

# **SHADOW REPORT ON THE SITUATION OF NATIONAL MINORITIES IN THE REPUBLIC OF MACEDONIA**

*Prepared by the Working Group for Minority Issues*

*The source document was written in Macedonian language. Any inconsistencies of the translation in other languages are unintentional.*

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## **PREPARATION**

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## **I. EXECUTIVE SUMMARY**

The Republic of Macedonia signed the Framework Convention for the Protection of National Minorities on 25<sup>th</sup> July 1996, and ratified it on 10<sup>th</sup> April 1997. The Convention entered into force on 1<sup>st</sup> February 1998. The Government of the Republic of Macedonia has submitted the first report on this Convention on 4<sup>th</sup> September 2003, which was preceded by two shadow reports prepared by NGOs from Macedonia (Helsinki Committee for Human Rights of Republic of Macedonia and Association for Democratic Initiatives - ADI).

The Republic of Macedonia is one of the countries with lower medium income with GNI of \$ 1,700 per capita<sup>1</sup>. This places the country in medium liability with a foreign debt of 1.6 billion US dollars.

The Republic of Macedonia is a relatively open country when it comes to foreign trade with about 90 % of the GNI, and a continental position that reflects its dependence on foreign development factors. As a result of this, the country has been exposed to frequent economic shocks in several occasions over the last decade. These shocks had the biggest impact on the minority communities that were already having economic difficulties. The transitional changes resulted in enlargement of the problem of poverty, especially among smaller communities (Roma, Turks).

There has not been any new employment, i.e. from the results of 31.10.2003 the number of unemployed persons is 383,693. Unemployment is higher among most minority communities than among the majority.

The new coalition partners demonstrated their commitment to restore peace and stability in the institutions, and to finalize the implementation of the Ohrid Framework Agreement. Our general comment on this issue is that the process is running well in the context in which it is conducted. The Ohrid Framework Agreement resulted in changes in the Constitution of the Republic of Macedonia. This provided the impetus for reforms in public administration, including the Decentralization Act and the new Act for the new territorial division of the state, which is currently in parliamentary procedure. The legalization of the Tetovo University as a third state higher educational institution is a step forward in this regard, which represents an attempt to solve the issue of higher education for the Albanian community in the Republic of Macedonia.

Regarding the Initial State Report that the Republic of Macedonia has submitted to the Council of Europe, some parts of it contain unsupported comments, random views and incorrect analysis. This contributes to an incomplete picture of the situation with the national minorities in the Republic of Macedonia. The problem is that ethnic communities have neither been involved nor invited to present their views on their own situation.

The minority communities in the Republic of Macedonia are still having problems with obtaining Macedonian citizenship because the whole process is unjustifiably bureaucratic and inefficient. Although the new Law on Citizenship has made the naturalization process easier, by decreasing the residency requirements from 15 to 8 years, there are still elements that are objectionable. The attitude of the Ministry of Internal Affairs towards members of national minorities is often discriminatory regarding this issue. The most exposed are the Albanians, but also other minorities of Muslim religion, e.g. with names and surnames that are easy to distinguish (Roma, Turks).

One of the major problems in relation to discrimination is the part of the Amendments and the legislation derived from the Ohrid Framework Agreement, which sets a 20% threshold to guarantee certain rights (proportional representation, the use of language) to the national minorities. This provision puts the smaller minority communities, as well as the bigger minority communities in municipalities where they do not comprise 20%, and the communities that are dispersed across the country, in discriminated position. Besides the

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<sup>1</sup> Source: The Report of the World Bank on the Republic of Macedonia for 2003

problems occurring in the country as a consequence of the percentage threshold, there are also the problems in relation to the new territorial division of the state. This creates new tensions in the state due to the wish of the minorities to achieve this percentage through the territorial division in order to be able to realize their rights. The majority, however, resists these intentions.

There is confusion among the ethnic communities regarding Article 9 of the Law on Religion and Religious Groups. There is uncertainty whether this article is still in effect or whether it is abrogated by a decision of the Constitutional Court.

The Macedonian education system has long been one of the major factors for the de facto segregation between the communities of ethnic Albanians and ethnic Macedonians. This segregation is a result of the fact that both communities want to be taught in their mother tongue, so the component for establishment of mutual communication and understanding of the different values is missing. The children are surrounded by negative stereotypes and prejudices, the authenticity of which they are unable to challenge.

The state has an obligation to provide free elementary education. However, it has not provided enough teaching resources. The state has not made efforts to improve the infrastructure, regarding equipment in schools, as well as transportation for pupils. This particularly applies to the marginalized groups and the rural areas.

There are no printed media in the languages of the national minorities funded by the state, while national minorities are not sufficiently represented in the electronic media.

The Republic of Macedonia has signed the European Charter for Regional and Minority Languages in 1996, but has still not ratified it.

There is inappropriate percentile representation of the ethnicities in the legislative, executive and judicial power. This particularly refers to the smaller national communities.

The Government of the Republic of Macedonia has received resources granted by the European Union for support of the NGO sector. However, the state has not managed to distribute these funds to the NGO sector appropriately, which has had a direct impact on the effective participation and organizational development of the associations of citizens, including those working in the field of minority rights and the promotion of the multiethnic character of the state.

Participation of national minorities in the economic sphere is not satisfactory and is on a very low level, which as a result, puts them in a very critical position when it comes to securing the minimum living conditions.

The information presented here is selected from the contents of the report. Detailed information regarding the above issues is presented further in the sections of the Shadow Report.

## **II. GENERAL INFORMATION**

### ***1. About the Working Group for Minority Issues***

The initiative for preparing a Shadow Report on the Situation of National Minorities in the Republic of Macedonia derived from the seminar held from 3<sup>rd</sup> to 5<sup>th</sup> October, 2003, in Ohrid, on the topic “Framework Convention for the Protection of National Minorities”, organized by Roma Humanitarian Association of Macedonia “Sonce” Tetovo, which is a member of the ECMI NGO network for Improving of the Interethnic Relations in the Republic of Macedonia. This seminar was supported and facilitated by the Minority Rights Group (MRG), London, UK, and the European Center for Minority Issues (ECMI), in co-operation with the FCNM Secretariat. The result of it was the initiative to form a Working Group for Minority Issues within the ECMI NGO network in the Republic of Macedonia.

