languages at:

- state pedagogical higher education establishments;
- private higher education establishments
- certain subjects in the sphere of arts at the state higher education establishments for the purpose of fostering and developing cultural identity and ethnic features of communities.

Positive developments in the sphere of education, such as larger coverage of generations and equal treatment of boys and girls, education of members of communities in their mother tongue, high-quality teaching staff, textbooks and modern teaching devices, significantly influence the enhancement of the education level of the entire population and improved quality of the workforce in the country.

Regular instruction in the 2000/2001 school year was attended by 377.555 persons in total, of whom 246.490 attended primary schools, 90.990 secondary schools and 40,075 higher education institutions and universities.

Although primary education in the Republic of Macedonia is compulsory, a certain part of the population at the age between 7 and 15 years is not covered by the education process, that is to say 85,7 percent of this age group attends primary schools. The analysis of the data by ethnic affiliation is perhaps surprising in view of the previous situation because the largest coverage in the primary education is achieved for the Roma population (89,5%) and the lowest for the Turks population (69,0%)

**T-16: Pupils in primary schools by declared ethnic affiliation**

School year	Total	Macedonians	Albanians	Turkish	Roma	Vlachs	Serbs	Others
1998/1999	255.150	150.566	77.035	10602	7.602	429	2.887	6.029
1999/2000	252.212	146.558	77.442	10760	7.757	456	2.902	6.337
2000/2001	246.490	142.116	76.225	10453	7.970	435	2.757	6534

The situation is significantly changed when it comes to secondary education. Out of the total number of the appropriate age group, 67,78% is covered by secondary education, this percentage being relatively high for Macedonians (85,2%) and extremely low for Albanians (43.0%), Turks (25,8%) and Roma (only 12,4%). The coverage of girls is extremely low.

Despite certain improvements compared to the two preceding years (T-17), the above-presented data are an indicator that additional efforts are required to improve the coverage in secondary education. The issue of emancipation should be addressed first, of both the population not involved in the secondary education process and of their parents and relatives, in particular of the youngest generations and children attending primary schools.

**T-17: Students in regular secondary schools according to the declared ethnic affiliation**

School year	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1998/1999	87.420	69.183	13.648	1.378	450	227	1.154	1.380
1999/2000	89.775	69.844	14.823	1.545	447	194	1.298	1.624
2000/2001	90.990	69.991	15.718	1.665	499	238	1.217	1.662



There are encouraging indicators of the significant progress achieved in respect of the increased number of enrolled students, although the analysis made on the basis of the declared ethnic affiliation show that different ethnic communities have different patterns of behavior what is in a certain sense a result of the situation in the preceding stage of the education process (secondary education). The efforts made over the last years with the setting of quota for members of communities for the enrolment in the two state universities, with the establishment of legal private higher education establishments and alike provide realistic opportunities for larger involvement of members of communities in the higher education process.

**T- 18 Enrolled students, nationals of the Republic of Macedonia, by the declared ethnic affiliation**

School year	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1998/ 1999	34.850	31.095	1.916	371	48	329	666	425
1999/ 2000	36.679	32.629	2.028	409	71	374	717	451
2000/ 2001	40.075	35.396	2.285	444	108	408	746	688





The participation of communities in the total number of enrolled students accounts for about 10 percent in the period 1998-2001, of whom students belonging to the Albanian community made up 5,5% on the average, to the Turkish community 1,1%, Roma, 0,2%, Vlach 1%, Serb, 1,9% and others 1,4%. These percentages correspond to the number of applicants by ethnic affiliation.

## **Article 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

### ***Political Participation***

The first multi-party elections for members of the Assembly of the Republic of Macedonia and for members of municipal assemblies were held in the Republic of Macedonia in **1990**. 18 political parties and independent candidates took part in the elections. 4 political parties represented interests of the nationalities.

Out of 962 candidates for members of the Assembly, 158 or 16,42 % were members of the nationalities.

Out of the 120 elected members of the Assembly, 27 or 22,5% were members of the nationalities (Albanians: 23 or 19,1%; Roma: 2 or 1,7%; and others: 2 or 1,7%).

38 political parties and independent candidates took part in the **1994** parliamentary elections.

Out of 1683 candidates for members of the Assembly, 325 or 19,3% were members of the nationalities.

Out of the 120 elected members of the Assembly, 22 or 18,3% were members of the nationalities (Albanians: 19 or 15,9%, Turks: 1 or 0,8%, Serbs: 1 or 0,8%; Roma: 1 or 0,8%).

In the parliamentary elections held in 1998, out 1209 candidates 245 or 20,2% were members of the nationalities.

Out of the elected 120 members of the Assembly, 27 or 22,5% were members of the nationalities (Albanians: 24 or 20%, Roma: 1 or 0,8%, others 2 or 1,7%).

The data on the ethnic structure of candidates and of members of the Assembly elected in 2002 elections have not been published yet.

## **Standing Working Bodies of the Assembly of the Republic of Macedonia**

Commission for Constitutional Issues

Legislative and Legal Commission

Commission for the Political System

Commission for Internal Policy and Defense

Foreign Policy Commission

Commission for Elections and Appointments

Standing Survey Commission for the Protection of Freedoms and Rights of Citizens

- Commission for Inter-Ethnic Relations
- Commission for Supervision of the Work of the Directorate for Security and Counter-intelligence
- Finance and Budget Commission
- Commission for Economy
- Commission for Economic Policy and Development
- Commission for Monetary-Crediting Policy and Banking
- Commission for Agriculture, Forestry and Water Management
- Commission for Construction and Urbanism
- Commission for Transport and Communications
- Commission for Environment, Youth and Sports
- Commission for Education and Science
- Commission for Culture
- Health Commission
- Commission for Labor and Social Policy
- Commission for Celebration of Anniversaries and Important Events and Personalities
- Commission for Procedural Issues and Issues of Mandates and Immunities.

Standing working bodies of the Assembly of the Republic of Macedonia are set up to consider draft laws and other regulations, to monitor the implementation of regulations of the Assembly of the Republic of Macedonia, as well as to consider and review other issues within its competence.

Presidents and members of the commissions are selected from among the members of the Assembly of the Republic of Macedonia. Members of commissions are appointed at the proposal of parliamentary groups for the term of 2 years and for each commission separately.

**The Commission for Inter-Ethnic Relations** is composed of a President, 10 members parliamentarians and 4 members from the ranks of scientists and other professionals.

The Commission reviews issues relating to the legal regulation of rights of members of the communities set down in the Constitution, in particular:

- provision of the right to use the language and alphabet of the communities;
- provision of the right to instruction in the languages of nationalities in the sphere of up-bringing and education;
- guaranteeing of the protection of ethnic, cultural, linguistic and religious identity of members of the communities;
- provision of information, cultural and other activities for the purpose of expressing identity and ethnic features
- other issues pertaining to the realization of rights of communities as set down in the Constitution.

Tables 1,2, and 3 indicate the structure of the standing working bodies of the Assembly of the Republic of Macedonia by ethnic affiliation.

**TABLE 1**

**Participation of members of communities in standing commissions of the Assembly of the Republic of Macedonia set up after 1990 parliamentary elections<sup>6</sup>**

<b>Number</b>	<b>Working body (Commission)</b>	<b>Number of members in a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1.	Commission for Constitutional Issues	18	3	17
2.	Commission for Elections and Appointments	13	2	15
3.	Commission for Inter Ethnic Relations	9	3	33
4.	Legislative and Legal Commission	8	1	12
5.	Commission for Foreign Policy Issues and Foreign Relations	7	1	14
6.	Commission for Social and Political System	6	1	17
7.	Commission for Social Supervision and Complaints	6	1	17

<sup>6</sup> Data Source: Assembly of the Republic of Macedonia

<b>Number</b>	<b>Working body (Commission)</b>	<b>Number of members in a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
8.	Commission for Internal Policy and National Defense	9	1	11
9.	Commission for Procedural Issues	5	1	20
10.	Commission for the Control of the Work of the State Security Service	7	1	14
11.	Commission for Economic Policy and Development	7	1	14
12.	Finance and Budget Commission	7	1	14
13.	Commission for the Protection of the Environment	6	1	17
14.	Commission for Construction and Urbanism	6	1	17
15.	Commission for Economy	7	1	14
16.	Commission for Agriculture and Forestry	6	1	17
17.	Health Commission	8	1	12

<b>Number</b>	<b>Working body (Commission)</b>	<b>Number of members in a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
18.	Commission for Labor and Social Policy	6	1	17
19.	Commission for Issues of Mandates and Immunities	5	1	20
20.	Commission for Education and Science	8	2	25
21.	Standing Survey Commission for Freedoms and Rights of Citizens	7	1	14

**TABLE 2**

**Participation of members of communities in standing commissions of the Assembly of the Republic of Macedonia set up after 1994 parliamentary elections<sup>7</sup>**

<b>Number</b>	<b>Working body (commission)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percent (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1.	Commission for Constitutional Issues	21	5	24
2.	Commission for Issues of Elections and Appointments	13	3	23
3.	Commission for Interethnic Relations	11	4	36
4.	Legislative and Legal Commissions	13	3	23
5.	Commission for Foreign Policy Issues and Foreign Relations	13	3	23
6.	Commission for Social and Political System	9	2	22
7.	Commission for Internal Policy and Defense	9	1	11

<sup>7</sup> Data Source: Assembly of the Republic of Macedonia

<b>Number</b>	<b>Working body (commission)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percent (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
8.	Commission for issues linked with rules of procedure, mandate and immunities	9	2	22
9.	Commission for the Control of the Work of the State Security Service	7	2	28
10.	Commission for Economic policy and Development	9	1	11
11.	Finance and Budget Commission	11	2	18
12.	Commission for Economy	11	1	9
13.	Commission for Agriculture, Forestry and Water Management	11	1	9
14.	Commission for Construction and Urbanism	9	1	11
15.	Commission for Transport and Communications	9	2	22
16.	Commission for the Environment, Youth and Sports	9	2	22
17.	Commission for Education and Science	11	3	27

<b>Number</b>	<b>Working body (commission)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percent (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
18.	Commission for Culture	9	1	11
19.	Health Commission	11	2	18
20.	Commission for Labor and Social Policy	11	2	18
21.	Commission for Celebration of Anniversaries and Important Events and Personalities	9	1	11
22.	Standing Survey Commission for Freedoms and Rights of Citizens	9	2	22

**TABLE 3**

**Participation of members of communities in the standing commissions of the  
Assembly of the Republic of Macedonia after the 1998 parliamentary  
elections<sup>8</sup>**

<b>Number</b>	<b>Working body (commissions)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1.	Commission for Constitutional Issues	21	4	19
2.	Legislative and Legal Commission	13	3	23
3.	Commission for Elections and Appointments	13	3	23
4.	Foreign Policy Commission	13	2	15
5.	Commission for Interethnic Relations	11	5	45
6.	Finance and Budget Commission	11	2	18
7.	Commission for Economy	11	2	18
8.	Commission for Monetary- Crediting Policy and Banking	11	2	18

<sup>8</sup> Data source: Assembly of the Republic of Macedonia

<b>Number</b>	<b>Working body (commissions)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
9.	Commission for Agriculture, Forestry and Water Management	11	2	18
10.	Commission for Education and Science	11	3	27
11.	Health Commission	11	2	18
12.	Commission for Labor and Social Policy	11	2	18
13.	Commission for Political System	9	2	22
14.	Commission for Internal Policy	9	2	22
15.	Standing Survey Commission for Freedoms and Rights of Citizens	9	3	33
16.	Commission for Economic Policy and Development	9	3	33
17.	Commission for Construction and Urbanism	9	3	33
18.	Commission for Transport and Communications	9	2	22
19.	Commission for the Environment, Youth and Sports	9	3	33

<b>Number</b>	<b>Working body (commissions)</b>	<b>Number of members of a working body</b>	<b>Participation of members of communities in a working body in absolute numbers</b>	<b>Participation of members of communities in a working body in percentage (%)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
20.	Commission for Culture	9	2	22
21.	Commission for Celebration of Anniversaries and Important Events and Personalities	9	2	22
22.	Commissions Procedural Issues and Issues of Mandates and Immunities	9	2	22
23.	Commission for Supervision of the Work of the Directorate for Security and Counter-Intelligence and the Intelligence Agency	7	2	29



There is no adequate information available for this composition of the Assembly (2002 elections).

As far as the executive power is concerned, all governments elected by the Assembly hitherto have been coalition governments in which one of the parties of the Albanian community has always been a partner.

In the current Government, one of the coalition partners is also the party of the Albanian community. Out of 18 ministers in the Government, 5 are members of the Albanian community. One of them is a Deputy Prime Minister.

### **Committee for Inter-Community Relations**

Amendment XII to the Constitution adopted in 2001 (Article 78) introduces a Committee for Inter-Community Relations.

According to Article 78 of the Constitution, the Committee consists of 19 members of whom seven members each from the ranks of the Macedonian and Albanian representatives, one from among the Turks, Vlachs, Roma, Serbs and Bosniacs respectively. If some of the communities are not represented, the People's Attorney, after consultation with relevant representatives of these communities, shall propose the remaining members of the Committee

The Assembly elects the members of the Committee.

The Committee considers issues of inter-community relations in the Republic and 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 regarding them.

In the event of a dispute among regarding the application of the voting procedure specified in Article 69, paragraph 2, the Committee shall decide by majority vote whether the procedure applies.

### **Judiciary**

Article 40 of the Law on Courts stipulates that "There shall be no discrimination in the election of judges and lay judges based on gender, race, color of skin, ethnic and social origin, political or religious belief, wealth and social position. When judges and lay judges are being elected, it will be endeavored to secure appropriate participation of nationalities in the Republic, without violation of the criteria prescribed by law."

Out of the total of 631 elected judges in the Republic of Macedonia, 73 or 11,5% are members of communities (Albanians:39 or 6,2%; Turks: 5 or 0,8%; Vlachs 12 or 1,9%; Macedonian Muslims:2 or 0,3%, Muslims:3 or 0,5%; Serbs 7 or 1,1%; Montenegrins: 3 or 0,5%, Croats: 1 or 0,1 % and Bulgarians: 1 or 0,1%).

The situation in different courts is as follows:

1. 530 judges have been elected in basic courts of whom 58 or 10,9% are members of communities (Albanians: 29 or 5,5%; Turks:3 or 0,5%; Serbs: 6 or 1,1%, Vlachs: 11 or 2,1%, Muslims: 3 or 0,5%, Macedonian Muslims: 2 or 0,4%, Montenegrins:2 or 0,4%, Croats: 1 or 0,2%; Bulgarians: 1 or 0,2%).
2. 82 judges have been elected to appellate courts, of whom 11 or 13,4% are members of communities (Albanians: 7 or 8,6%; Turks: 1 or 1,2%; Serbs:1 or 1,2%; Vlachs" 1 or 1,2%; Montenegrins: 1 or 1,2%).
3. 19 judges have been elected to the Supreme Court of whom 4 or 21% are members of communities (Albanians 3 or 15,8%; Turks: 1 or 5,2%).
4. The first and the current **Republic Judicial Council** had/have 2 members of communities.