The structure of the Shadow Report on the Situation of National Minorities derives from the layout of the Framework Convention for the Protection of National Minorities, where the articles are grouped in more general topics. On the other hand, the problems of the national minorities generally belong to several categories, which are compatible with these topics. Although it was prepared after the Initial State Report of the Government of the Republic of Macedonia, this Shadow Report is not a response to it. Instead, the Shadow Report represents the standpoint of the Working Group, as an organized structure with experienced members of the non-governmental organizations from the Republic of Macedonia.

The ECMI Working Group for Minority Issues (‘the Working Group’) comprises of NGO activists, who, over the previous years, have continually worked in the area of protection of minority rights and improvement of inter-ethnic relations. The working group consists of one representative from each of the six most represented communities in the Republic of Macedonia: the Albanian - Bajram Sulejmani<sup>2</sup> (Ecological Society “Natyra”), Vlach - Sasko Sterjov (Union for the Culture of Vlachs in Macedonia), Macedonian - Aleksandra Bojadzieva (Active for Independent Initiative – AII), Roma - Samet Skenderi (Humanitarian and Charitable Association of Roma “Mesechina”), Serbian - Radomir Matovic (Centre for Culture and Constructive Action “Neven”) and Turkish - Suzana Musli (Organization of Turkish Women in Macedonia “Derya”), as well as the project coordinator, Nadir Redzepi (Roma Humanitarian Association in Macedonia “Sonce”). Only the Boshniac community is not represented in the group, because of the lack of appropriate NGO within the network. The Working Group for Minority Issues is part of the ECMI NGO network for Improving of the Interethnic Relations in the Republic of Macedonia.

MRG International, London, and the European Centre for Minority Issues - ECMI have supported the Working Group and the preparation of this Shadow Report. At the beginning of its work, the 7-member team defined the membership criteria, the working procedures and the responsibilities of each member of the group. All the information presented in this report, as well as the individual standpoints in certain situations do not necessarily reflect the organizational standpoints; rather, they represent part of the teamwork over the past 5 months.

### ***2. The aim of the report***

The Republic of Macedonia signed the Framework Convention for the Protection of National Minorities on 25<sup>th</sup> July 1996, and ratified it on 10<sup>th</sup> April 1997. The Convention entered into force on 1st February 1998. The Government of the Republic of Macedonia

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<sup>2</sup> The representative for the Albanian community in the Working Group is a member of the organization Ecological Society “Natyra”, operating in the Kumanovo-Lipkovo region, therefore, many of the examples and the data concerning the Albanian community in this report are from that region.

submitted the first report on this Convention on 4<sup>th</sup> September 2003, which was preceded by two shadow reports prepared by NGOs from Macedonia (Macedonian Helsinki Committee and ADI). Since the previous reports did not have the opportunity for comparison with the Government's report, and for the purpose of gaining a more realistic perspective on the situation of national minorities and minority rights in Macedonia, the Working Group considered it necessary to submit a third shadow report. This will provide a more specific comparison and complement to the factual situation. By this we are continuing the practice of the NGO sector submitting shadow reports to the Council of Europe.

The purpose of the Shadow Report of the Working Group is to contribute to stabilization, secure the peace and well being of the citizens in the Republic of Macedonia, to promote respect of the rights of the national minorities and the practical implementation of the Framework Convention for the Protection of National Minorities in the Republic of Macedonia. This report represents an effort to attract the government institutions' and the international community's attention by presenting information and standpoints of the NGOs, which represent the ethnic communities. This report is based on their experiences and position in the society of the Republic of Macedonia, and recommends possible further steps for advancement of the integration of the national minorities in the Republic of Macedonia.

First of all the Working Group went through all the articles in the FCNM and tried to give general comments on the situation in Macedonia referring to the appropriate articles. Based on this comments and by grouping of some of the issues in wider topics, the group established priority topics for consideration with this report, which are:

1. Discrimination
2. Tolerance Measures
3. Education and Language
4. Participation and Integration

In the period between November 2003 and March 2004 the Working Group for Minority Issues has gathered information in relation to the practical application and implementation of the Convention, analysis of the legal provisions and of the Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of the National Minorities. The Working Group prepared the Shadow Report by summarizing the articles contained in the Framework Convention that refer to the specific topic, as well as giving insight into the conditions from the Working Group's perspective. The Working Group, in relation to the List of Issues, defined a number of questions, and tried to give answers to them, and also obtain additional information from the competent institutions. During the whole process of compiling this shadow report the members of the Working Group had consultations with their organizations that are community based and have regular contact with the minority groups they are representing. All the other organizations from the ECMI Network and wider were invited, and some provided information which contributed to the Shadow Report. All the information provided in this document is listed by their original source, and in cases of not receiving a response from the state institutions they are listed by a copy of the document with the contents of the requested information. At the end the Working Group gives certain recommendations from their perspective.

### III. GENERAL INFORMATION ABOUT THE REPUBLIC OF MACEDONIA

#### 1. Demographic conditions

As a result of the Ohrid Framework Agreement and the State's legal obligation, a census was carried out from 1<sup>st</sup> to 5<sup>th</sup> November 2002, in the Republic of Macedonia. The information presented here are the first results of the census issued on 1<sup>st</sup> December 2003, as the final results will be issued in June 2004. The chart below presents the structure of the population in the Republic of Macedonia in percentage by national background.

National background	1948	1953	1961	1971	1981	1991	1994	2002
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Macedonian	65.8	66.0	71.2	69.3	67.0	65.3	66.6	64.18
Albanian	17.1	12.5	13.0	17.0	19.8	21.7	22.7	25.17
Turkish	8.3	15.6	9.4	6.6	4.5	3.8	4.0	3.85
Roma	1.7	1.6	1.5	1.5	2.3	2.6	2.2	2.66
Serbian	2.6	2.7	3.0	2.8	2.3	2.1	2.1	1.78
Bosnian	-	-	-	-	-	-	-	0.84
Vlach	0.8	0.7	0.6	0.4	0.3	0.4	0.4	0.48
Other	1.0	1.0	1.4	2.3	3.8	4.1	2.0	1.04

From the chart above one can see that the results from the last census show a new listing of the Bosnian community. Opposition parties and leaders of ethnic communities have been critical of the way the census was conducted and the results presented. However, the parties of the government together with the international community stood behind the whole process that guaranteed for the objectivity and the relevance of the obtained results.