Under Article 104 of the Constitution, the Republic Judicial Council proposes to the Assembly the election and dismissal of judges and formulates proposals for the dismissal of judges in cases laid down in the Constitution; decides on the disciplinary action for judges; assesses the competence and ethics of judges in the performance of their office; and proposes two judges to sit on the Constitutional Court of the Republic of Macedonia.

Amendment XIV to the Constitution stipulates that:" Three of the members shall be elected by a majority vote of the total number of representatives, within which there must be a majority of the votes of the total number of representatives belonging to the communities not in the majority in the Republic of Macedonia."

5. **The Constitutional Court of the Republic of Macedonia** is an organ of the Republic which protects constitutionality and legality. It is an independent body and is not a part of the judiciary. In the former composition of the Constitutional Court, there were three members of communities. The current composition is still incomplete.

Under Amendment XV:" The Assembly elects judges to the Constitutional Court. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of representatives. The Assembly elects three of the judges by a majority vote of the total number of representatives, within which there must be a majority of the votes of the total number of representatives belonging to the communities not in the majority in the Republic of Macedonia. The term of office of judges lasts 9 years without the right to reelection".

### **State Administration**

The state administration consists of ministries and other administration organs and organizations determined by law. Organs of the state administration carry out the duties within their competence independently, in conformity with the Constitution and laws, and are accountable before the Government. There is an ongoing process of reform of the state administration in line with the Strategy for the reform of the state administration adopted in 1999. The fundamental aim of the reform is to improve the structure and processes in the state administration to support the development of a democratic society.

The priority fields of the reform activity are: system of the state administration, restructuring of public finances and realization and protection of rights of citizens.

In July 2000 the Government of the Republic of Macedonia adopted an Action Plan for the reform of the state administration with the set short-term and mid-term aims, activities and expected results.

In the framework of the activities aimed at the development of the state service, in July 2000 the Assembly of the Republic of Macedonia adopted the Law on the Government of the Republic of Macedonia, Law on the Organization and Work of Organs of the State Administration and the Law on Civil Servants.

An integral part of the public administration reform is adoption of new legislation. In this context, amendments to the Law on General Administrative Procedure, Law on Administrative Disputes and Law on Administrative Inspection are of particular importance. The aim of these laws is protection and realization of rights of natural and legal entities before the state organs and organizations performing public mandates.

On its session held on 3 February 2003 the Government adopted the Guidelines for the elaboration of the Program for improvement of equitable representation of communities in the public administration and public enterprises and a Decision on Setting Up of a Committee of Ministers to be chaired by the Deputy Prime Minister in charge of the issue of adequate and equitable representation of members of communities. Members of the Committee are: minister of justice, minister of finances, minister of internal affairs and minister of labor and social policy. The Committee will follow and coordinate activities related to the improvement of equitable representation of members of communities in the public administration and public companies.

At the same session the Government adopted a decision on the establishment of a coordinating body for the elaboration of an operational program for improvement of adequate and equitable representation of communities in the public administration and public companies and for the program implementation.

The Government adopted the operational program for improvement of adequate and equitable representation of communities in the public administration and public companies at its session held on 14 April 2003 .

### **Local Self-Government**

Out of 5546 candidates running in the **1990 local elections**, 953 or 17,1 percent were members of nationalities.

1510 councilors were elected in municipal assemblies of whom 321 or 21,2 percent were members of nationalities (Albanians:221 or 15%; Muslims:25 or 1,6 %; Turks: 22 or 1,4%, Serbs:16 or 1%; Roma 15 or 1%, Vlachs: 12 or 0,8%, Yugoslavs:6 or 3%, other nationalities:2 or 0,1%).

Out of 12.724 candidates running for municipal councils in the **1996 local elections**, 3579 or 28,1 percent were members of nationalities.

1720 councilors were elected to municipal councils of whom 467 or 28,1 percent were members of nationalities (Albanians: 342 or 20%; Turks: 54 or 3,1%; Vlachs: 5 or 0,3%; Roma 13 or 0,7%; Serbs: 20 or 1,1%; Muslims: 12 or 0,7%; other nationalities:21 or 1,2%).

Out of 118 elected mayors, 28 or 23,7 percent were members of nationalities (Albanians: 22 or 18,6%; Turks: 4 or 3,4% and Serbs: 2 or 1,7%).

Out of 9791 candidates in the **2000 local elections** running for municipal councils, 953 or 17,1 percent were members of nationalities.

Out of 1906 elected members of municipal councils, 573 or 30,1% were 321 or 21,2 percent were members of nationalities (Albanians:423 or 22,2%; Turks: 56 or 3%; Vlach 6 or 0,3%; Roma: 16 or 0,8%; Serbs: 24 or 1,3%; others 33 or 1,7%; unknown: 15 or 0,8%).

Out of 123 elected mayors in the Republic of Macedonia, 32 or 26 percent were members of nationalities (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%).

### **Effective Participation of National Minorities in Cultural Life**

Within the framework of the realization and protection of cultural identity of citizens of different ethnic origin in accordance with the Constitution and Law on Culture, it is in the national interest, among other things, to provide conditions for the exercise and protection of cultural identity of citizens of different ethnic origin.

Realization and protection of cultural identity of citizens of different ethnic origin is carried out through a number of activities in the sphere of culture.

In the sphere of presentation and fostering of amateur cultural artistic creation, a particular place is given to the presentation of folklore. There is a number of cultural societies active in this sphere (in terms of status, they are organized as associations of citizens) such as for instance Ensemble of Folk Dances and Songs "Emin Duraku" - Skopje.

As far as the protection of copyright and related rights is concerned, the use of popular works is free. When they are used, the source and origin of popular works must be indicated. Distortion or negligent use of popular works is not allowed.

The Folklore Institute "Marko Cepenkov" Skopje is responsible for correct and lawful use of popular works, that is to say for the observance of the obligation to state the source and origin of the work, and for prevention of distortion or negligent use of the mentioned works.

For the purpose of promoting domestic and international production, there are different cultural manifestations including festivals of folk songs and dances, festivals of songs and dances created in the spirit of folklore which also contribute to fostering the cultural identity of national minorities.

Community centers, which represent the basic cells of cultural life in municipalities, organize a large number of activities that also create conditions for the realization and protection of cultural identity of citizens of different ethnic origin.

In the sphere of stage arts, there is a Theatre of the Nationalities which has two ensembles: Turkish and Albanian drama.

In the sphere of publishing, public competitions do not stimulate only domestic literature, translations, works of young authors and translators, but also works in the languages of communities. There is a number of associations in this sphere the aim of which is to foster the cultural rights of communities, including the Association of Albanian Writers, for instance.

In addition to the works of world literature, scientific, educational and other literature, libraries have a wide range of works of domestic literature, scientific,

educational and other works by all authors working in the Republic of Macedonia irrespective of their ethnic affiliation.

As far as the articles of the Framework Convention regarding the legislation and practice in the sphere of culture in the Republic of Macedonia are concerned, they are replied to in the answers elaborated under the relevant Articles of the Convention given above.

#### **Article 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

Amendment LXIX to the Constitution of the Socialist Republic of Macedonia adopted in September 1990 for the first time defines a municipality as a self-governing unit of citizens living in one or a number of populated places or as part of the populated place.

The Constitution of the Republic of Macedonia adopted in November 1991 lists local self-government among the fundamental values of the constitutional order of the Republic of Macedonia (Article 8, paragraph 1, sub-paragraph 8). Against this background, the Law on Local Self-Government which laid foundations to the system of local self-government as one of the elements of modern, democratic society was adopted in 1995.

The analysis of the application of the Law but also the overall situation in that sphere showed that we did not have efficient local self-government. It was a consequence not only of certain inconsistencies and insufficiently defined issues in the Law on Local Self-Government but also of slow and incomplete alteration of laws relating to the spheres linked with local self-government and difficulties that occurred in relation to setting long-term goals for the commenced reforms. Furthermore, the right of citizens to participate in the performance of public functions at the local level - as a democratic principle applied in all EU member states, was not respected to a sufficient degree. The decentralization process went slowly and the situation was further complicated with the existence of certain legal loopholes in regard to adequate and more effective system of control of financial operations in municipalities.

Therefore, guided by the commitment of the Republic of Macedonia to building a modern and efficient state to fulfill the fundamental needs of its citizens, in November 1999 the Government of the Republic of Macedonia adopted a Strategy for the Reform of the System of Local Self-Government. The Strategy, *inter alia*, presents the current situation, the reasons and aims of the forthcoming reform and possible solutions to the identified problems. At the same time, a global plan of action for the successful implementation of the reform was adopted. This is a complex endeavor whose successful implementation largely depends not only on "incorporation" of appropriate legal solutions in laws pertaining to local self-government, but also on adequate adaptation of legal regulations relating to the spheres in which the right to local self-government is effectuated. It is of crucial importance to link this process to other reforms under way in our country, such as the reform of public administration, health sector, education,

financial sphere and other reforms whose implementation directly affects local-self-government.

As a result of the afore-presented, but also of the implementation of the Framework Agreement of 13 August 2001 and the related amendments to the Constitution adopted by the Assembly of the Republic of Macedonia on 16 November 2001 aimed at securing peaceful and harmonious development of civil society, the new Law on Local Self-Government was passed.

The new Law sets out explicitly the competences of municipalities, facilities increased direct participation of citizens in public life of municipalities, sets down new modalities for legal and financial control of the work of local authorities, redefinition of financial and other relations between the central government and local self-government. A final result is expected to be a municipality capable of and responsible to administer local public matters promptly and qualitatively and of resolving everyday problems of citizens in a particular municipality and in the places where they live and work. The new Law on Local Self-Government is based on the following principles:

- **Complexity**, full and focused coverage of political, normative-institutional, organizational-technical, financial-economic and personnel bases of local self-government;
- **Long-term perspective**, as a basis for a permanent and long-term process of elaboration, definition and practical implementation;
- **Democratism**, direct link with determination of direct participation of citizens in local self-government and with democratic procedures in respect of the election of organs of local government;
- **Subsidiarity**; fulfillment and responsibility in respect of competencies and tasks by local government closest to the citizens;
- **General competence**, based on the general assumption that local authorities have the right to resolve and control matters of local importance as their responsibility, except for those entrusted to other organs or authorities by law;
- **Universality**, means that all territorial units are entrusted with the same competences, irrespective of their size and location;
- **Efficiency**, securing efficient administration capable of performing tasks within the competence of local self-government units.

This Law regulates: competences of municipalities, direct participation of citizens in decision-making, organization and work of municipal organs, municipal administration, regulations of organs, municipal property, supervision of work of municipal organs, dismissal of the municipal council, mechanisms of cooperation between municipalities and the Government of the Republic of Macedonia; local self-government, protection of local self-government, determination of official languages of municipalities and other matters of importance to local self-government.

With the adoption of the 1991 Constitution of the Republic of Macedonia and the 1995 Law on Local Self-Government, the old communal system was abandoned and the system of local self-government commenced to be built. The expectation in respect of the new system of local self-government, as one of the fundamental values of the constitutional order, were that a new organizational form was found, the form that would enable citizens to meet their basic needs and interest, with a smaller number of organs and bodies, and with a larger number of concrete programs with economic, social,

cultural, environmental and primarily communal implications. The system resulting from property, economic and production relations inherent in market economy and European standards of democracy. Furthermore, it was expected that a municipality, as a local self-government unit, would become a spatial and urban community and political-economic unit where the conditions for wider and more intense harmonization and articulation of common needs and interests of citizens in such a community, that is to say a community in which citizen could realize their constitutionally guaranteed right to local-self-government, would be established.

Nevertheless, the analysis of the overall situation in local self-governments showed that despite the progress made in respect to rapprochement with European democratic standards, there was a large number of shortcomings, irregularities and ambiguities in the relevant legislation and unfavorable conditions for its implementation. The development of local-self-government in that 5 year period went slowly, indecisively and incompletely and consequently we had unfinished and incomplete local self-government.

Unfavorable conditions which resulted in incomplete legal solutions in regard to defining the concept of local self-government and its implementation were most apparently identified in the sphere of competences, urban planning and development, finances and relations within local self-government. Failure to undertake measures and activities and maintenance of the existing legislation in the identified areas negatively affected the development of local self-government in the Republic of Macedonia.

### **Aims of the new Law on Local Self-Government**

The new Law on Local Self-Government establishes a legal framework and real conditions for building of a consistent system of local self-government. The aim of the changes made is consistent and full operationalization of the constitutional provision on autonomy of local self-government units, whereby they will become a true fundamental value of the constitutional order of the Republic of Macedonia.

The most significant goals of the reform are aimed at further building of the local self-government system on the principles of democracy and decentralization, with genuine competences and capacity, responsible and working for the interests of citizens living in the territory of a particular municipality for expedient and quality resolution of everyday problems of citizens appearing in the places where they live and work. The new Law on Local Self-Government will in fact facilitate fuller and consistent implementation of the set general objectives, create firm and clear-cut legal regulations and enable their easier application in the effectuation of the local self-government system. A new place and role of local authorities in the general system of state governance may be provided through their political, administrative and financial independence. Definition and development of democratic procedures and mechanisms in the organization and functioning of local self-government are expected to guarantee the right of citizens to influence governance on one hand, and to have access to information and solutions of the local authorities on the other. The basic aim of the Law is to provide local authorities with:

- their own sphere of competence, separate from the state ones;
- legal guarantees in regard to non-interference by other authorities in the execution of such competences;

- delegated sphere of competences;
- participation of citizens in local self-government;
- new type of mutual relations between local and state authorities;
- clear definition of status, property and relations among public enterprises and public institutions and local self-government units;
- free association of local authorities;
- establishment of mechanisms for the supervision and control of the work of organs of the local self-government units.

The ultimate goal is to build a Macedonian municipality after the European model, adjusted to our specific needs, conditions, traditions and mentality.

### **Article 17**

**1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.**

According to Article 27 of the Constitution "Every citizen of the Republic of Macedonia shall have the right of free movement in the territory of the Republic and freely to choose his/her place of residence. Every citizen shall have the right to leave the territory of the Republic and to return to the Republic. The exercise of these rights may be restricted by law only in cases where it is necessary for the protection of the security of the Republic, criminal proceedings or protection of people's health."

The constitutionally guaranteed right to free movement and the right to free choice of residence is operationalized in the legislation of the Republic of Macedonia in the Law on Reporting of the Place of Residence and Place of Accommodation of Citizens. This Law defines the terms residence and accommodation.

When changing the place of residence, the citizen is obliged, under Article 3 of this Law, to report the change of residence and the new place of residence within 8 days as of the day of moving out.

According to Article 9 of the Law, the organ in charge of registering the place of residence or accommodation, as well as the change in the address is the Ministry of Internal Affairs.

A citizen who intends to stay abroad on a temporary basis for the period from three months to one year or to be a migrant worker abroad for more than a year, is obliged to report his stay abroad just before departure to the organ in charge for the place of residence or accommodation or right after departure to the consular and diplomatic missions of the Republic of Macedonia in the country of destination. He/she is also obliged to report the return to the place of residence within 3 days. The responsible organ will keep records ex officio for citizens who did not report their departure abroad.