#### 2. Economic Indicators

The Republic of Macedonia ranks as a lower middle income country with Gross National Income (GNI) per capita of around US\$1,700<sup>3</sup>. This places the country in medium liability with a foreign debt of 1.6 billion US dollars.

The Republic of Macedonia's high degree of economic openness, with foreign trade accounting for some 90% of GNI, and landlocked position make it very dependent on external developments. As a result, the country is especially vulnerable to shocks, which have occurred frequently during the past decade. These shocks had the biggest impact on the minority communities that were already having economic difficulties. The transitional changes resulted in enlargement of the problem of poverty, especially among smaller communities (Roma, Turks). For example, during the liquidation of some of the factories the first to go were employees that were least qualified, as are usually members of the minority communities.

Services account for 56 % of GNI, primarily generated in trade, transport and telecommunications. During the transition period, the share of industry fell considerably, from around 45% in the early 1990's to around 33% in 2002. The industrial sector is dominated by iron and steel industries, textiles and the exploitation of natural resources (metals and minerals). Agriculture accounts for the remaining 11% of the GNI. Minority communities often inhabit rural parts of the country, where the economy is based on agriculture. This demonstrates that they are participating in the smallest percentage of the economy as a whole. The exception to this is the Roma because they mostly live in urban areas, but they are also usually excluded from the service and industry based economy

<sup>3</sup> Source: The Report of the World Bank on the Republic of Macedonia for 2003

because of their lack of education and long-term isolation from economic attainment and country's development planning.

Besides the recent crisis of Kosovo in 1999, and the armed conflict in Macedonia in 2001, we can say that there has been some progress in the economic reforms. This mainly refers to the privatization of the public capital and market-oriented economy. Minority communities were almost completely excluded from these processes and there were no special efforts made for the minorities to get any benefit from this progress. However, the modest increase since independence and the relatively low degree of direct foreign investments show that there is a need for significant improvement of the business environment in order to create new employment in the private sector.

The Government's stabilization program, initiated at the end of 1994 and supported by international donors, including the World Bank and the International Monetary Fund, made great contribution to the macroeconomic stability until 2000. Although the Republic of Macedonia received financial support gradually by 2001, the drastic changes caused by the war impelled the World Bank and the European Commission to organize a Donors Conference in March 2002 in Brussels. The donors granted Macedonia US\$275 million to support its balance of payments, the implementation of the Ohrid Framework Agreement and the reconstruction of the damaged infrastructure. The donors have also declared their promptness to provide additional US\$244 million to support development programs focusing on: supporting reforms in public administration, promoting new employments in the private sector, developing human resources and protecting vulnerable groups with investment for supporting and providing advisory public policy in the area of the public health, education and the social sector.

Despite these achievements, there has not been any new employment, i.e. from the results of 31.10.2003 the number of unemployed persons is 383,693. The percentage varies by ethnicity with considerably higher percentage of unemployment among most minority groups than among ethnic Macedonians, according to the data provided in the Initial State Report of the Republic of Macedonia on the Framework Convention for Protection of National Minorities (table T.8 on page 21). The main reasons for this large scale unemployment of ethnic minorities are: 1) concentration of employment opportunities mainly in towns, while minority groups live mostly in rural areas; 2) investment and employment on the basis of ethnic/political affiliation; 3) adverse credits, that for economically endangered ethnic minorities are even more adverse; 4) lack of courses and trainings for vocational re-qualification or qualification; etc.

The average salary for a four-member family is 11,870 MKD per month. After buying basic food products, which cost 10,371 per month, the average family has only 1,500 MKD to purchase all other goods, utilities and services<sup>4</sup>. This indicates that more than 50,000 families use 1,500 MKD per month to pay their bills for water, electricity, telephone, buy personal healthcare products etc. According to the official data, the average family with a single monthly salary has enough money for food only. So far, successive government have made attempts, individually or in cooperation with the World Bank to prepare programs to fight the poverty, however, it is obvious that there are no results. In 2000, the previous government started the draft of the National Strategy for Poverty Reduction. This draft was developed, but only on paper. During the whole process minorities were not included at all and the civic sector was insignificantly included. The start of the implementation of this strategy is expected soon, but only after the completion of all the obligations from the Ohrid Framework Agreement, since this is a condition for the foreign funds that the Republic of Macedonia is supposed to receive.

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<sup>4</sup> Source: Republic of Macedonia State Statistics Department Nov/Dec 2003

Official data show that the average monthly salary reduces continuously, as the monthly expenses increase.<sup>5</sup>

### **3. Socio-political conditions**

After the armed conflict in 2001, the Republic of Macedonia has gradually restored peace and stability in relation to interethnic tensions between ethnic Macedonians and Albanians. In this context, the only thing that remains to be eradicated is the ethnocentric understanding (justification) of the conflict, as well as the confusion around the causes, the extent and the consequences of the conflict. The statements of the citizens are in total juxtaposition, always blaming the other side (Macedonian-Albanian), from the political parties to be blamed for their financial scandals and mono-ethnicity, to the factual reality of the extremely grave economic situation, the high rate of unemployment and the corruptibility in the society.

The Republic of Macedonia has conducted 4 Parliamentary elections since its independence, the last one held on 15<sup>th</sup> September 2002. The coalition "For Macedonia Together" (Macedonian) and the Democratic Union for Integration (Albanian) won the majority of votes in these elections. According to the opinion of the Working Group the new coalition partners demonstrated their commitment to restore the peace and stability in the Government institutions, and to finalize the implementation of the Ohrid Framework Agreement. They have demonstrated a desire to promote the protection of human rights and freedoms, and equality of the citizens guaranteed by the Constitution. In order to achieve political benefit, the political parties in opposition sometimes criticize the process of the Ohrid Framework Agreement implementation, arguing that it is too slow and there is no sufficient transparency before the citizens. However, our general comment on this issue is that the process is running well given the context in which it is conducted. The Ohrid Framework Agreement resulted in changes in the Constitution of the Republic of Macedonia. This provided the impetus for reforms in public administration, including the Decentralization Act and the new Act for the new territorial division of the state, which is currently in parliamentary procedure. The legalization of the Tetovo University as a third state higher educational institution is a step forward in this regard, which represents an attempt to solve the issue of higher education for the Albanian community in the Republic of Macedonia.