Free movement is unlimited on the entire territory of the Republic of Macedonia, except for the borderline area, what is regulated by the Law on the Crossing of the State Border and Movement in the Border Area. According to Article 32, paragraph 1 of this

Law, nationals of the Republic of Macedonia may move and stay in the borderline area provided that they have appropriate permit. Disrespect for this provision is sanctioned as an offence or criminal offence.

**The right of a citizen to leave the territory of the Republic and return to the Republic** guaranteed by Article 27, paragraph 2 of the Constitution of the Republic of Macedonia is verified by international treaties and agreements relating to free movement of people in the world.

A requirement for traveling abroad is a valid passport. The types and procedure for issuance of passports are regulated by the Law on Passports of Nationals of the Republic of Macedonia. Nationals of the Republic of Macedonia need visa to travel to certain states.

**The right to return to the Republic** provided for in Article 27, paragraph 2 of the Constitution is a reaffirmation of Article 4, paragraph 2 of the Constitution according to which a national of the Republic of Macedonia may neither be taken his/her nationality away nor expelled or extradited to another state.

### **Restriction of the right to free movement**

The exercise of the right to free movement and free choice of residence provided for in Article 27, paragraph 3 of the Constitution of the Republic of Macedonia may be restricted only in cases deemed necessary for the purpose of:

**1) Protection of the security of the Republic** The constitutional basis of this restriction is operationalized in the Law on Defense and the Law on Crossing of the State Border and Movement in the Border Area.

Article 19 of the Law of Defense stipulates that the Government may, *inter alia*, make decisions by which it shall determine facilities and zones of significance for defense, in which the freedom of movement, stay or settlement is restricted.

In accordance with Article 48 of the Law on Movement in the Border Area, the Minister of Defense may prohibit the movement and stay in certain zones in the border areas for a certain period of time, when it is necessary for the security of the Republic of Macedonia. The restriction of movement mentioned in the preceding paragraph does not pertain to persons residing in the border areas, but only for movement and stay in their place of residence. Article 49 provides for the right of the Government of the Republic of Macedonia to prohibit or restrict movement and settlement in specific border areas on land, in rivers and lakes up to 10 kilometers from the borderline.

**2) Carrying out of criminal proceedings.** The grounds for this restriction are regulated by the Law on Criminal Procedure, which stipulates that in cases of detention or vow by the accused that he/she will not abandon his/her residence, the court may rule on temporary dispossession of a passport or prohibition of its issuance in case that there are doubts that the accused may hide or leave to unknown direction or abroad, during the proceedings. The complaint against this decision may not postpone its execution.

**3) Protection of Public Health.** This restriction is regulated by the Law on the Protection of the Population from Contagious Diseases which envisages compulsory isolation and treatment of persons diagnosed to suffer from a contagious disease. The Law also prescribes that, in order to prevent spillover and spreading and to contain certain contagious diseases, the Ministry of Health may, by a regulation, order special

extraordinary measures for the protection from these diseases, the measures including prohibition of travels to countries affected by the epidemic of such diseases, prohibition of the movement of the population, or restriction of movement in the infected or areas in the immediate vicinity.

The Republic of Macedonia does not interfere in the right of persons belonging to national minorities to create and maintain free and peaceful contacts across the border with population that legally reside in other countries, especially in the neighboring ones in particular with those with whom they share ethnic, cultural, linguistic or religious identity or mutual cultural heritage, but on the contrary it encourages and supports this right.

## **Article 18**

**1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

The transfrontier cooperation of the Republic of Macedonia in the sphere of culture is carried out on the basis of bilateral agreements.

Thus, a number of agreements have been concluded, including with the neighboring states:

- Agreement between the Government of the Republic of Macedonia and the Federal Government of the FR Yugoslavia (Serbia and Montenegro) on Cooperation in the Spheres of Culture, Education and Sport;

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Cultural Cooperation;

- Agreement for Cooperation in Education, Culture and Science between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia;

- Protocol for Cultural Cooperation between the Republic of Macedonia and Turkey;

- Agreement for Cooperation in Culture and Science between the Government of the Republic of Macedonia and the Government of the Republic of Croatia.

These agreements encourage direct contacts between state bodies, institutions and other organizations and individuals in the sphere of culture. For instance, Article 15 of the Agreement between the Republic of Macedonia and the Republic of Bulgaria reads as follow: "The Parties shall encourage cooperation between cultural institutions at the local level, between municipalities, twin towns, populated places and border regions".

In view of the general commitment of the Republic of Macedonia to more active international cultural cooperation and in particular with the neighboring countries, cultural communication should be fostered and cultural presentations between border regions supported. The cultural programs should be conceived with the aim to affirm the cultural traditional values as well as the modern ones, but focused on high quality cultural activities created in the concrete region and wider. Thus, citizens of both states may be

acquainted with culture and arts of the other side. This will contribute to their better acquaintance and rapprochement.

There is a long tradition of cultural cooperation between border regions of the Republic of Macedonia and the Republic of Bulgaria, for example between the towns of Stip and Blagoevgrad, Kriva Palanka and Kustendil, Delcevo and Simitli, Novo Selo and Sandanski. Most frequently the programs include presentations of folk groups, music bands, soloist and small painting exhibitions.

A particular attention is being paid to the strengthening of local democracies and cross-border cooperation, as a way to overcome stereotypes, mistrust and conflicts. The Council of Europe is actively engaged in the implementation of the idea for establishing Euro regions in South East Europe, one of which has already been established: Skopje-Nis- Sofia. The other two are in the process of establishment: a) border region among Bulgaria, Greece and Macedonia and b) Ohrid-Prespa Euro region which includes municipalities from the Republic of Macedonia, Greece and Albania.

## **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

According to Article 54 of the Constitution, “The freedoms and rights of the individual and citizen may be restricted only in cases determined by the Constitution. The freedoms and rights of the individual and citizen may be restricted during states of war or emergency, in accordance with the provisions of the Constitution. The restriction of freedoms and rights may not discriminate on grounds of gender, race, color of skin, language, religion, national or social origin, wealth or social status. The restriction of freedoms and rights may not be applied to the right to life, the interdiction of torture, inhuman and humiliating treatment and punishment, legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession.”

The Constitution of the Republic of Macedonia envisages two types of restrictions of human rights and freedoms:

**The first type of restriction** is foreseen for the following rights and freedoms: violability of human freedom (Article 12 of the Constitution); confidentiality of correspondence (Article 17 paragraph 1 of the Constitution); freedom of association (Article 20 of the Constitution); right to peaceful assembly (Article 21 of the

Constitution); inviolability of home (Article 26 of the Constitution); right to free movement in the territory of the Republic and free choice of place of residence (Article 27 of the Constitution); property right (Article 30 of the Constitution); right to establish trade unions (Article 37 of the Constitution); and right to strike (Article 38 of the Constitution).

**The second type of restriction** of the rights and freedoms relates to the state of war or emergency. During the state of war or emergency the Government, in accordance with the Constitution and law, adopts legally binding decrees. The power of the Government to adopt legally binding decrees lasts until the end of the state of war or emergency, to be decided upon by the Assembly (Article 126 of the Constitution).

These constitutional provisions correspond to the restrictions of human rights and freedoms provided for in the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.

### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

One of the fundamental strategic goals and aims of the Government of the Republic of Macedonia is the improvement of interethnic relations through consistent implementation of the international documents whose principal aim and substance are the recognition and respect for the rights and freedoms of national minorities. In the implementation of these objectives, the Republic of Macedonia is committed to the respect of institutional and democratic instruments, as well as the European and world standards.

In this context, the core element and bedrock for the efficient exercise of human and civil rights and freedoms and in this framework also the rights of communities are full observance and implementation of the principle of constitutionality and legality provided for in Article 51, paragraph 2 of the Constitution, whereby everyone is obliged to respect the Constitution and laws.

### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

There have been no situations or cases when this framework Convention has been interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

The policy aim of the Republic of Macedonia regarding the rights of members of communities is the improvement of their status. A large number of the legal solutions go beyond the standards set out in international documents.

## **Article 22**

**Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.**

The laws of the Republic of Macedonia do not limit or derogate from any human rights and fundamental freedoms recognized in accordance of this Convention or other agreement to which Macedonia is a signatory party.

## **Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

The rights and freedoms regulated by the domestic legislation are fully compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols.

## **Article 30**

**1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**

**2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**

**3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

The Framework Convention is implemented on the entire territory of the Republic of Macedonia.

## **ANNEX I**

This Annex contains the most significant constitutional and legal provisions pertaining to the rights of members of communities in the Republic of Macedonia.

### **1. Constitution of the Republic of Macedonia**

**(Official Gazette of the Republic of Macedonia No. 52/91, 1/92, 31/98, 91/01);**

#### **Article 8**

The fundamental values of the constitutional order of the Republic of Macedonia shall be: the fundamental freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; free expression of ethnic identity and adequate and equitable representation of citizens belonging to communities in organs of the state authority and other public institutions at all levels; the rule of law; the division of state powers into legislative, executive and judicial; political pluralism and free, direct and democratic elections; legal protection of property; freedom of the market and entrepreneurship; humanism, social justice and solidarity; local self-government; proper urban and rural planning to promote a congenial human environment, as well as protection and promotion of the environment; and respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution and by law shall be permitted in the Republic of Macedonia.

#### **Article 9**

Citizens of the Republic of Macedonia shall be equal in their freedoms and rights, irrespective of gender, race, color of skin, ethnic and social origin, political and religious beliefs, wealth and social status.

All citizens shall be equal before the Constitution and law.

#### **Article 19**

The freedom of religion shall be guaranteed.

The right to express one's faith freely and publicly, individually or in community with others, shall be guaranteed.

The Macedonian Orthodox Church as well as the Islamic Religious Community, Catholic Church, Evangelistic-Methodical Church and Jewish Community, and other religious communities and groups shall be separated from the state and equal before the law.

The Macedonian Orthodox Church as well as the Islamic Religious Community, Catholic Church, Evangelistic-Methodical Church and Jewish Community, and other religious communities and groups shall be free in establishing religious schools and social and charitable institutions in a procedure regulated by the law.

## **Article 20**

Citizens shall be guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, join them or resign from them.

The programs and activities of political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.

Military or paramilitary associations which are not part of the Armed Forces of the Republic of Macedonia shall be prohibited.

## **Article 21**

Citizens shall have the right to assemble peacefully and to express public protest without prior announcement or a special license.

The exercise of this right may be restricted only during a state of emergency or war.

## **Article 44**

Everyone shall have the right to education. Education shall be accessible to everyone under equal conditions. Primary education shall be compulsory and free.

## **Article 45**

Citizens shall have the right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.

## **Article 50**

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 the Republic of Macedonia, in 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, shall be guaranteed.

A citizen has the right to be advised of human rights and fundamental freedoms as well as actively to contribute, individually or in community with others, to their promotion and protection.

## **Amendment IV**

"The citizens of the Republic of Macedonia, the Macedonian people, as well as the citizens living within its borders who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma People, Bosniac people and others, taking over responsibility for the present and future of their fatherland, aware and grateful to their predecessors for their endeavors and struggle to create an independent and sovereign state

of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good - the Republic of Macedonia, in accordance with the tradition of the Krusevo Republic and the decisions of the Antifascist Assembly for National Liberation of Macedonia, and the Referendum of September 8, 1991, have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil freedoms, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and in this regard through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, they adopt this..."

Paragraph 1 of the present Amendment replaces the Preamble to the Constitution of the Republic of Macedonia.

#### **Amendment V**

1. The Macedonian language and its Cyrillic alphabet shall be the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

Another language spoken by at least 20 percent of citizens shall also be an official language, written using its alphabet, as determined in this article.

Personal documents of citizens speaking an official language other than the Macedonian language shall be issued in the Macedonian language and its alphabet, as well as in that language and alphabet in accordance with the law.

Any citizen living in a unit of local self-government in which at least 20 percent of the citizens speaks an official language other than Macedonian may use any official language to communicate with the regional office of the ministries; regional offices responsible for those local self-government units shall reply in Macedonian and its Cyrillic alphabet and in the official language and alphabet used by that citizen. Any citizen may use one of the official languages and its alphabet to communicate with ministries, while ministries shall reply in Macedonian and its Cyrillic alphabet and in the official language and alphabet used by the particular citizen.

In the organs of the state authority, any official language other than Macedonian may be used in accordance with the law.

In the units of local self-government, the language and its alphabet used by at least 20 percent of the population shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. The organs of the self-government unit shall decide on the use of languages spoken by less than 20 percent of the population of a unit of local self-government.

2. This Amendment replaces Article 7 of the Constitution of the Republic of Macedonia.

#### **Amendment VIII**

1. Members of communities shall have the right to freely express, foster and develop their identity and characteristics of their communities and to use the symbols of their community.

The Republic of Macedonia shall guarantee the protection of ethnic, cultural, linguistic and religious identity of all communities.

Members of the communities shall have the right to establish cultural, art, educational institutions as well as scientific and other associations for expressing, fostering and developing their identity.

Members of the communities shall have the right to instruction in their mother tongue in primary and secondary education in the manner determined by law. In schools where teaching is conducted in another language, the Macedonian language shall be taught as well.

2. This Amendment replaces Article 48 of the Constitution of Republic of Macedonia.

## **2. The Law on Courts**

**(Official Gazette of the Republic of Macedonia No. 36/95, 45/95);**

### **Article 7**

Everyone has the right to equal access to courts in the protection of his/her rights and lawful interests.

Everyone has the right to a legal, impartial and fair trial within a reasonable time.

Access to courts may not be limited to anyone due to the lack of financial resources.

### **Article 40**

When judges and lay judges are being elected, there shall be no discrimination based on gender, race, colour of skin, ethnic and social origin, political and religious beliefs, wealth and social status.

When judges and lay judges are being elected, it shall be attempted to ensure adequate representation of nationalities in the Republic, without violation of the criteria prescribed by law.

## **3. The Law on the Organization and Work of Organs of the State Administration**

**(Official Gazette of the Republic of Macedonia No. 58/00);**

### **Article 4**

1) Organs of the state administration shall be obliged to ensure efficient and lawful fulfillment of constitutional rights and freedoms of citizens.

2) Organs of the state administration shall, within their competence, ensure efficient and lawful realization of legally defined rights and interests of all parties to administrative proceedings.

## **Article 12**

- 1) The following independent bodies of the state administration shall be established:
  - Commission for Relations with Religious Communities and Religious Groups;
  - Agency for Youth and Sports;
  - Agency for Emigration;
  - Agency for Information; and
  - Agency for Development and Investments.
  
- 2) The following administrative organizations shall be established:
  - State Archive of the Republic of Macedonia;
  - State Office for Geodetic Works; and
  - State Statistical Office.

## **Article 29**

1) The Commission for Relations with Religious Communities and Religious Groups shall deal with the issues related to the legal position of religious communities and religious groups, as well with the issues of relations between the state, religious communities and religious groups.

2) The Commission for Relations with Religious Communities and Religious Groups shall have the capacity of a legal entity.

## **4. Law on Primary Education**

**(Official Gazette of the Republic of Macedonia No. 44/95, 24/96, 35/97, 82/99);**

### **Article 3**

Anyone shall have the right to primary education.

Discrimination based on gender, race, color of skin, ethnic and social origin, political and religious beliefs, wealth and social status shall be prohibited.