An Anti-corruption Commission was established just before the elections, with the purpose to reduce the degree of corruption in the social life of the country. This Commission, after the first two years, has not met the expectations of the citizens; while the parties from the opposition made remarks that the Commission consists of selective representatives from the parties in the Government. There are numerous cases pending against the former state officials from the previous government, labeled by them as political vengeance, while the current Government presents the financial fraud of the previous government as evidence in favour of their arguments. It remains to be seen what will happen and whether the trials will have certain conclusion.

In the period from 2001-2004 the problems in the area of education are constantly increasing in terms of quality, ethnic division and intolerance in the educational process, as well as organized strikes of the employees in educational, scientific and cultural institutions. The attempts to change the educational system did not show positive results, so there is more and more segregation, primarily between the Macedonians and Albanians. The political processes and their influence have a deep impact on the educational system and are related to the ethnic stereotypes and prejudices created in the students' surrounding, which results in deterioration of the conditions in the overall educational process.

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<sup>5</sup> "Vreme", daily newspaper number 13 page 2 dated on 18<sup>th</sup> February 2004.

#### **IV. COMMENTS ON THE INITIAL REPORT OF THE REPUBLIC OF MACEDONIA ON THE FRAMEWORK CONVENTION FOR PROTECTION OF NATIONAL MINORITIES**

When the Working Group received the Initial State Report of the Republic of Macedonia, we submitted additional questions and requests to 9 Ministries/institutions in order to present its specific conclusions and recommendations deriving from its work. In addition to this document we submit all the requested information from the institutions in charge, as well as information about which of these institutions did or did not respond to it. In relation to the information obtained and the conducted analysis of the Initial State Report, the Working Group presents the following comments:

- a) The Initial Report of the Republic of Macedonia was supposed to be submitted to the Council of Europe in February 1999. However, it was submitted on 4<sup>th</sup> September 2003, with a more than 4-year delay.
- b) The document is too wide and presents the existing provisions for the protection of the national minorities, but does not give information about the implementation of the same.
- c) Besides all of this, some parts contain unsupported comments, random views and incorrect analysis, and there is a lack of analysis of the statistical data that it presents, i.e. there is quantitative but not a qualitative analysis of the conditions. This contributes to an incomplete picture of the situation of national minorities in the Republic of Macedonia, and the reasons for the problems, as well as the specific defining of the problems and the requirements of the national minorities.
- d) The report contains information about future actions, but very little about the factual situation or concrete and defined policy for the protection of the national minorities, in terms of concrete measures and steps for involvement and improvement of the participation of the communities in the socio-political life (consultations, motivation for political participation, special legislation for treatment of the specific needs of the communities in direction of positive discrimination, etc).
- e) The Republic of Macedonia did not take an open approach, via scientific and sociological research, towards determining the requirements and the core needs of the communities, in order to establish an articulated policy for support of the communities in building quality integrated life together, and thus, in harmonizing the multiethnic relations. Due to the lack of the above, it promotes some political-party statements and commitments. The problem is that ethnic communities are neither involved nor invited to present their views on their own situation, there is little or no participation beyond the political parties, for example, no consultations with poor people on poverty, no involvement of teachers in preparation of education strategy, etc.
- f) Data contained in some parts of the State Report is inconsistent with data on the same issue in other parts of the report, and some information is out of date. For example, in Part I, 3.1, the report mentions the law on the judicial system from 1995, and there is nothing about the changes in this law from 2003; in Part I, section 4 the amendments to the Constitution of the Republic of Macedonia from 26 November 2001 are mentioned, but there is nothing about the previous amendments (I and II 1/92 and III 31/98). In the section about the freedom of association, Part II, article 7 there is nothing about the abolishment of the citizens' society "Ratko" by a decision of the Constitutional Court. In the explanation of Article 8, not all of the registered religious groups are presented. In part II under the Article 10/3 of the report it is written that three laws are changed, but more than three laws have been changed in the same context. In Part II, Article 12, under 4 (secondary education) the report is alluding to a law from 1995, yet there is more recent law from 2002. Concerning Article 9 on

- religion there is lack of consistent information - some people consider this article abrogated by a decision of the Constitutional Court, while others claim that officials are making decisions on the basis of this article. There are also other examples regarding this comment.
- g) The Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities has been prepared only from the standpoint of the Government of the Republic of Macedonia, without consulting any other relevant actors that could contribute towards more appropriate and more encompassed perspective on the conditions in the country.
  - h) There is a notion in the Initial State Report, Part II, Article 1, paragraph 4, where it states that the Republic of Macedonia has signed the European Charter for Regional or Minority Languages, and that the document is in procedure of ratification. With this the statement ends, without giving further details. The Working Group considers it important to mention that this Charter was signed on 25.07.1996, one year before the Framework Convention for the Protection of National Minorities. Although it was signed before the FCPNM, 8 years from that date, the Charter has still not been ratified. There is no explanation in the Initial State Report about the reasons why the ratification was delayed, and why it was withdrawn from parliamentary procedure twice. It is also not clear enough why the State avoids explaining what the specific problems concerning its ratification are, bearing in mind that the international community could help in this regard.

## V. THE SITUATION OF NATIONAL MINORITIES IN THE REPUBLIC OF MACEDONIA

***IN THIS SECTION, THE KEY PROBLEMATIC ISSUES PRIORITISED BY THE WORKING GROUP ARE DISCUSSED IN DETAIL.***

### ***1. Discrimination***

The following are the legal instruments that refer to protection from discrimination, on the grounds of which an assessment of the condition with the discrimination of the national minorities in the Republic of Macedonia has been conducted:

#### **Framework Convention for the Protection of National Minorities**

##### **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.*

In the initial list of topics identified the Working Group for Minority Issues it was agreed that regarding the topic Discrimination only article 4 from the Framework Convention for Protection of National Minorities would be considered. During the work the group found information that is related to the topic of Discrimination, but is more linked with the article 8 of the Convention (the issue about the Orthodox Church), so this article is mentioned here as well.