## **5. Law on Telecommunications**

**(Official Gazette of the Republic of Macedonia No. 33/96, 17/98, 22/98, 28/00, 4/02);**

#### **Article 9**

Transmission and delivery of messages calling for violent destruction of the constitutional order of the Republic of Macedonia, as well as encouraging or calling for military aggression or stirring up national, racial or religious hatred or intolerance shall be prohibited.

#### **6. Law on the Execution of Sanctions**

**(Official Gazette of the Republic of Macedonia No. 3/97, 23/99);**

1. Rules for the execution of sanctions shall be implemented impartially.

2. Discrimination based on race, color of skin, gender, language, religion, political and other beliefs, ethnic and social origin, kinship, wealth and social status or other status of the individual to be sanctioned shall be prohibited.

3. Religious feeling, personal beliefs and moral norms of the individuals to be sanctioned shall be respected.

#### **7. Law on Civil Servants**

**(Official Gazette of the Republic of Macedonia No. 59/00,59/02)**

#### **Article 7**

(1) The Agency for Civil Servants (hereinafter referred to as: the Agency) shall be established to carry out professional, administrative and other activities related to the status, rights, duties and responsibilities of civil servants.

(2) The Agency shall perform the following:

- prepare regulations related to civil servants to be adopted by the Government of the Republic of Macedonia;
- give opinion on by-laws on organization and systematization of the organs referred to in Article 3 paragraph (2) of this Law;
- keep a central register of civil servants;
- propose description of jobs for the positions defined in Article 6 of this Law;
- develop policies on recruitment, adequate and equitable representation, selection and termination of employment, salaries and remunerations, assessment, classification and job description and disciplinary liability;
- collect and process data of members of communities employed in the organs listed in Articles 2 and 3, the way and procedure for data collection shall be determined in the Agency's regulation;
- coordinate activities related to professional development and training of civil servants;
- take care of the uniform implementation of the laws and regulations applying to civil servants and

- promote efficient and effective performance of civil servants and perform other tasks determined by law.

(3) The Agency shall give recommendations and assist the organs referred to in Article 3 of this Law in carrying out collective bargaining for their employees who are not civil servants under this Law.

### **Article 8**

(1) The Agency shall be an independent organ of the state administration with the capacity of a legal entity.

(2) The Agency shall be managed by a director who shall be appointed and dismissed by the Government of the Republic of Macedonia.

(3) The Government of the Republic of Macedonia shall appoint and dismiss a deputy director to the director of the Agency.

(4) The director and the deputy director shall be accountable to the Government of the Republic of Macedonia for their performance and the operation of the Agency.

## **8. Law on Public Gatherings (Official Gazette of the Republic of Macedonia No 55/95)**

### **Article 2**

Public gatherings, within the meaning of the present Law, shall be gatherings in open or closed locations for meeting entertaining, cultural, religious, humanitarian, social, political, economic, sport and similar interests of the citizens, organized for public expression of opinion or protest.

Religious ceremonies conducted in the premises intended for religious purposes; traditional national festivities; funeral processions; gatherings at locations where free entry is not allowed due to consideration of trade union issues; traditional manifestations of cultural, entertaining or sport character organized in closed premises intended for such purposes by an organizer that pursues such activities; and conventional meetings, seminars, workshops of representatives of the state bodies, organizations or other legal entities in performing their duties, i.e. activities; meetings of political parties and alike in closed locations, shall not be considered public gatherings within the meaning of paragraph 1 of the present Article.

For the security reasons the organizer of the public gathering may inform the Ministry of Interior about the holding of a public gathering and about measures undertaken for its holding.

The notification by the organizer shall contain the following information: the purpose for holding a gathering; place and time of holding; organizer of the gathering; measures undertaken for unimpeded organization and holding of the public gathering and the information on the security service.

### **Article 4**

For the purpose of protecting the rights of citizens, unimpeded traffic, supply of medicines, food, petrol and other necessities to the population, as well as of observing the obligations rising from the international treaties, the organizer of the public gathering

shall be obliged to secure maintenance of order at the public gathering and to organize a security service.

Should the organizer request and the Ministry of Interior decide that the maintenance of order at the public gathering will be conducted by the police, the costs shall be borne by the organizer.

The organizer shall be obliged to call off the public gathering if the security of people and their health, safety and personal security and property are put in jeopardy.

In the cases under paragraph 3 of this Article, the organizer shall be obliged to immediately inform the Ministry of Interior.

#### **Article 5**

Persons attending the public gathering may not carry weapons and other dangerous devices.

#### **Article 6**

The Ministry of Interior shall break off the holding of the public gathering if the public gathering is directed at: threatening life, health, security, personal safety and property of citizens; committing or encouraging the commission of criminal offences defined by law; and at endangering the environment. The Ministry of Interior shall break off the holding of the public gathering if it contravenes the international treaties containing the obligation for unimpeded traffic.

#### **Article 7**

The organizer of the public gathering shall be obliged to compensate eventual damage that may occur during the holding of the public gathering.

#### **Article 8**

Foreigners may convene and hold public gatherings provided that they report it and obtain a permission of the Ministry of Interior for holding a public gathering.

### **9. Criminal Code**

**(Official Gazette of the Republic of Macedonia No. 37/96; 80/99 and /01)**

#### **Injury to the equality of citizens**

##### **Article 137**

1. A person who, based on a difference in gender, race, color of skin, national and social origin, political and religious belief, wealth and social position, the language or other personal characteristics or circumstances, deprives of or restricts the rights of the individual and citizen, set down in the Constitution, law or ratified international treaty, or who based on all these differences gives privileges to citizens in contravention of the Constitution, law or ratified international treaty, shall be punished with imprisonment of three months to three years.

2. If the offence of paragraph 1 is committed by an official person while performing his/her duty, he/she shall be punished with imprisonment of six months to five years.

### **Prevention or hindering of a public gathering**

#### **Article 155**

1. A person who by force, serious threat, deceit or in some other manner prevents or hinders the convening or the holding of a peaceful public gathering, shall be punished with a fine or with imprisonment of up to one year.

2. If the offence of paragraph 1 is committed by an official person by misusing his official position or authority, he/she shall be punished with imprisonment of three months to three years.

### **Stirring up ethnic, racial or religious hatred, discord and intolerance**

#### **Article 319**

1. A person who by force, ill-treatment, endangering the security, ridicule of the national, ethnic or religious symbols, by damaging other people's objects, by desecration of monuments, graves, or in some other manner causes or stirs up ethnic, racial or religious hatred, discord or intolerance, shall be punished with imprisonment of one to five years.

2. A person, who commits the offence of paragraph 1 by misusing his/her position or authority, or if because of these offence, riots and violence were caused against people or a large property damage was caused, shall be punished with imprisonment of one to ten years.

### **Racial or other discrimination**

#### **Article 417**

1. A person who, based on the difference in race, color of skin, national or ethnic origin, violates the basic human rights and freedoms, recognized by the international community, shall be punished with imprisonment of six months to five years.

2. The punishment of paragraph 1 shall also apply to a person who persecutes organizations or individuals pleading for the equality of people.

3. A person who spreads ideas about the superiority of one race above the other, or who propagates racial hatred, or instigates racial discrimination, shall be punished with imprisonment of six months to three years.

## **10. Law on Association of Citizens and Foundations (Official Gazette of the Republic of Macedonia No 31/98)**

### **Article 2**

Citizens may associate freely in associations of citizens and establish foundations in order to exercise and protect economic, social, cultural, scientific, professional, technical, humanitarian, educational, sports and other rights, interests and beliefs, in conformity with the Constitution and law.

Associations of citizen and foundations shall be non-profit organizations.

If profit is earned in the operation of associations of citizen and foundations, it shall be used exclusively to support and implement their goals and activities set out in their respective statutes.

### **Article 3**

Associations of citizen and foundations may not perform political activities or use their property and assets for implementation of goals of political parties.

A political activity within the meaning of paragraph 1 of this Article shall mean direct participation in an electoral campaign or fund-raising for an electoral campaign and financing of political parties.

### **Article 4**

The programs and activity of the associations of citizens and foundations may not be directed at: violent destruction of the constitutional order of the Republic, instigating or calling for military aggression, and stirring up of ethnic, racial or religious hatred and intolerance.

### **Article 6**

Associations of citizens and foundations shall be legal entities.

Associations of citizens and foundations, as well as their unions and other forms of associating and uniting, acquire the capacity of a legal entity on the day of their entry into the Register of Associations of Citizens and Foundations (hereinafter referred to as the Register).

Associations of citizens and foundations may not be transformed into other types of legal entities.

### **Article 16**

Association of citizens may be established only by the citizens of legal age who are nationals of the Republic of Macedonia.

Individuals whose capacity to act has been revoked by an effective court decision may not establish an association of citizens.

### **Article 17**

An association of citizens may be established by at least five citizens of legal age who are nationals of the Republic of Macedonia.

### **Article 21**

A member of an association of citizens may be any citizen national of the Republic of Macedonia, who voluntarily becomes a member of the association in a manner regulated by the statute.

Foreign nationals may become members in an association of citizens of the Republic of Macedonia if this is foreseen by the statute.

### **Article 32**

A foundation shall be an asset organized as a legal entity, which is funded by one or more founders (donors) for the purpose of achieving certain goals.

A foundation shall carry out its goals, rights, interests and beliefs by acquiring and managing funds and property.

A foundation may be established with at least DM 10,000 funds in Denar counter value, at the average exchange rate set and published by the National Bank of the Republic of Macedonia on the day the application for registration is submitted.

### **Article 43**

Associations of citizen and foundations shall be entered into the Register kept by the basic court on whose territory they have their seat.

The Register of Associations of Citizens and Foundations shall be public.

The procedure for registration and dissolution of associations of citizens and foundations shall be governed by the rules of non-contentious procedure.

The Minister of Justice shall prescribe the application form and the manner in which the registration of associations of citizens and foundations is to be carried out.

### **Article 45**

The basic court shall be obliged to make a decision on entry into the register within 30 days as of the day of filing the application for registration.

A verified copy of the decision on entry into the register shall be delivered to the applicant within three days as of the day when the decision was made.

### **Article 47**

If the court establishes that the statute does not contain the elements listed under Articles 20 and 37 of this Law or if it establishes that the application for entry into the register is incomplete, it shall inform the applicant accordingly and set a deadline of 30 days within which the applicant is obliged to act upon the notification.

If the applicant does not act on the notification within the set deadline, the basic court shall dismiss the application for entry into the register.

The court shall not execute the entry into the Register should it establish that the goals and activity, the articles of incorporation, statute and program of the association of citizens or foundation are not in conformity with Articles 3 and 4 of this Law.

### **Article 48**

The founder of an association of citizens or a foundation shall have the right to lodge an appeal against the decision to dismiss the application for entry into the register specified in Article 47, paragraphs 2 and 3 of this Law with the appellate court, within 15 days as of the day of receipt of the decision.

### **Article 51**

On the basis of the data provided by the competent registration courts, the Basic Court Skopje I shall keep a single register of registered associations of citizens and foundations in the Republic.

### **Article 52**

An association of citizens shall be dissolved if a two-third majority decision has been passed by the assembly of the association of citizens; if the number of members of the association of citizens is reduced under the number prescribed for the establishment; if the Constitutional Court of the Republic of Macedonia passes a decision that the program and statute of the association of citizens do not conform to the Constitution; if it is established that the association of citizens has ceased to operate; and in other cases determined by law.

A person who represents the association of citizens shall be obliged to inform the basic court about the circumstances listed under paragraph 1 of this Article within 15 days as of the day of their occurrence.

The basic court shall rule on a dissolution of an association of citizens by a decision governed by the rules of non-contentious procedure.

### **Article 56**

Associations of citizens and foundations shall also be dissolved if they operate in contravention of the provisions of Articles 3 and 4 of the present Law and of their respective statutes.

Any person may put forward an initiative for dissolution of an association of citizens and foundation if there are reasonable grounds to believe that it is undertaking activities mentioned under paragraph 1 of this Article.

### **Article 57**

The basic court, in whose area of competence the seat of the association of citizens or a foundation is located, shall make a decision on dissolution of the association of citizens or a foundation of Article 56 of the present Law.

### **Article 58**

Proceedings at the basic court in cases mentioned in Articles 3 and 4 of this Law shall be instituted at the proposal of the basic public prosecutor.

Proceedings at the basic court shall be governed by the rules of civil procedure unless otherwise stipulated by this Law.

Court hearing shall be held in the presence of the party submitting the petition and the representative of the association of citizens or the foundation.

The proceedings for dissolution of the association of citizens and foundation shall be urgent.

### **Article 59**

A dissatisfied party may lodge an appeal against the decision of the basic court on the dissolution of the association of citizens and foundation with the appellate court, through the basic court, within eight days as of the day of receipt of the decision.

A timely and admissible appeal shall be referred by the primary court to the appellate court within three days as of the day of receipt of the appeal.

The appellate court may, at its own discretion, summon the parties in order to hear them and obtain additional evidence.

The appellate court shall decide on the appeal within three days as of the day of its receipt.

The measure of protection of legality against the effective decision shall be permitted, and is filed by the public prosecutor.

## **11. Law on Religious Communities and Religious Groups (Official Gazette of the Republic of Macedonia No 35/97)**

### **Article 3**

Religious communities and religious groups shall perform their activities in accordance with the Constitution, laws and other regulations.

### **Article 4**

It shall be forbidden to force or impede a citizen to become or be a member of a religious community or a religious group.

It shall be forbidden to force a citizen to participate or not to participate in religious ceremonies or in other forms of expression of faith.

Citizens shall not be deprived of the rights they are entitled to pursuant to the Constitution or the law, on the basis of their religious orientation, affiliation with a religious community, performance or participation in the performance of religious ceremonies or in other forms of expression of faith.

The expression of religion or affiliation with a religious community or a religious group shall not absolve citizens from the obligations they have pursuant to the Constitution, laws and other regulations.

### **Article 5**

Upon request by a religious community or a religious group, a foreign national may perform religious activities and religious ceremonies, upon previously obtained permission of the organ responsible for matters linked with religious communities and religious groups.

### **Article 6**

Religious gatherings, religious ceremonies, religious press, religious instruction, religious schools and other forms of expression of faith may not be used for political

purposes, for encouragement of religious, ethnic or other intolerance, or for other activities prohibited by law.

#### **Article 7**

Religious communities or religious groups may establish religious schools in a procedure and under conditions prescribed by law.

Religious communities and religious groups may establish welfare and charitable institutions in a procedure and under conditions prescribed by law.

#### **Article 8**

A religious community, according to the present Law, shall be a voluntarily organized, non-profit community of believers of the same confession.

Only one religious community may be established for one religion.

#### **Article 9**

A religious group, according to this Law, shall be a voluntarily, non-profit association of believers of the same religion who do not belong to a registered religious community.

Citizens may freely and publicly establish religious groups in accordance with this Law.

#### **Article 15**

Religious communities or religious groups, within the framework of their work in compliance with this Law, may use the media and may publish printed materials.

The work and use of the media, the publication of printed material as provided for in paragraph 1 of this Article, and the publication of advertisements of religious contents shall be performed in accordance with the law.

#### **Article 16**

Religious communities or religious groups may collect voluntary contributions for religious and humanitarian purposes. Contributions shall be collected at the premises and places of performance of religious ceremonies and religious activities, and outside them, only with the permission of the competent organ of internal affairs.

A citizen shall not be forced or prevented from making contributions for purposes defined in paragraph 1 of this Article.

Religious communities or religious groups shall not impose obligations on their believers to make contributions defined in paragraph 1 of this Article.

#### **Article 18**

Religious ceremonies and religious activities shall be performed in churches, mosques and other temples, as well as in courtyards that are their integral part, then at the graveyards and in other premises of religious communities or religious groups.

The performance of religious ceremonies and religious activities as defined in paragraph 1 of this Article may not disturb the public peace and order, as well as the

religious sentiments and other freedoms and rights of citizens who are not members of a religious community or a religious group.

#### **Article 24**

Religious instruction shall be carried out only in public premises where religious ceremonies and religious activities are performed.

A minor person may attend religious instruction upon the approval of his/her parent, guardian, as well as upon the consent of the child if he/she is older than ten years.

Religious instruction for students shall be organized only at the time when they do not have school instruction.

#### **Article 25**

Religious communities and religious groups shall have the right to establish religious schools at all levels of education, except for primary education, for education of clergy, as well as the right to establish dormitories for accommodation of persons studying in such institutions.

Religious schools or dormitories of paragraph 1 of this Article shall be established after a permission by the organ responsible for matters of religious communities and groups has been obtained.

The Ministry of Education and Physical Culture may inspect the curricula and their realization in accordance with the Constitution and the law, in the context of Article 6 of this Law.

A religious community or a religious group shall be obliged to submit the notification for the establishment of a religious school, together with the regulation defining the purposes and the internal organization of the school and the curriculum and the program in conformity with the provisions of this Law, to the organ responsible for matters of religious communities and religious groups, at least three months before the date set for the beginning of its work.

The organ responsible for the matters of religious communities and religious groups shall be obliged to forward its opinion to the religious community or a religious group, within 60 days as of the date when the notification was submitted. Should the opinion of the organ responsible for the affairs of religious communities and religious groups be a negative one, the religious community or a religious group shall have the right to lodge a complaint with the Government of the Republic of Macedonia, within 15 days as of the day of receipt of the opinion.

Religious schools established by religious communities or religious groups may be attended only by persons who have completed their compulsory primary education or by persons, for whom pursuant to the law the obligation for compulsory elementary education has ceased to apply.

#### **Article 26**

Religious communities or religious groups shall independently administer the religious schools and dormitories that they have established in conformity with this Law.

The curricula and programs of religious schools shall not be incompatible with the Constitution and the law.

Instruction at religious schools may be carried out only by a national of the Republic of Macedonia.

A foreign national may carry out instruction at religious schools only occasionally, with a permission of the organ responsible for matters of religious communities and religious groups.

**12. Defence Law of the Republic of Macedonia  
(Official Gazette of the Republic of Macedonia no 42/01)**

**Article 8**

Notwithstanding Article 7 of this Law, a recruit who refuses to carry weapons because of religious and moral reasons (conscientious objection) may serve his army service in the Armed Forces without weapons or in civil service.

The army service in cases mentioned under Paragraph 1 of this Article shall last 14 months.

**13. Law on 2002 Census of Population, Households and Dwellings in the Republic of Macedonia  
(Official Gazette of the Republic of Macedonia no.37/2001,70/2001)**

**Article 36**

The enumerator shall be obliged to inform persons being enumerated about their right to choose freely whether they will be enumerated in the official Macedonian language and its Cyrillic alphabet or in another official language and its alphabet spoken by at least 20 percent of the citizens of the Republic of Macedonia; in the official Macedonian language and its Cyrillic alphabet and in the official language and alphabet used by at least 20 percent of citizens in the local self-government units; as well as in the official Macedonian language and its Cyrillic letter and in the language and alphabet of the communities the persons being enumerated belong to (Turkish, Vlach, Roma, Serbian).

The enumeration shall be carried out in the official Macedonian language and its Cyrillic alphabet.

In cases when census taking is conducted in the official language spoken by at least 20 percent of the citizens of the Republic of Macedonia, the census form shall be filled out in that language and alphabet and additionally in the Macedonian language and its Cyrillic alphabet.

When the enumeration is carried out in Turkish, Vlach, Roma and Serbian the census form shall be filled out in the language chosen by the person being enumerated and additionally in the Macedonian language and its Cyrillic alphabet.

Forms shall be printed in the official Macedonian language and its Cyrillic alphabet; in the language and alphabet spoken by at least 20 percent of the citizens of the Republic of Macedonia and in the Macedonian language and its Cyrillic alphabet; as well as in the Turkish, Vlach, Roma and Serbian languages and alphabet, respectively and in the Macedonian language and its Cyrillic alphabet.

**14. Law Amending the Law on 2002 census on population, households and dwellings in the Republic of Macedonia**  
(“Official Gazette in the Republic of Macedonia”, No. /2002).

**Article 9, paragraph 1, sub-paragraph 6**

The following data in respect of ethnic features shall be collected for persons covered with the Census: ethnic affiliation and religion.

**Article 11**

A person being enumerated shall be obliged to answer the questions contained in Article 9 of this Law. When asked to declare his/her ethnic affiliation and religion, a person being enumerated may not answer them for private reasons.

**15. Law for 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. /02)

**Article 8, paragraph 2**

The laws shall also be published in another official language and its alphabet spoken by at least 20 percent of the citizens belonging to the communities in the Republic of Macedonia.

## **ANNEX II**

### **1. Components of the demographic development**

The basic components of the demographic development in every society are: birth-rate, mortality rate, migrations (internal, as well as external). Their interaction is so complex that it substantially affects the size of the population, gender and age structure and territorial distribution, and thus it indirectly affects the economic and social developments in the country.

The demographic transition in the Republic of Macedonia has a different impact on various components of the demographic development. Namely, although there is an equalizing trend in respect of the death-rate, the differences are large and evident in regard to fertility. This becomes more complex with the inclusion of ethnic affiliation, as well as of territorial distribution of members of certain communities.

#### **1. 2 Birth-rate, fertility and reproduction of the population**

One may note that as far as birth-rate is concerned, the process of demographic transition resulted in two different models of the population reproduction. One model of low fertility rates that do not provide for simple reproduction of the population, and the other model of high rates that provide for the wider reproduction. The first model is characteristic for the Macedonians, Serbs and Vlachs, and the second is characteristic for the Albanians, Turks and Roma.



**T-1: Birth-rate, mortality and natural growth**

	1953			1961			1971			1981			1991			1994		
	Live births	Mortality	Natural growth															
Total	38.1	14.8	23.3	30.0	9.3	20.7	23.0	7.6	15.5	20.7	7.0	13.7	17.1	7.3	9.9	17.2	8.1	9.1
Macedonians	34.8	12.2	22.6	24.2	7.7	16.5	18.1	6.8	11.3	17.4	7.1	10.3	13.6	8.1	5.5	12.9	8.9	4.0
Albanians	57.2	28.6	28.6	47.8	15.9	31.9	39.6	11.2	28.3	29.5	7.3	22.2	26.7	5.6	21.1	27.2	5.6	21.6
Turks	26.7	15.5	21.1	38.8	12.4	26.4	26.7	7.0	19.7	27.0	6.4	20.6	23.5	5.8	17.6	20.7	5.7	15.0
Roma	/	/	/	61.1	14.9	46.3	45.1	11.2	33.9	39.2	8.6	30.7	28.5	7.3	21.2	31.5	7.5	24.0
Serbs	40.5	9.5	31.0	39	7.6	31.5	24.0	6.9	17.1	15.1	6.8	8.3	9.9	8.4	1.5	10.0	8.8	1.2
Others	36.0	15.0	21.0	43.7	8.8	34.9	23.8	3.8	19.9	18.7	3.7	15.0	15.2	4.0	11.2	29.3	14.0	15.3

The birth-rate has been on a constant decline in the Republic of Macedonia since 1948. The number of live births per thousand citizens has been decreased from 40.7 in 1948 to 14.8 in 1997, while the number of deaths has decreased from 14.4 in 1948 to 8.3 deaths in thousands in 1997. Table 1 presents birth-rate, mortality and natural growth per thousand inhabitants by ethnic affiliation, which in effect reflects the two models of reproduction. While in 1994 the number of live births per thousand inhabitants decreased to 12.9 for Macedonians, 10.0 for Serbs, the figure for Albanians amounted to 27.2, for Turks to 20.7 and for Roma to 31.5. Natural growth shows even larger differences. In the same year, natural growth per thousand inhabitants amounted to 4.0 for Macedonians, 1,2 for Serbs, whereas it amounted to 21,6 for Albanians 15,0 for Turks and 24.0 for Roma.

The decrease in the birth-rate within the first model of reproduction, presented through the natural growth, can be best observed through the natural growth structure by ethnic affiliation.

**T-2: Natural Growth Structure by Ethnic Affiliation**

	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1970	100	52.2	30.3	8.4	3.1	...	...	6.0
1975	100	50.9	30.3	8.3	3.7	...	...	6.7
1980	100	51.2	31.9	7.0	4.6	-0.0	1.8	3.5
1985	100	47.3	35.0	5.9	6.1	-0.1	1.1	4.6
1990	100	38.9	43.0	7.1	6.5	-0.1	0.1	4.4
1995	100	24.7	56.9	7.1	7.9	-0.1	-0.8	4.3
2000	100	11.0	67.3	6.7	11.9	-0.2	-1.6	4.9

On the basis of the data contained in Table 2, one may conclude that over the last 2 to 3 decades the participation of the Macedonians in the natural growth structure has been decreased 5 times, while the participation of the Albanians has been increased more than twice.

Increased participation can also be noted for the Roma, while there is a negative natural growth for the Vlachs and Serbs.

The tendency of decreased birth-rate in the country as a whole is also characteristic for a large number of municipalities. Higher birth-rates in 1997 were evident in the municipalities of Aracinovo- 26.1, Zelino – 25.1, Zitose – 26.0, Lipkovo – 26.2, Negotino Polog – 25.6. Studenicani – 25.1, Centar Zupa – 25.9 and Sipkovicica – 25.0. These municipalities (excluding Centar Zupa) are largely inhabited by the Albanian population, and their share of live births in the total number of live births is significantly bigger.

Municipalities with the lowest birth-rates (under 8 live births per thousand inhabitants) are: Bac, Belcista, Vitoliste, Izvor, Konopiste, Mogila, Novaci, Sopotnica and Staravina.

**T-3: Structure of live births by ethnic affiliation of the mother**

	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1970	100	55.1	29.0	7.8	2.9	0.1	3.1	2.0
1975	100	55.6	28.0	7.3	3.4	0.1	2.4	3.2
1980	100	56.8	28.0	6.2	4.0	0.1	2.0	3.0
1985	100	55.6	29.2	4.9	4.8	0.0	1.5	3.9

1990	100	52.5	32.3	5.4	4.9	0.0	1.1	3.7
1995	100	49.3	36.1	4.8	5.0	0.1	1.0	3.7
1996	100	48.8	36.3	4.4	5.2	0.1	1.0	4.2
1997	100	48.5	35.6	5.1	5.7	0.1	0.8	4.2
1998	100	47.9	36.4	4.7	5.6	0.1	0.9	4.4
1999	100	48.7	36.0	4.8	5.8	0.1	0.7	3.8
2000	100	48.4	36.7	4.3	6.3	0.1	0.6	3.6

The conclusion which may be drawn from the above presented is that although birth-rate is on general decline, its decline is however the fastest in the case of Macedonian, Vlach, Serbian and Turkish population. The structure of live births (Table 3) by ethnic affiliation of the mother shows that the number of live births by Macedonian mothers in the total number of live births has decreased from 55.1% in 1970 to 48,4% in 2000.

In the same period the participation of live births by Albanian mothers has increased from 29.0% in 1970 to 36.7% in 2000 and by Roma mothers from 2.9% in 1970 to 6.3% in 2000.

### **1.3 Mortality of the Population**

While the birth-rate of the population in the Republic of Macedonia started to decrease since 1948, its mortality rate had begun to decrease even before World War II. The general mortality rate (deaths per thousand inhabitants) was declining until the beginning of the 80s, then started to increase as a consequence of the aging process of the population. Thus, the general mortality rate was decreased from 14.8 in 1953 to 7.2 in 1980, and then it started to increase again and in the 1997 it amounted to 8.3.

The presence of the two reproduction models in the country brought about significant differences in the level and dynamics of mortality by ethnic affiliation. Table 1 shows that the general mortality rate of the Macedonian population had been decreasing until the 70s and then again increased because of the larger participation of the aged Macedonian population in the total population. There is a similar situation with regard to the Serbian population.

The mortality rates for the Albanian, Turkish and Roma population have been continually decreasing due to the fact that their demographic transition started later than of the Macedonian population.

While in 1953 the general mortality rate for the Macedonians was two times lower than for the Albanians and significantly lower than for the Turks and Roma, the situation in 1994 was quite opposite and the rate became significantly bigger than the rates of the other three nationalities.

High birth-rate and low mortality rates of the population of these three nationalities influence the maintenance of their high natural growths.

### **1.4 Mortality Structure by Age and Ethnic Affiliation**

The data contained in Table 4 present the participation of deaths by ethnic affiliation in the total number of deaths. These figures show the unfavorable structure of the Macedonian population, whose percentage in the total number of deaths is constantly increasing. A small increase in the total number of deaths may be noted for the Serbian population, while the participation of the Albanian, Turkish and Roma population is on continuous decrease.

Based on absolute indicator, the mortality of Macedonians in 1995, compared to 1970, increased by 57.6%, while it decreased by 20.2% for the Albanian population.

**T-4: Mortality Structure by Ethnic Affiliation**

	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1970	100	60.9	26.3	6.5	2.5	-	2.5	1.3
1975	100	65.6	22.9	5.2	2.7	0.2	2.1	1.2
1980	100	67.5	20.4	4.7	2.7	0.2	2.4	2.2
1985	100	69.6	19.5	3.3	2.6	0.1	2.1	2.8
1990	100	71.7	17.0	3.0	2.8	0.2	2.6	2.7
1995	100	73.1	16.0	2.5	2.2	0.3	2.8	3.1
1996	100	74.2	15.7	2.6	2.4	0.3	2.6	2.2
1997	100	48.5	35.6	5.1	5.7	0.1	0.8	4.2
1998	100	47.9	36.4	4.7	5.6	0.1	0.9	4.4
1999	100	48.7	36.0	4.8	5.8	0.1	0.7	3.8
2000	100	74.5	15.3	2.6	2.4	0.2	2.3	2.7

The survey of mortality by age, combined with ethnic affiliation, is an additional indicator for the previous conclusions about the age structure of the population.