##### **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**

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

##### **Article 9**

*The citizens of the Republic of Macedonia are equal in their rights and freedoms regardless the sex, race, colour, national and social origin, political and religious beliefs, property and social status.*

*The citizens are equal before the Constitution and the laws.*

##### **Article 54**

*The freedoms and rights of the individual and citizen can be restricted only in cases determined by the Constitution.*

*The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution.*

*The restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status. The restriction of freedoms and rights cannot be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession.*

The Article 4 from the Framework Convention for the Protection of National Minorities is guaranteed by the Article 9 and 54 of the Constitution of the Republic of Macedonia, and mechanisms to support this article include the Constitutional Court of the Republic of Macedonia, the Public Attorney and the existing Questionnaire Commission for Protection of the Rights and Freedoms of the citizens.

Article 9 of the Convention is also connected to the Macedonian Law on Religions and Religious Groups.

Discrimination is forbidden with several laws, and it is also considered a criminal act by the criminal law.

#### Factual condition

There is no open and direct discrimination in the Republic of Macedonia, neither by the state nor by the citizens, but there is a concealed, i.e. indirect discrimination towards the members of the minority communities. This discrimination exists within the system, i.e. the schools, courts, police organs, employment etc. Members of ethnic communities are discredited as not being as intellectually capable as the others. The usual attitude towards members of minority communities includes qualitative undervaluing. For example, children who belong to a national minority are placed in the last desks in a classroom; members of minorities are usually turned down for employment with no explanation due to the lower quality of education, without any arguments; members of minorities complain that they do not receive the same treatment as the members of the majority at police stations, courts, municipality organs and other institutions etc. All the examples listed above are taken from the associations of citizens that are directly working with individuals who are exposed to such indirect discrimination. The larger minority communities such as the Albanian, Roma and Turkish have a lower economic and social standard of living than the rest of the population (which can be seen by the number of persons receiving social welfare or the number of employed). Very often, their lower socio-economic position is used as a means for discrimination.

The economic and social instability of the persons belonging to these communities prevents them from receiving assistance and obtaining justice for the violation of their rights (for example, property rights proceedings, court decision appeals, material compensation proceedings etc.) This is due to the fact that these processes demand significant amount of resources (legal representation, trial expenses, collateral expenses, such as transportation etc.) In addition to this, the persons exposed to indirect discrimination are not informed well of their rights, how they can realize them, and which institutions they need to address their concerns to. On top of all, even if the process of obtaining justice for certain violation of their rights starts, the indirect discrimination is very difficult to provide evidence for, and usually the state manages to find mechanisms to justify or conceal it. For example, it is not rare that the court proceedings take a very long time, which particularly affects the members of national minorities, who feel that, these delays in proceedings are imposed on them specifically.

Members of minority communities in the Republic of Macedonia are still having problems with obtaining Macedonian citizenship because the whole process is unjustifiably bureaucratic and inefficient. Although the new Law on Citizenship has made the

naturalization process easier, by decreasing the residency requirements from 15 to 8 years, there are still elements that are objectionable. For example, one condition for citizenship is to have permanent source of income, which directly inhibits minorities because of the high level of unemployment in the state, especially among minorities. Another problem is that practice shows inefficiency in the procedure in cases where all the conditions are met, but the Ministry of Internal Affairs has the last word in the decision if the person is suitable for Macedonian citizenship or not. With the new law, there is a Commission for Citizenship Request Assessment, which is required to give an explanation of the reasons for a positive or negative decision, but recent cases show that applicants are simply told “unsuitable for citizenship due to security reasons” and this is deemed sufficient. With this attitude the most exposed are the Albanians, but also other minorities of Muslim religion, e.g. with names and surnames that are easy to distinguish (Roma, Turks).

One of the major problems in relation to discrimination is the part of the Amendments and the legislation derived from the Ohrid Framework Agreement, where the members of the communities in the territories (municipalities) where they are represented with more than 20% are guaranteed certain rights (proportional representation, the use of language etc.). This provision puts the smaller minority communities, as well as the bigger minority communities in municipalities where they do not comprise 20%, and the communities that are dispersed across the country, in discriminated position. There are other problems occurring in the country as a consequence of the percentage threshold. The new territorial division of the state, which, on one hand, is the state’s responsibility according to the Ohrid Framework Agreement, and on the other, in combination with the 20% threshold, it creates new tensions in the state due to the wish of the minorities to achieve this percentage through the territorial division in order to be able to realize their rights, as well as the resistance of the majority towards this issue. It is clear that the Albanian community will have different needs and provisions because it is such a big community, and this does not necessarily mean that by meeting those needs everyone else is discriminated against. But, the rights and needs of other communities should not be neglected. The problem arises because the needs of the other communities are not addressed at all as was the case with Ohrid Framework Agreement, which ignored the needs of smaller communities because it was about peace and the smaller communities were not sides to the conflict. Now, this has huge implications in protection of rights of smaller communities. This is a basis for the need of guaranteeing the rights on the civic principle for each individual, and not only for meeting the needs of those communities consisting more than 20% of the population. The Ohrid Framework Agreement is a part of such a process, as a start of civic society development, which should continue after the implementation of the Agreement itself in order to provide efficient realization of the rights and freedoms of all the citizens.

In the Macedonian Academy of Arts and Science, which is the highest institution in the state in the area of education and science, the national minorities are not appropriately represented, although certain minority communities have competent people for this position. The obvious examples are the Roma and Albanian communities, which do not have a single representative in this institution.

There is confusion among the ethnic communities regarding Article 9 from the Law on Religion and Religious Groups. There is uncertainty whether this article is still in effect or whether it is abrogated by a decision of the Constitutional Court. This confusion is due to the state’s lack of transparency in providing information to the interested parties. In support of this argument, for the Muslim religion, there are several different religious groups registered underneath, and for the Orthodox religion, the state does not allow registering more than one religious group.