**T-5: Mortality Structure by Age and Ethnic Affiliation**

		Total	0	1-4	5-9	10-14	15-24	25-44	45-64	65-74	75-84	85+
Macedonians	1975	100	10.4	1.1	0.8	0.4	1.8	5.6	20.2	24.9	20.4	14.5
	1980	100	8.2	1.0	0.3	0.3	1.5	5.3	18.1	26.2	26.0	13.1
	1985	100	5.4	0.7	0.3	0.2	1.1	5.0	22.7	23.4	29.3	11.8
	1990	100	3.5	0.4	0.3	0.2	1.1	5.6	22.8	21.8	31.8	12.5
	1995	100	2.1	0.2	0.2	0.2	0.8	4.6	21.9	27.9	28.7	13.3
	2000	100	1.1	0.2	0.1	0.2	0.8	4.0	20.9	28.7	30.1	13.9
Albanians	1975	100	43.7	6.1	1.2	0.4	1.8	5.7	11.3	13.1	9.5	7.1
	1980	100	36.7	3.8	1.4	0.7	1.6	3.8	13.2	15.9	14.1	8.7
	1985	100	29.7	3.3	0.7	0.5	1.8	5.2	14.8	16.3	19.0	8.8
	1990	100	21.9	2.4	0.7	0.7	1.7	5.4	21.0	15.3	21.0	9.7
	1995	100	13.0	1.6	0.5	0.5	1.7	5.9	21.4	22.1	20.5	12.8
	2000	100	4.4	0.7	0.6	0.4	2.1	5.2	20.9	30.0	23.5	12.2
Turks	1975	100	36.9	2.0	0.9	0.3	0.9	4.7	14.8	16.7	12.4	10.4
	1980	100	26.9	2.2	0.2	0.2	2.7	4.3	17.4	23.3	13.8	9.0
	1985	100	18.8	2.1	0.4	0.9	2.3	5.8	21.7	17.5	21.7	8.7
	1990	100	12.5	0.5	0.5	1.1	1.1	6.1	26.4	21.1	21.1	9.5
	1995	100	7.0	1.2	0.2	0.2	1.2	7.0	25.3	26.5	21.9	9.4
	2000	100	2.7	0.2	-	-	2.2	4.2	23.4	30.3	26.5	10.5
Roma	1975	100	44.6	3.8	0.3	0.9	1.4	6.4	15.4	13.3	8.1	5.8

	1980	100	36.2	1.6	0.5	0.8	2.2	7.0	24.9	13.2	9.7	3.8
	1985	100	27.4	2.4	1.6	1.3	2.9	6.8	31.1	15.8	8.7	2.1
	1990	100	21.8	1.2	1.5	0.7	3.0	7.2	27.0	19.8	14.6	3.2
	1995	100	8.9	0.8	-	-	2.8	9.8	35.8	27.1	11.7	3.1
	2000	100	7.6	1.2	0.5	-	1.9	10.7	33.9	29.8	11.5	2.9
Others	1975	100	12.2	2.4	0.7	0.4	3.3	8.9	19.2	19.6	20.7	12.5
	1980	100	14.5	1.4	0.6	0.5	1.9	8.0	21.4	20.5	20.5	10.8
	1985	100	14.9	0.6	1.0	0.7	1.5	7.1	28.0	18.9	19.1	8.2
	1990	100	8.4	1.2	0.5	0.1	1.0	5.7	30.8	19.2	22.0	11.0
	1995	100	7.3	0.8	0.4	0.4	1.4	4.1	26.5	27.3	20.8	10.9
	2000	100	5.2	0.7	-	0.3	0.9	3.5	24.2	30.8	24.4	10.0

Namely, Table 5 shows the structure of every age group in the total number of deaths with the defined ethnic affiliation. The data show that the relative participation of every age group is declining on a yearly basis. However, the characteristic is that there is a relatively large proportion of the young population in the total number of deaths in particular for the Albanian, Turkish and Roma population, and small participation of the larger age groups. The situation is quite different when it comes to the Macedonian population, i.e. the participation of the smaller age groups in the total number of deaths is small, and with the larger age groups it is rather big.

This, in fact, confirms the existing age structure of the population, i.e. large participation of the young Albanian population in the total population and of old Macedonian population.

The significant characteristic of mortality is the decreased infant mortality and the mortality by the age of 4. Until 1953 every seventh live-born child died during the first year of life, while in 2000 every 85<sup>th</sup> infant died.

Infant mortality observed via the indicator of infant mortality per thousands live births (Table 6) also shows significant decrease.

**T- 6: Infant Mortality per Thousands Live Births**

	1960	1965	1970	1975	1980	1985	1990	1997	1998	1999	2000
Infant mortality per thousands live births	114.6	105.8	88.0	65.1	54.2	43.4	31.6	15.7	16.3	14.9	11.8

The circumstances causing infant deaths are more present with the poor population than with the rich one, more in the rural areas than in the urban. From the perspective of ethnic affiliation (Table 7), infant mortality is larger in the case of Albanians, Turks and Roma. Thus, with the total rate of 11.8% in 2000, the infant mortality rate per thousand live births was 9.9 for Macedonians, 10.8 for Albanians, 9.5 for Turks and 16.8 for Roma.

**T-7: Infant mortality per thousands live births by ethnic affiliation**

	1980	1985	1990	1995	2000
Total	54.2	43.4	31.6	22.7	11.8
Macedonians	33.2	25.3	19.6	16.0	9.9
Albanians	90.8	73.8	47.7	29.3	10.8
Turks	65.0	46.0	28.8	18.9	9.5
Roma	84.3	55.9	50.3	19.8	16.8
Vlachs	-	-	-	30.3	58.8
Serbs	36.8	28.3	24.8	9.1	16.2
Others	61.8	46.3	32.9	32.8	11.9
Unknown	72.3	428.6	212.5	183.6	476.9

In view of the infant mortality rate in the developed countries, one may conclude that there are still significant space to decrease the infant mortality rate in the Republic of Macedonia.

## ANNEX III

### CULTURE

#### FINE ARTS AND GALLERIES

#### SURVEY OF PROJECTS AND PROGRAM ACTIVITIES FINANCED IN 2002 BY WHICH THE RIGHT OF PERSONS BELONGING TO THE COMMUNITIES TO FOSTER, PRESERVE AND DEVELOP THEIR CULTURE IS EXERCIZED

##### 1. Museum of Contemporary Arts - Skopje

Ganzafer Bajram – exhibition of mosaics and workshop 120.000 Denars<sup>9</sup>

##### 2. Z.Z.S.K. Museum – Stip

Fehim Huskovic – individual exhibition of works 35.000

##### 3. D.K. “Braka Miladinovci” – Struga

Loga Edip – individual exhibition of works 15.000

##### 4. D.K. “Ilo Anteski - Smok” – Tetovo

Nehad Bekiri – individual exhibition of works 15.000

##### 5. D.K. “ Koco Racin” – Skopje

“Vidovdan Day Exhibition” – from the ethnicity of the minorities 10.000

##### 6. R.U. “Joska Svestarot” – Strumica

Fehim Huskovic – individual exhibition of works 5.000

##### 7. Social Club – Debar

Arta Kaba – individual exhibition 10.000

##### 8. More significant group exhibitions

“Winter saloon”- Association of Fine Artists of Macedonia

“Annual review exhibition”- Association of Fine Artists of Macedonia

“Sketch “ - Association of Fine Artists of Macedonia

“Graphics” - Association of Fine Artists of Macedonia

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<sup>9</sup> All sums are given in Macedonian Denars.

“Portrait” – self portrait  
 6<sup>th</sup> of May Saloon – Association of Fine Artists of Tetovo  
 Joint projects of groups of artists

**SURVEY OF PROJECTS AND PROGRAM ACTIVITIES FINANCED  
 IN 2001 BY WHICH THE RIGHT OF PERSONS BELONGING TO THE COMMUNITIES TO FOSTER, PRESERVE AND  
 DEVELOP THEIR CULTURE IS EXERCIZED**

**1.Cultural Information Center – Skopje**

Luan Zenku- individual exhibition of works at the CIC Skopje	20.000
Luan Zenku- individual exhibition in Tetovo and Kumanovo	10.000

**2.D.K. “ Ilo Antevski – Smok”**

Miftar Memeti- individual exhibition	10.000
Lumlize Leka - individual exhibition	10.000

**3.Social Club Debar**

Brelinda Borova - individual exhibition	18.000
Exhibition of Albanian fine artists from Debar	10.000
Sabit Bosku – individual exhibition	10.000

**4.Workers University “Joska Svestarot” – Strumica**

Zenku Meli – individual exhibition	22.000
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**5. More significant group exhibitions**

“Winter saloon”- Association of Fine Artists of Macedonia

“Annual review exhibition”- Association of Fine Artists of Macedonia

“Sketch “ - Association of Fine Artists of Macedonia

“Graphics” - Association of Fine Artists of Macedonia

“Portrait” – self portrait

5<sup>th</sup> of May Saloon – Association of Fine Artists of Tetovo

Joint projects of groups of artists

## **MUSEUMS**

### **SURVEY OF NATIONAL INSTITUTIONS WHICH PRESENT THE CULTURE OF COMMUNITIES**

#### **1. Museum of Macedonia**

The standing ethnic exhibition in the Museum of Macedonia includes exhibits presenting the material and spiritual culture of all communities in the Republic of Macedonia (folk dresses, jewelry, home furnishings, tools, customs).

The historic exhibition of the Ilinden uprising and NLW (National Liberation War- WWII) - 1941- 1945, displays documents and photographs of the members of Vlachs, Turks, Albanians, and others communities (fighters and national heroes of all communities).

The Museum keeps collections of old arms manufactured by Albanians and Turks, as well old books and manuscripts from the period of Ottoman Empire. It has also published a number of publications such as “Islamic Art of Copper Dishes”, “Dervish order in Macedonia” etc.

#### **2. Museum of the city of Skopje**

Over the last years, the Museum of Skopje organized the following exhibitions presenting the culture of communities or activities in the sphere of intercultural dialogue:

- The Genesis of the Jewish Community in Macedonia;
- Jews from Macedonia in the concentration camp Treblinka – Poland;
- For peace and interethnic coexistence in the Balkans;
- Artists and refugees;
- We are one world;

- Days of the Roma culture

In 2002 the exhibition “Calligraphy – Dance of Art” was envisaged (graphic presentations of the segments of Ottoman calligraphic writings from the 15 and 16 century).

### **3. The Institute for the Protection of Monuments of Culture, Museum – Bitola**

The only monument Museum in the Balkans in honor of the founder of modern Turkey – Kemal Ataturk, regularly promotes new editions, organizes poetry reading and exhibitions.

Petite Museum with historical display about the Jews from Bitola (- next to the Jewish cemetery).

### **4. The Institute for the Protection of Monuments of Culture, Museum – Ohrid**

The historical display of the Ilinden period at Hristo Uzunov House presents documents, photographs and arms from the time of the Young Turkish Revolution, as well as the list of Vlachs members of the Ilinden uprising. The Museum keeps ethnological material of communities and old Muslim tombstones.

## **SURVEY OF NATIONAL INSTITUTIONS COMPLETELY FINANCED BY THE MINISTRY OF CULTURE AT 2001**

### **MUSIC**

#### **A) Completely financed**

##### **1.Cultural center “Shota”, Negotino, village of Polog**

- work of the Cultural Artistic Association (CAA) ”Sami Zendeli”	40.000
- operational costs	20.000

<b>Total:</b>	<b>60.000</b>
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#### **B) Partly financed for creation, presentation or protection of the culture of the nationalities**

##### **1.Community center “Skopje” – Debar**

- Albanian children chorus	50.000
- Celebration of the Center's jubilee	300.000

**Total:** 350.000

**2.Cultural Center "Ilo Anteski – Smok' - Tetovo**

- mixed youth chorus (Albanian) 50.000

- female chorus (Albanian) 50.000

- participation of the mixed youth chorus at the  
International chorus festival "Johannes Brahms" in  
Vedbeverg im Verngerode, Germany 400.000

**Total:** 500.000

**SUM TOTAL** 950.000

**SURVEY OF PROGRAMS/PROJECTS OF COMMUNITIES FINANCED BY THE MINISTRY OF CULTURE IN 2001**

**MUSIC**

**Other beneficiaries**

**Trading company for services "Bleta Buyar" – Tetovo**

- Festival of children songs in the Albanian language "Bletezat" 150.000

**Federation of Albanian cultural art associations in Macedonia – Skopje**

Republic traditional festival of original  
folk songs "Shara sings" 200.000

**Festival of folk songs and dances**

- "Kenge Jeho" – Struga

- Festival "Kenge Jeho" 150.000

**Union of Macedonians of Islam religion – Skopje**

- Festival "Singing River" 100.000

**Cultural Center of Bosniacs in the Republic of Macedonia – Skopje**

- Celebrating 5<sup>th</sup> jubilee 30.000

<b>Festival “Nota - Fest”- Skopje</b>	
- Festival “Nota – Fest 2001”	150.000
<b>Festival of Spring Festivities</b>	
“Hid-Bah Shen Fest” village of Calakli – Valandovo	
- Festival “Hid – Bah Sen Fest – 2001”	300.000
<b>Union of Albanian cultural clubs of Macedonia – Skopje</b>	
- realization of program activities	30.000
<b>ANPI “Emin Duraku” – Skopje</b>	
- activities of the folk ensemble	80.000
<b>CAA “Ibe Palikuka” - Skopje</b>	
- activities	50.000
- participation in the festival “Iskele” in Iskele – N. Cyprus	150.000
<b>CAA “Dzeladin Zekiri” – Tetovo</b>	
- activities	80.000
<b>CAA “Jeni Jol” – Skopje</b>	
- activities	50.000
<b>CAA “Drita” Bogovinje – Bogovinje</b>	
- activities	40.000
<b>CAA “Haki Stermili” – Debar</b>	
- activities	60.000
<b>CAA “Besa” – Gostivar</b>	
- activities	80.000
<b>CAA “ Sabedin Bajrami” – Tetovo</b>	
- activities	40.000
<b>CAA “Jugohrom” – Tetovo</b>	
- activities	30.000
- participation in the international festival of folk dances in Burgas, Bulgaria	45.000
<b>TOTAL:</b>	<b>75.000</b>

<b>CAA “Buremit e sarit”- Tetovo</b>	
- activities	<b>30.000</b>
<b>CAA “Bahar” Calakli – Valandovo</b>	
participation in the international children festival in Rumeli, Turkey	100.000
<b>Arifikmet Dzemaili – Tetovo</b>	
- grant for postgraduate studies at the New Bulgarian University- department for chorus conductors in Sofia, Bulgaria	65.657
<b>Music House “Prima” ADEM company- Skopje</b>	
- children festival “Rainbow”	100.000
<b>Mersiha Shukri – Skopje</b>	
- harp postgraduates studies in Belgrade, FR Yugoslavia	50.500
<b>Republic Organization for Roma Rights – Skopje</b>	
- realization of the program for the World Roma Day	36.000
<b>SUM TOTAL:</b>	<b>2.197.157</b>

## **SURVEY OF OTHER PROGRAMS AND PROJECTS OF COMMUNITIES FINANCED BY THE MINISTRY OF CULTURE IN 2002**

### **MUSIC**

#### **National institutions completely financed by the Ministry Programs/projects of communities**

<b>Cultural center “Shota” Negotino- Polog</b>	
- activities of CAA “Sami Zendeli”	40.000
<b>Community center “Skopje” – Debar</b>	
- Cabaret show for children “Oh, those children's dreams”	100.000