Some of the current conditions facing the various minority communities are as follows:

### The Albanian community

1. The Ohrid Framework Agreement, from 13<sup>th</sup> August 2001, is removing discriminatory factors against the Albanian community, but it is a very partial process, especially in areas where Albanians are a minority and there are not able to reach the 20% threshold.
2. In addition to the legislative and executive bodies, where previously there was insufficient Albanian representation, positives steps have been taken by recruiting police officers from the Albanian community, and the training of 550 people for the state administration. The participation of the Albanians according to their number in the other state institutions is negligible.
3. Besides the reduction of the period for obtaining citizenship from 15 to 8 years via naturalization since December 2003, over 35,000<sup>6</sup> members of the Albanian community are discriminated in the process of obtaining citizenship with an explanation that they are unsuitable for citizenship according to Article 7, paragraph 7, from the Citizenship Act of the Republic of Macedonia, without any specific explanation for such a decision. The Albanian community is discriminated against in the processes of obtaining any kind of personal documentation, because they are often asked for bribes from public servants, which can be proved with real cases of bribery (for example one official, employee of the birth recording department in Kumanovo, was suspended during 2003 because of taking a bribe from a member of the Albanian community).
4. Except in parliamentary sessions, the Albanian language is hardly used in other segments of the state institutions, such as commissions, counters of the ministry offices, regional units of the ministries, the judicial power, the cultural institutions where the Albanian language is still not communicated in (for example, in the city of Kumanovo).
5. Discrimination by the police organs towards members of the Albanian community exists and people are maltreated due to their ethnic background only.

### The Turkish community

1. The representatives of the Turkish community in the Republic of Macedonia live in both urban and rural areas. Those living in rural parts have significantly bad living conditions. Almost in each village there is a lack of infrastructure (no water pipes, no sewage, no paved roads, no telecommunications), as is in v. Kuchica, v. Klauzlu, v. Alikoch in Karbinici municipality, v. Dorembosh, v. Kzldoan in Valandovo municipality, v. Gjopcheli in Dojran municipality, etc. The problems faced by the Turks in these regions are incomprehensible for the modern standards of living and there is a big discrepancy between the urban and the rural parts. As a consequence of these bad living conditions, the Turkish community lives in continuous struggle with infective diseases. There are no medical institutions in these areas at all and the existing ones in the nearest towns are very far. Because of all of this, the mortality is increasing and children are not able to get immunized regularly or at all.
2. A lot of these villages lack primary schools, and the education in the existing ones is conducted only until the fourth grade.
3. The social and economic position of Turks is also poor. Very few families are getting social aid, which is not enough for the basic needs for survival.

### The Roma community

1. The Roma people in the Republic of Macedonia are suffering from the great discrepancy between the equal constitutional position as citizens and the marginalized placement within

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<sup>6</sup> Estimation by the Albanian representative in the Working Group for Minority Issues

- the society. Roma are not proportionally included in the number of stateless persons. Macedonian Government in 1997 reported presence of 4.356 stateless Roma (of 18.851 persons in total) and 7.407 Roma with unknown citizenship (of 68.989 persons in total)<sup>7</sup>
2. The state institutions do not treat the Roma people equally, and they most often direct them to wrong places, abusing their illiteracy. It is clear that there are prejudices and stereotypes especially with the police officers, who violate their authority to extort statements from the Roma people in cases where needed, and also force them to have "informative talks" in detention, which has been abolished by law. Examples can be found in cases of police beating Roma in Kumanovo, Bitola and Skopje<sup>8</sup>. In one case, police officers, after having been found guilty of the beating in Kumanovo, were fined the minimum amount.
  3. Members of the Roma community have submitted about 14,000 appeals to institutions responsible for solving the status of their property. This property situation is still unresolved since 1963<sup>9</sup>, when after the massive earthquake in Skopje most of the Roma were temporary settled in an area called Suto Orizari. Many of these people are still living in this settlement and together with the new inhabitants are still under temporary status without any concrete steps being taken by the state to solve their property issues or for urbanization of the settlement.
  4. The provisions given by the Ministry of Labor and Social Policy from January 2003, which grant the right to social welfare to the family representative who is a registered consumer of electrical services, had direct impact on the increase of the number of Roma people who could not enjoy the right to social welfare, since even though this provision applies to all citizens, the Roma population is the one that lives in wider family communities (for example, 3-4 families in one household) where only one person can use social welfare. Furthermore, Roma often live in illegal housing, which implies no registered electrical services.
  5. In the period from 2003-2004 there were cases of open attacks on members of the Roma community, for example, there were several cases during this period in Bitola involving the young Macedonian-skinheads<sup>10</sup>. In cases such as this, the state did not take any measures neither to prevent these incidents nor to punish the perpetrators.
  6. In the media there are cases when the reporting has tended to give the ethnicity, in addition to the names of the criminals when they are members of the Roma community, which implies that there are stereotypes and prejudices towards the Roma population that prevail. In cases such as this, the state has not taken any measures to prevent such reporting.
  7. There are still "Roma ghettos" in the Republic of Macedonia, which have no access to, or are disconnected from the main infrastructure (electricity and water supplies). For example, there is a settlement in Tetovo, 29<sup>th</sup> November Street or so called the Krasnici clan, without water and electricity installed even though non-Roma citizens who live only 5 meters away have electricity installed. There was a case with the "Roma ghetto" in Vinica, at the beginning of 2004, when the whole neighborhood was cut off from water supplies for more than a month. There are cases of cutting off electricity in Stip as well.
  8. There are many cases where individual members of the majority population discriminate against members of the Roma community, and the state still has not taken any measures to protect the members of the Roma community. An example for this kind of discrimination is the case where 20 students from the organization Romaverzitas went to the restaurant "Fashion" in Skopje, after a seminar they attended and they were asked to live the

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<sup>7</sup> "To the preparation of regional directions for integration of Roma" 2004 ECMI, Friedman Eben

<sup>8</sup> The case of beaten Roma individuals in Kumanovo and Bitola can be found in the Report of the Helsinki Committee for Human Rights of the Republic of Macedonia from February 2003; as well as the case of demolishing illegal building in Shuto Orizari - report of the Helsinki Committee for Human Rights in the Republic of Macedonia, HDZR "Mesecina", European Roma Rights Center

<sup>9</sup> Mr. Erduan Iseni- the mayor of the municipality of Shuto Orizari- PER Conference held on 16<sup>th</sup> February 2004;

<sup>10</sup> The Report of the Helsinki Committee for Human Rights of the Republic of Macedonia

restaurant with the excuse that it was too late, even though it was long before closing hours and other guest haven't been asked to leave the restaurant. Another example is the systematic refusal to give access to Roma people to the swimming pools in many towns, such as Delchevo, Skopje etc.

#### The Vlach community

1. The Ohrid Framework Agreement was agreed without consulting the Vlachs from the Republic of Macedonia, neither the political parties nor the associations. The Agreement was designed only to serve the needs of the Albanian community. All the aspects covered by this Agreement, and the 20% threshold, provide for benefits on one side, and underrepresented minorities, on the other.
2. The Vlach community in Macedonia believes that the censuses are not accurate regarding the number of persons belonging to the Vlach community. According to the estimation of the Union for Culture of Vlachs of Macedonia, the number of the Vlachs in Macedonia is 70.000. This number is derived as a sum of individual numbers gathered from different civic organizations from almost each town in Macedonia. This number is about 7 times of the number according to the census.
3. The current Law for Religious Communities and Groups has put the Vlachs in a discriminated position. Articles 8 and 9 (even though abolished by the Constitutional Court of the Republic of Macedonia) are discriminatory to the Vlachs, since the law doesn't allow Vlachs to organize as Orthodox from other language area than Macedonian on religious grounds, to have service in the Vlach language and build own churches. The new Law, which has been announced for several years, has still not been brought forward. A permit for religious service in Vlach language was issued in June 2003 for two priests, one of who is assigned in Bitola and the other as a stand-by.
4. The Government is not doing anything to implement the Council of Europe's Recommendation 1333 from 27 June 1997, that refers only to the Vlach minority, even though requests have been submitted to the President of the Parliament and the President of the state.

#### The Serbian community

1. Since 1967, when the Macedonian Orthodox Church (MOC) separated from the Serbian Orthodox Church (SOC), the Serbian community in the Republic of Macedonia has been deprived of the right to religious service in their mother tongue. Regarding this right, the Serb minority feels discriminated and the source of the discrimination comes from the Act for Religious Communities in the Republic of Macedonia i.e. the confusion caused by Article 9 which has been abolished by a decision of the Constitutional Court) said: "There can be only one registered religious community or religious group for one confession", which directly contradicts Article 5 of the same Act which states: "It is forbidden to compel or prevent any citizen from becoming a member of a certain religious community or religious group". Due to the Article 9, none of the ethnic communities from Orthodox confession (Russians, Bulgarians, Greeks, Serbians, Romanians, Vlachs and others) are able to organize their religious life without conflicting the legislative regulations in the Republic of Macedonia.
2. Members of the Serbian community in the Republic of Macedonia do not agree with the results of the latest census and consider it invalid, regarding the number of the persons belonging to the Serbian community. The reasons for this are as follows: huge discrepancy between the primary and the final results; drastic reduction of the number of the Serbian population since the last census in conditions where there had not been any major migrations nor any pressure whatsoever on Serbs to determine themselves as members of

another nationality; if we add the number of persons, which in the period between the two censuses have regulated their status of citizenship as Serbs, to the number of the Serbs in the previous census, it turns out that not only was there not a single Serbian child born but also that the mortality of the Serbians in Macedonia has been very high, which is very wrong. Even the President of the State Census Commission restrained from the results.

## 2. Tolerance Measures

### **Framework Convention for the Protection of National Minorities**

#### **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.*

Besides Article 6 of the Convention that was initially agreed to be considered within the Tolerance Measures topic, the Working Group is of the opinion that it is important to consider the situation regarding this topic in relation to Article 9.

#### **Article 9**

*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 person belonging to a national minority are not discriminated against in their access to the media.*

*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.*

*The Parties shall not hinder the creation and the use of printed media. 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.*

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

### **The Constitution of the Republic of Macedonia** **(Official Paper 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 are:*

- *the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;*
- *the free expression of national identity;*
- *the rule of law;*

- *the division of state powers into legislative, executive and judicial;*
- *the legal protection of property;*
- *the 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 ecological protection and development; and*
- *respect for the generally accepted norms of international law.*

*Anything that is not prohibited by the Constitution or by law is permitted in the Republic of Macedonia.*

#### **Article 47**

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

*The Republic stimulates and assists scientific and technological development. The Republic stimulates and assists technical education and sport.*

#### **Article 48**

*Members of nationalities have a right freely to express, foster and develop their identity and national attributes.*

*The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.*

*Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity.*

*Members of the nationalities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.*

#### **Article 49**

*The Republic cares for the status and rights of those persons belonging to the Macedonian people in neighboring countries, as well as Macedonian ex-patriates, assists their cultural development and promotes links with them.*

*The Republic cares for the cultural, economic and social rights of the citizens of the Republic abroad.*

#### **Article 56**

*All the natural resources of the Republic of Macedonia, the flora and fauna, amenities in common use, as well as the objects and buildings of particular cultural and historical value determined by law, are amenities of common interest for the Republic and enjoy particular protection.*

*The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of the Macedonian people and of the nationalities and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.*

#### **Factual condition**

The Ohrid Framework Agreement is part of the Tolerance Measures, which the state has recently started to implement. The implementation of this agreement was realized via:

1. The adoption of amendments of the Constitution of the Republic of Macedonia (there are changes in the Preamble and the Articles 7,8,19,48,56,69,77,78,84,86,104,109,114,115 and 131);
2. Changes in the legislation:
  - The Self-government Act;
  - The Local Self-financing Act;
  - The Municipality Borders Act;
  - Acts regarding the police located in the municipalities;
  - The Civil Servants and Public Administration Act;
  - Constituency Act;
  - The Parliament Correspondence Register;
  - Acts regarding the use of languages;
  - Public Attorney Act
3. Implementation and measures for confidence building
  - International support;
  - Census and elections;
  - Returning of the refugees, revitalization and reconstruction;
  - Development of the decentralized government;
  - Non-discrimination and just representation;
  - Culture, education and use of languages.

The first two points from this implementation plan (The adoption of amendments of the Constitution of the Republic of Macedonia and Changes in the legislation) are almost fully realized, except for the Municipality Borders Act, which is in parliamentary procedure. Only several sub-points from the third point (Implementation and measures for confidence building) have been partially realized. Parts that have been important for the Shadow Report which have been implemented relate to the international support, the census and the elections. The other parts of the third point are still in progress. Still in some parts of Macedonia there is a resistance to the implementation of the benefits from the Ohrid Framework Agreement. A typical example of this is Kumanovo municipality where the Albanian community is represented with 23%, and the Agreement (decisions emanated from it) is not realized in some parts. Particular examples are given throughout this report.