<b>Community center “Ilo Anteski – Smok” – Tetovo</b>	
- mixed youth chorus (Albanian)	80.000
- participation of the male youth chorus in the International chorus festival in Grado, Italy	250.000
<b>TOTAL:</b>	<b>330.000</b>
<b>SUM TOTAL:</b>	<b>470.000</b>

### **Projects and programs of non-budgetary beneficiaries**

#### **Festival Spring Festivities**

“Hid-Bah Sen Fest” village of Calakli – Valandovo

- International festival Spring Festivities

“Hid-Bah Sen Fest 2002”

150.000

#### **Festival of folk songs and dances**

“Kenge Jeho” - Struga

-festival “Kenge Jeho 2002” – Struga

150.000

#### **CAA “ART – KUL” – Krusevo**

- CD ROM production of original Vlachs songs

50.000

#### **Ensemble of Roma folk songs and dances**

“Pralipe” – Skopje

- activities

50.000

#### **CAA “Jeni Hajat” – Radovis**

- activities

50.000

#### **CAA “Dzeladin Zekiri” Tetovo**

- activities

60.000

#### **CAA “Jeni Jol” – Skopje**

- activities

80.000

#### **CAA “Drita” Bogovinje – Tetovo**

activities

50.000

#### **CAA “Ibe Palikuka” - Skopje**

- activities

80.000

participation in the international children festival in Izmir, Turkey	120.000
<b>TOTAL:</b>	<b>200.000</b>

<b>CAA “Bahar” Calakli – Valandovo</b>	
- activities	50.000
- participation in the international children festival in Istanbul, Turkey	120.000
<b>TOTAL:</b>	<b>170.000</b>

<b>Cultural center of Bosniacs in the Republic of Macedonia – Skopje</b>	
- activities of the folk ensemble “Behar”	40.000
<b>Macedonian-Croatian club – Bitola</b>	
– implementation of the program activities	50.000
<b>CAA “Shpresa” Velesta – Struga</b>	
– celebration of the jubilee	100.000
<b>SUM TOTAL:</b>	<b>1.200.000</b>

## LITERATURE, PUBLISHING AND LIBRARIES

**a) Survey of national institutions completely financed by the Ministry of Culture, in which a part of their activities relate to the presentation and protection of culture of communities:**

### **National and University Library “Clement of Ohrid” – Skopje**

books, magazines, various documents, segmented newspapers, music books, cartographic and other material in Albanian, Serbian, Turkish, Roma and Vlachs.

### **City library “ Braka Miladinovci”- Skopje**

the predominant library fund is in Macedonian language, however there are books and magazines in Albanian, Serbian, Turkish, Roma and other.

### **City library “Koco Racin” – Tetovo**

beside books in the Macedonian language, there are also books and magazines in Albanian, Serbian, Turkish, Roma and other.

**National and city library “Vuk Karadzic” – Gostivar**

beside books in the Macedonian language, there are also books and magazines Albanian, Serbian, Turkish, Roma and other.

**City library “Koco Racin” – Kicevo**

books and magazines in Macedonian, Albanian, Serbian and Turkish languages.

**National and city library “Dimitar and Konstantin Miladinovci” – Struga**

books and magazines in Macedonian, Albanian, Serbian and Turkish languages.

**City library “Tane Georgievski” – Kumanovo**

books and magazines in Macedonian, Albanian and Serbian languages.

**SURVEY OF PROJECTS AND PROGRAM ACTIVITIES FINANCED IN 1999-2002 PERIOD**

**Publications in the Albanian language**

**Year 1999**

**Fiction and Monographs:**

Kimete and Adnan Agai, Albanian-Macedonian Dictionary

Mirko Gasi, House Snake

Herman Hess, Steppe Wolf

Saljдин Saliu, First Night Of Conquer

Adem Abdulahu, Ailing Beauty

Resul Sabani, Seven Dramas

Vehim Vinca, South Waves

Mimoza Veliu, Spring Autumn

Shazem Mehmeti, Flying Rivers

Puntorie Muca-Ziba, The Adventures Of The Prince

Nedzati Zekirija, Orhan

Lazgus Poradeci, Girlfriend

Karolina Ilika, Poetry

Ali Aliu, Literature Reflections

Nermine Vlora Falatski, The Genesis of the Albanian Language

Ilir Ajdini, The Days Are Coming in Hiding  
Vegim Vinca, The Lyrics From the Baltic States  
Brother Gream, Fairy Tales  
Servantes, Don Quixote  
La Fountain, Selected Fairy Tales  
Franc Kafka, Process  
Alfred Uci, Shakespeare in the Albanian World

**Periodicals:**

magazine “Stili”- Skopje  
magazine “Jehona” – Skopje  
magazine “Doruntina” – Kumanovo  
magazine Vlera” – Tetovo  
magazine “Brezi” – Tetovo  
magazine “Alba” – Tetovo  
children magazine “Pupil” – Tetovo  
children magazine “Sparkle” – Tetovo  
student magazine “Rezija” – Skopje

**Literature manifestations and other activities:**

program activities of the “Association of the Albanian Writers of Macedonia” – Skopje  
“Meetings Under Oak” – Skopje

**Year 2000**

**Fiction and Monographs:**

Haki Imeri and Zihni Osmani, Macedonian-Albanian Dictionary  
Merlinda Krifca, The Poetry of Poradec  
Zijadin Ismaili, The Music Through Centuries  
Feruk Murta, Stories  
Kristo Floki, Comedies  
Ravindrana Tagore, The Storm In the Ganges

Rifat Kukaj, The Biggest Dwarf in the World  
Kerim Bajrami, Over Night Wounds  
Hisni Hodza, The Lake and The Hope  
Ilber Merdani, Green Hope  
Ahmed Selmani, The Dream Rider  
Petro Marco, Hasta La Vista  
Bejtus Memeti, All Roads Lead to the Beginning  
Bekir Musliu, Migrants  
Selajdin Saliu, Dream  
Sabri Dauti, The Remains Of Eternity  
Ibrahim Krosi, The Albanian Folklore in the Balkans context  
Toma Kacori, Clarification  
Samo Krosi, Nightmare  
Kalos Celiku, The Mangy Herd After the Author  
Mirdita Maliki, Days of My Silence  
Abduljaziz Isljami, Farce of Katrahuna  
Nehas Sopaj, The Crab Road  
Nermin Ademi, The Wordless Pains  
Murat Isaku, Toast for the Lost Things  
Fatmir Sulejamni, Despots of my neighborhood  
Iljaz Osmani, The Bridge of Health  
Ali Aliu, Anthology of the Albanian Poetry  
Linita Ahmeti, Rainbow  
Umberto Ecco, Open Work  
Emer Elsani, Red Rooster  
Gako Bushaka, The Story is Left for Tomorrow  
Pano Tadzi, The Death Should be Paid

**Periodicals:**

magazine “Stili”- Skopje  
magazine “Jehona” – Skopje

magazine “Doruntina” – Kumanovo  
magazine “Vlera” – Tetovo  
magazine “Brezi” – Tetovo  
magazine “Alba” – Tetovo  
children magazine “Pupil” – Tetovo  
children magazine “Sparkle” – Tetovo  
student magazine “Rezija” – Skopje

**Literature manifestations and other activities:**

program activities of the “Association of the Albanian writers of Macedonia” – Skopje  
“Meetings Under Oak” – Skopje  
“The Days of Naim” – Tetovo

**Year 2001**

**Fiction and Monographs:**

Yakup Ceraja, Murder of the Consul  
Ali Aslani, Work  
Zimber Elshani, American Poetry  
Faruk Mirtai, Official Miracle  
Zihdi Morava, People and Wolves  
Nehas Sopaj, Algae Outside the Sea  
Abduljaziz Isljami, Against the Storm  
Ramadan Sinani, Hue  
Hida Halimi, The Sons of the Man  
Luan Starova, The Return of the Faik to Nice  
Izaim Murtezani, Folklore and Ethnic Studies  
Hisni Sakiri, The Fog in the Glass  
Shaip Emerlahu, Incomplete Death  
F.Kuli, Closed Sea in the Shell  
Maurice Joly, The dialogue between Machiavelli and Montesqueue in the Hell  
Ezra Paunt, Poetry and Essay

Fatmir Sulejamni, Mother Teresa- comic  
Sekir Kadriu, The Speeches of Albanians in Macedonia  
Ahmet Selmani, My Collocutors  
Abduljaziz Isljami, Phoenix  
Resul Shabani, Spawn  
K.Maksutovic, Elena Gika  
Baki Imeri, Returning to a Dream  
B. Mementi, From Real Dreams  
F. Bekteshi, Coward Love  
J.Curi, People in High Positions  
D.Dauti, Pool of Trout  
N.Vinca, Albanian folk love songs  
D. Limani, Dialogue in the Globe

**Periodicals:**

magazine “Stili”- Skopje  
magazine “Jehona” – Skopje  
magazine “Doruntina” – Kumanovo  
magazine “Vlera” – Tetovo  
magazine “Brezi” – Tetovo  
magazine “Alba” – Tetovo  
children magazine “Glosa” – Tetovo  
children magazine “Pupil” – Tetovo  
student magazine “Sparkle” – Tetovo

**Literature manifestations and other activities:**

program activities of the “Association of the Albanian writers of Macedonia” – Skopje  
“Meetings Under Oak” – Skopje  
“The Days of Naim” – Tetovo

**Year 2002**

**Fiction and Monographs:**

Halil Zendeli, The Nobel Winner Ferid Murad  
O.Grilo, Homer's Odyssey  
A.Islami, Prometheus' Analogies  
J.Ademi, Birds Talks  
N.Ndoci, Two Ladies  
P.M.Ziba, The Wounded Escort  
S.Mehmeti, The Soul Birds  
H. Shabani, Open the Door  
F.Konica, Essays on Natural and Artificial Languages  
A.Aliu, Ali Podrimja  
Z.Kadriu, Abdulaziz Islami  
N.Sopoj, Anthology of the Albanian Lyrics  
B.Memeti, The King of the Time End  
Z.Salihi, Understand  
S.Demiri, Waiting for the Morning  
F.Zulfiu, The Sun City  
M.Arifi, Poetry and Essays  
F.Sulejmani, Hara-kiri  
K.Murati, The Smart Seeds of Tongue  
H.Basa, Butterfly on the Palm  
S.Shasivari, The Middle Age Period of Islamic Philosophy  
S.Mehazi, I Made the Girl Fall in Love  
E.Velija, Bitter Love  
I.Ozel, Useless Letters  
S.Raufi, The Time of the Lord  
A.Islami, The View Through the Zenith  
R.Zlatku, The Toast of the Gods  
D.Jakupi, Glory  
D.Limani, Albaniyada

S.Selimi, The Symbolism in the Poetry of Podrimja  
Z.Salihu, Two Lizas in One Story  
E.Ajruli, Applauding the Misery  
K.Celiku, Adultery  
R.Hodza, Looking for a Man for a Woman  
H.Kaleshi, Studies for the S. Fresheri work  
S.L. Blumbash, The Drawing Caravel  
N.Fraseri- Bektashism and Humanism

**Periodicals:**

magazine “Stili”- Skopje  
magazine “Jehona” – Skopje  
magazine “Doruntina” – Kumanovo  
magazine Vlera” – Tetovo  
magazine “Brezi” – Tetovo  
magazine “Alba” – Tetovo  
children magazine “Pupil” – Tetovo  
student magazine “Sparkle” – Tetovo

**Literature manifestations and other activities:**

program activities of the “Association of the Albanian writers of Macedonia” – Skopje  
“Meetings Under Oak” – Skopje  
“The Days of Naim” – Skopje

**2. Publications in the Turkish language:**

**Year 1999**

Lejla Husein, After Midnight  
Sabit Jusuf, Little Ilker  
Fahri Ali, I flow Evolutionary  
Halie Ozgun, My Mother Tongue

**Year 2000****Fiction and Monographs:**

Enver Ahmed, Stories

Vefki Ozgun, My Proud Star

Arzu Abdulah, Poems

**Year 2002****Fiction and Monographs:**

M.Karahasan, Susan

F.Kaja, Anthology of the Contemporary Macedonian Novel

T.Selim, Cursed

O.Ahmed, Stories

D.Bashevski, Sarajanovo Carnation

S.Nebi, Theater Reviews

F.Ali, Feelings of Loneliness

E.Bajram, Poems

**3.Publications in the Aromanian (Vlach) language****Fiction and Monographs:**

Jota Naum Jota, Poems

Nikolae Bacarija, Without Father

Leonida T.Boga, With 80 years

Anite Sterjova, Sparkle

Dionisie Papfaca, Meglen folklore traditions and songs

Magazine "Aromanian Language"

**Year 2000****Fiction and Monographs:**

Anthology of Vlasch writers

Anita Sterjova, The Elephant with a Tarbush

Magazine “Aromanian Language”

**Year 2001**

**Fiction and Monographs:**

R.Zinzifov, Bloody Shirt

Elena Papafaca, Songs and Traditions

K.Dragan, The World of Thrace

**4.Publications in the Roma language**

**Year 1999**

Magazine, “Swallow/Cirikli”

Trajko Petrovski, Roma in the present Macedonia – first part

**Year 2000**

Magazine, “Swallow/Cirikli”

Magazine, “Friendship/Amalipe”

**Year 2001**

**Fiction, monographs and magazines:**

-T.Petrovski, “Roma in present Macedonia “ – second part

-T.Petrovski, “Roma folk songs”

-B.Konski, “Poetry in Roma”

Magazine “Friendship/Amalipe”

**Year 2002**

**Fiction, monographs and magazines:**

Selection of the Most Beautiful World Fairy Tales

G.Todorovski “Poetry in Roma”

Magazine “Friendship/Amalipe”

## SURVEY OF ACTIVITIES OF COMMUNITIES WITHIN THE PROGRAM OF THE MINISTRY OF CULTURE

### Stage works

Year 1999

Institution/projects

spent funds

#### National institutions

##### 1. Theater of the Nationalities – Skopje

Operating costs 500.000

##### 2. Theater of the Nationalities – Albanian Drama, Skopje

- Policemen 200.000

- G.O.F. 700.000

- Hamdi Bey 790.000

- After death – obligation from 1998 310.000

**Total: 2.000.000**

##### 3. Theater of the Nationalities – Turkish Drama, Skopje

- Crazy Ibrahim – obligation 1998 300.000

- “R” 1.600.000

- Peace or the Quarrelling Vizier 100.000

**Total: 2.000.000**

#### B) Support for individual projects

##### 4. Amateur Theater of Roma “Student” – Skopje

- Dukka- Pains 100.000

#### Transfrontier cultural cooperation

##### 5. Theater of the Nationalities – Albanian Drama, Skopje

- participation in the Riga Festival, Latvia  
“Bones Coming Late” 146.496

##### 6. Skenpoint Inc. export-import, Skopje

Preparation and publication of a catalogue and poster for

“Bones Coming Late”, guest performance of the Albanian Drama  
at the Riga Festival, Latvia 130.725

**7.Theater of the Nationalities – Turkish Drama, Skopje**

Guest performance with “Fedra” in Istanbul, Turkey 28.000

Participation in MES Sarajevo with “Crazy Ibrahim” 380.900

Guest performance with “R” in Paris, France 600.000

**SUM TOTAL 6.086.121**

**Out of the total 1999 budget amounting to 44.252.776 Denars, 6.086.121 million Denars were allocated to communities.**

**Year 2000**

**Institutions/projects spent funds**

**National institutions**

**1. Theater of the Nationalities – Skopje**

Operating costs for 2000 200.000

Overdue fees for public utilities in 1998 260.000

**Total: 460.000**

**2.Theater of the Nationalities, Turkish drama, Skopje**

Sacrificial attire 730.000

Someone else 500.000

Don Juan 800.000

Hurem sultan 700.000

Celebration of the 50th jubilee 100.000

Operating costs for 2000 75.000

Sacrificial Attire tour in Ohrid and Gostivar 100.000

**Total: 3.005.000**

**3.Theater of the Nationalities, Albanian drama, Skopje**

We are setting off to Paradise Tomorrow	1.100.000
Museum	1.000.000
Genti	800.000
Hiesina	300.000
Celebration of 50 <sup>th</sup> jubilee	400.000
Operating costs for 2000	75.000
Debts to Travel Agency “Savanna” from 1998	100.000
<b>Total:</b>	<b>3.775.000</b>

**Support to individual projects****4.Theater “Kemal Ajdini” – Debar**

Thieves are not Coming Always for Theft	100.000
Disappointment and Pride in Children	100.000
Agimesha Closed in 7 Caves	50.000
<b>Total:</b>	<b>250.000</b>

**5.Amateur Theater “Roma” – Skopje**

Wheel	100.000
Guest performance of “Wheel” in Prilep and Bitola	90.000
<b>Total:</b>	<b>190.000</b>

**6.Stage presentation of Macedonian and Turkish poetry**

Sabina Ajrula	62.200
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**7. Drama “Game”, production by Bajrus Mjaku** 309.960**8.Children creativity center – Skopje**

Children drama “Sea Fairy“ in the Albanian language	237.474
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**Transfrontier cultural cooperation**

**9.Theater of the Nationalities, Turkish drama, Skopje**  
 Guest performance of “Crazy Ibrahim” in Istanbul, Turkey 325.000

**10.Theater of the Nationalities, Albanian drama, Skopje**  
 Guest performance of “Bones Coming Late” in Pristina 18.500  
 Guest performance of “We are setting off to Paradise Tomorrow”  
 Kosovo and Albania 110.000  
 Participation at the Bonn Biennial in 2000 with  
 “Bones Coming Late” 20.000  
 Guest performance of “After Death” in Korca, Albania 151.600  
**Total: 300.100**  
**SUM TOTAL: 8.915.234**

**Total budget for 2000 amounted to 68.090.007 Denars, part for communities amounted to 8.915.234 Denars.**

**Year 2001**

**Institutions/projects** **spent funds**  
**National institutions**

**1. Theater of the nationalities – Skopje**  
 Operating costs 200.000  
**Theater of the Nationalities, Albanian drama, Skopje**  
 Oleorija 1.100.000  
 Motel 670.000  
 Hiesina (obligation from 2000) 500.000  
 Waiting for Godot 800.000  
 Girl and the Death 1.000.000  
**Total: 4.070.000**

**2.Theater of the Nationalities, Turkish drama, Skopje**  
 Funny stories 400.000

How to Rob a Bank	500.000
Rebellion in the Retirement Home	500.000
Honest	800.000
Antigona	1.000.000
Regional tour with "Hosted by the Audience"	100.000
<b>Total:</b>	<b>3.300.000</b>

### **3.Community Center "Shota" – Negotino, Polog**

Euphoria for Europe (amateur drama in the Albanian language)	70.000
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### **4.Community Center "Skopje"- Debar**

Children and the Forest ( amateur drama in the Albanian language)	50.000
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### **5.Support to independent projects**

#### **6.Patent Center – Skopje (Bajrus Majku)**

Diary of the Insane	600.000
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#### **7. Patent Center – Skopje (Sabedin Selmani)**

Emigrants	200.000
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#### **8.Association "Romani ilo" –Skopje**

Amateur Roma theater gathering	150.000
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#### **9.Theater "Kemal Ajdini" – Debar**

Dossier X	200.000
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Dead People do not Pay Taxes	200.000
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<b>Total:</b>	<b>400.000</b>
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#### **10. Festival of spring festivities "Hid Bah Sen Fest"**

in Calakli, Valandovo, costs	300.000
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#### **Amateur theater "Roma" – Skopje**

Joy and..(27.4.2001)	150.000
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## **Transfrontier cultural cooperation**

### **Theater of the Nationalities, Albanian drama, Skopje**

Antigona, guest performance in Gnilanje, Kosovo (23.1.2001) 50.000

“Dark, Darker”, Korca festival, Albania 142.000

**Total: 192.000**

**SUM TOTAL: 9.682.000**

**Total budget for 2001 amounted to 79.341.772 Denars. The amount allocated to communities was 9.682.000.**

## **Year 2002**

### **Institutions/projects**

### **funds**

#### **National institutions**

#### **1.Theater of the nationalities – Skopje**

Operating costs 400.000

#### **2.Theater of the Nationalities, Albanian drama, Skopje**

Sparkle 1.100.000

King Ibi 1.000.000

Emira 800.000

St. George's Day 1.100.000

**Total: 4.100.000**

#### **3.Theater of the Nationalities, Turkish drama, Skopje**

The Programmer and the Minister 800.000

Bible 600.000

Shield of gold 1.000.000

Night Drums 700.000

House on the Border	1.000.000
<b>Total:</b>	<b>4.100.000</b>

**4.Community center – Negotino, Polog**

Men of the Fatherland (amateur performance in the Albanian language)	50.000
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**5.Community Center – Tetovo**

Beauty and the Beast (amateur performance in the Albanian language)	50.000
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**6. Community Center “Skopje” – Debar**

Flower and Pomegranate	100.000
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**Support to independent projects**

**7.Children theater center – Skopje**

Elin (in the Albanian language)	400.000
Theater and the dolls	400.000
<b>Total:</b>	<b>800.000</b>

**8.Theater “Kemal Ajdini” – Debar**

Forced Marriage	200.000
Lord Strikes with Hand	200.000
<b>Total:</b>	<b>400.000</b>

**9. Amateur Theater “Roma” – Skopje**

Jerma	150.000
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**Transfrontier cultural cooperation**

**10.Theater of the Nationalities, Albanian drama, Skopje**  
Guest performance of “Hiesina” in Gnjilane, Kosovo 65.000

**SUM TOTAL: 10.115.000**

**Total budget for 2002 amounted to 66.052.500 Denars. The funds allocated to communities were 10.115.000 Denars.**

## **PROTECTION OF MOVABLE AND IMMOVABLE CULTURAL HERITAGE**

**131 Islamic sacral monuments have been registered on the territory of the Republic of Macedonia, which are as follows:**

### **Mosques**

**Bitola:** Ajdar Baba Mosque, Asan Baba Mosque, Gazi Ajdar-Kadi Mosque, Eski Mosque, Isac Mosque, Isa Fekiy Mosque, Yeni Mosque, Kodza-Kadi Mosque, Broken Mosque, Hamza Bey Mosque, Hadzi Mazmud (Hadzi Bey Mosque), Mosque in **Kremenica**, Mosque in Medzitlija;

**Gevgelija:** Mosque in Kurtamzali;

**Gostivar:** Watch - Mosque;

**Debar:** Hunkar Mosque, Teke- Mosque, Mosque in Konjari;

**Delcevo:** Mosque in Virce, Mosque in Zvegor;

**Demir Hisar:** Old Mosque in Vardino;

**Kicevo:** Mosque in Belicista, Mosque in Berikovo, Mosque in Gorno Strogomista, Mosque in Gresnica, Mosque in Dolno Strogomista, Mosque in Zerbino, Mosque in Zajas, Mosque Zajas (Dzuma district), Mosque in Jagol, Bicinecka Mosque, Sultan Bayazit – King Mosque, chupli – Baba Mosque, Mosque in Banja District, Mosque in Popovkani, Mosque in Srbica, Mosque in Strelci, Mosque in Crvici, Sheh- Selim’s Mosque;

**Kratovo:** Sultan Murat’s Mosque;

**Kriva Palanka:** Mosque (Bajram Pasha);

**Krusevo:** Mosque in Jakrevo, Mosque in Presil, Mosque in Sazdevo;

**Kumanovo:** Tata Sinan-Bey Mosque;

**Negotino:** Kentur Bey’s Mosque in Pepeliste;

**Ohrid:** Ajdar Pasha’s Mosque, Ali Pasha’s Mosque, Handzi Drugut Mosque, Hadzi Hamza Mosque, Emin Mohamed Mosque;

**Prilep:** Orta Mosque, Broken Mosque, Charshi Mosque;

**Radovis:** Mosque (Minaret);

**Skopje:** Husein Shah Mosque in Saraj, Aladza Mosque, Arasta Mosque, Burmali Mosque, Gazi Isa Bey's Mosque, Dukandzik Mosque, Yaya Pasha's Mosque, Jele Kapan Mosque, Jigit Pasha (Meddah Baba) Mosque, Kazandzilar Mosque, Kebir Mehmed Celebi Mosque, Mesdzidot Hidaverdi, Mehmed Pasha Mosque, Murad Pasha's Mosque, Mustapha Pasha's Mosque, Sultan Murat's Mosque, Faik Pasha's Mosque, Hatundzikar Mosque, Hadzi Balaban Mosque, Hadzi K'sam Mosque;

**Strumica:** Mosque in Banica, Orta Mosque;

**Tetovo:** Watch Mosque, Sarena Mosque (Aladza);

**Veles:** Mosque in Gorno Vranovci, Kumsal Mosque or White Mosque, Black Mosque;

**Stip:** Medin Baba Mosque (St. Eliah)

### **7 Muslim monasteries (Teke)**

**Debar:** Building - Teke

**Ohrid:** Zejnel Abedin Pasha Teke;

**Skopje:** Rifai Teke, Sindzirli (Asdem Baba) Teke, Hasan Efendi Bukagili Teke;

**Tetovo:** Sersem Ali Baba Teke;

**Struga:** Halveti Teke;

### **21 Domed Burial Sites (Turbe)**

**Bitola:** Turbe

**Ohrid:** Sinan Chelebi Turbe;

**Radovis:** Turbe;

**Skopje:** Turbe of usein Shah in Saraj, Turbe of Ali Pasha from Dagestan, Turbe of Alti Ajak, Turbe of Asik Celebi, Turbe of Bikij Han, Turbe next to Burmali Mosque, Turbe of Isaac Bey, Turbe of Jigit Pasha Bey, Turbe of Kacanikli Mehmed Pasha, Mausoleum of King K'zli, Turbe of Mehmed Bey, Turbe next to Mustapha Pasha's Mosque, Hibni Pajko's Turbe, Turbe of Pasha Bey next to Aladza Mosque, Turbe next to Rifai Teke, Turbe Hatundziklar;

**Strumica:** Turbe of Mesi Bey in Bansko;

**Tetovo:** Turbe in the Colored Mosque yard

### **11 Cemeteries**

**Skopje:** Cemetery next to Aladza Pasha's Mosque; Cemetery next to Gazi Isa Bey's Mosque; Cemetery next to Yaya Pasha's Mosque; Cemetery next to Jele Kapan Mosque; Cemetery next to Hatundzikler Mosque; Cemetery next to Rifai Teke; Cemetery next

to Sultan Murad's Mosque; grave of Umi; Mustapha Pasha's Mosque; Turkish Cemetery in Gazi Baba; Cemetery of Husein Shah in Saraj; Sheih Maddah Baba grave;

### **7 Garden Houses**

**Ohrid:** next to Zejnel Abedin Pasha Teke;

**Skopje:** next to Aladza Mosque; next to Gazi Isa Bey's Mosque; next to Yaya Pasha's Mosque; next to Murat Pasha's Mosque; next to Mustapha Pasha's Mosque; next to Sultan Murat's Mosque;

**86 profane Islamic monuments have been registered on the territory of the Republic of Macedonia.**

### **27 Turkish Baths (Amam)**

**Bitola:** Kerim Bey's Bath, Bath, Yenibath, Deboj bath, bath with a garden house

**Gevegelija:** Bath, Bath, Old Dojran;

**Debar:** Old Bath; New Spa Bath , Spa in Baniste;

**Kriva Palanka:** Bath;

**Kratovo:** Bath;

**Kumanovo:** Bath

**Ohrid:** Eski Bath, Vosla bath;

**Prilep:** Kiro Milanov-Temelkovski bath, Turkish Bath;

**Radovis:** Bath;

**Skopje:** Daut Pasha's bath; Chifte Bath, Gul Sen Bath, Girls bath, Old New Bath;

**Struga:** Turkish bath- MustaphaCelebi;

**Tetovo:** Turkish bath, Old Turkish bath;

**Stip:** Turkish bath.

### **6 Inns**

**Kriva Palanka:** Caravan Saraj;

**Prilep:** Inn;

**Kratovo:** Inn;

**Skopje:** Suli Inn, Kapan Inn, Kursumli Inn;

### **3 Domed Market Buildings**

**Bitola:** Market place

**Skopje:** Market place

**Stip:** Market place

### **19 Towers**

**Bitola:** Prison Tower;

**Makedonski brod:** Middle ages tower in Devic; Bey Tower in Modriste;

**Valandovo:** Marko's Tower;

**Kavadarci:** Marko's Tower; Middle ages tower in Manastirec;

**Kicevo:** Tower in Premka;

**Kocani:** Middle ages tower in Dolni Podlog; Middle ages Tower;

**Kratovo:** Emin Bey's Tower; Hadzi Kostov's Tower; Krtev's Tower; Simik's Tower;

**Kriva Palanka:** Military station and wall around it with 4 towers;

**Krusevo:** Feudal Tower in Zitose;

**Prilep:** Residence Tower in Pestalevo;

**Skopje:** Feudal Tower;

**Strumica:** Gas Tower; Tower in Banjica;

### **15 Watch Towers**

**Berovo:** Watch tower

**Bitola:** Watch tower, Monopos with Watch tower

**Gevgelija:** Watch tower, Old Dojran

**Gostivar:** Watch tower

**Kicevo:** Watch tower

**Kocani:** Watch tower

**Kratovo:** Middle ages watch tower

**Kriva Palanka:** Watch tower

**Negotino:** Watch tower

**Ohrid:** Watch tower

**Prilep:** Watch tower

**Skopje:** Watch tower

**Veles:** Watch tower

**Stip:** Watch tower

### **14 Bridges**

**Gevegelija:** Stone bridge on the Petruska river in Miravci;

**Debar:** Gorenicki bridge in Gorenci; Deer Leap in Susica;

**Kratovo:** Radin bridge; Groficanski bridge; Town bridge; Jokcinski bridge; Burekov bridge;

**Krusevo:** Bridge on the Black river in Bucin;

**Radovis:** Bridge on the Strumesnica river;

**Tetovo:** Bridge on the Pena river; Zelin bridge in Zelino;

**Veles:** Bogomil's bridge in Bogomila;

**Skopje:** Stone bridge.

### **3 Shelters (Lodgings)**

Lodgings of Havzi Pasha in Bardovci

Aqueduct

Skopje Bazaar