With the Ohrid Framework Agreement, the state, in cooperation with the international organizations, is conducting training for employees from the national minorities in the administration, as part of the changes in the legislation relating to the Civil Servants and Public Administration Act. Members of the Roma, Vlach, and Turkish communities are not satisfied with the implementation of this training, since they think that there is not sufficient representation despite this (out of 600 trainees, 520 are Albanian, and 70 80? are shared by the rest of the ethnic communities). The Ministry of Internal Affairs in cooperation with OSCE has started training for the members of the ethnic communities for employment in this Ministry, the progress of which can be seen in the following chart:

Year/nat.struct	Total number of employees	Macedonian	Albanian	Turkish	Serbian	Roma	Other
2000	9789	91.80%	3.76%	0.35%	1.97%	0.43%	1.6%
2001	9558	92.10%	3.63%	0.36%	1.94%	0.40%	1.51%
2002	10751	87.90%	7.50%	0.50%	1.86%	0.73%	1.47%
2003	11701	83.89%	11.40%	0.56%	1.89%	0.73%	1.50%

The Macedonian education system has long been one of the major factors for the de facto present segregation between the communities of the ethnic Albanians and ethnic Macedonians. This can be stated for Turks and Roma also, where the segregation is based on

the language used in education or on ghettoizing. This segregation is a result of the fact that both communities want to be taught in their mother tongue, so the component for establishment of mutual communication and understanding of the different values is missing. Within the both sides there is a resistance for understanding of the needs of the other side, on certain level and the both sides are insisting of incorporation of the state/ethnic element as a basis of the education. That way the possibility to embed the principle of common life and respect for the differences when the children are in a period when they are forming their personality is missed. The children are surrounded by negative stereotypes and prejudices, which authenticity they are unable to prove. The schooling system is potentially the only most efficient mechanism for introducing certain social changes, necessary if the rhetoric of reconciliation used by the political leaders is to be transformed into practice. Even before the conflict of 2001 there were certain efforts to improve the interethnic relations focusing on the children<sup>11</sup>. Besides the numerous educational reforms, the educational system still cannot find quality models for building common platform in relation to confidence building, multicultural surrounding and tolerance. This primarily refers to the common history and geography books that would take into account the history and culture of all ethnic communities in Macedonia. This has not been put into practice so far, even though there were such suggestions.

One of the tolerance measures that the state is making efforts to carry out is the forming of the Committee for Community Relations within the Parliament. The Committee was to replace the Council for International Relations, which was part of the previous parliament and was very inefficient. However, this Committee has not shown any results so far, since it has not been formed and has not held a single session so far, which implies that only the name of this body changed, but no steps have been taken to give certain results.

#### The Albanian community

1. The Culture Act has been criticized on several occasions, in relation to granting concessions for electronic media.
2. The Albanians from Macedonia are informed in their language via the only private daily printed journal "Fakti", although Article 9, paragraph 4 of the FCPNM envisages that the State 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. Until now the state has not created the conditions needed for the entry of daily printed journals in Albanian from the neighboring countries.
3. Except the Theatre of the Minorities in Skopje, there are no other cultural institutions in the bigger centers where there are members of the Albanian community.
4. There is not a single Albanian employee in the local government in the municipality of Kumanovo, and the Albanian language is not equally represented in all segments of the local self-government, the sessions, the counters of the regional units of the Ministry of Internal Affairs, the Basic Court, the financial administration, etc.
5. The National Library has only one Albanian employee, and the number of titles in Albanian language is symbolic and aged. There are no Albanian employees in the museums in Kumanovo. The situation is similar in the other centers of the Republic of Macedonia where the Albanian community is represented with less than 20%.

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<sup>11</sup> Macedonia Understanding History, Preventing Future Conflict - UNITED STATES INSTITUTE OF PEACE, *Violeta Petroska-Beska and Mirjana Najcevska*

### The Turkish community

1. The state has not made significant efforts for the Turkish community to be informed in its mother tongue by the press and electronic media. Currently, there is a 150 minutes program broadcasting every day in Turkish language, on the third channel of the national TV (but this is often postponed to late night hours due to broadcasting other programs of interest to the country), which is not enough in terms of press and electronic (TV and radio) media. Furthermore, the State does not make enough efforts for protection and promotion of the values of the Turks via press and electronic media.
2. In the past the Macedonian educational system contained teaching programs with negative connotation regarding Turkish people and history, regardless the fact that the Turks have lived and are still living in this country, which undermines the ground for building common life. Recently an agreement has been reached between the Republic of Macedonia and Turkey for cooperation and exchange of history and geography schoolbooks; however, this agreement is not in effect yet.

### The Roma community

1. The process for granting concessions for the electronic media has been criticized on several occasions, where it is obvious that there is no affirmative policy towards creating conditions for electronic media of the Roma community, which does not have any on a national level.
2. There is an editorial office for programs in Roma language within the state electronic medium, with a limited time of 90 minutes program per week. The editorial office claims that there have been initiatives for projects in Roma language, but these initiatives have not been realized due to the lack of financial resources.
3. There is not a single member of the Roma community employed in the Department for Advancing the Education of the Communities in Macedonia.
4. The State has not demonstrated a sufficient interest in financing or trying to create conditions for researching the culture and the history of the Roma people. No significant publications about the life and the traditions of the Roma people have been supported by the state recently, while there are many examples of foreign publications, research of the history and culture of the Roma people from Macedonia, which shows that the foreign interest is bigger than the interest of the state itself.
5. The state has not supported or realized the establishing of electronic and printed media in Roma language as well as any regular cultural events.
6. There is an insignificant number of publications in Roma language and other books covering topics from the Roma life. The state makes no efforts to overcome this situation.

### The Vlach community

1. One positive step is that since September 2003 one Vlach person has been employed in the Department for Advancing the Education of the Communities in Macedonia, an organ, which needs to develop and give certain results.
2. The Institute for Folklore “Marko Cepenkov” has one representative of the Vlach community employed as a specialist in Vlach folklore. A positive response has recently arrived from the Institute for National History, which acted as a co-organizer of two International Scientific Symposiums, titled as “The Vlachs in the Balkans” (2001 and 2003, and a Collection of Works has been published, deriving from the first event).
3. The Ministry of Culture, in the previous period has financed or supported several editions (both books and the magazine “Grajlu Armanesku”, which is a unique case in the Balkans)

in Vlach language, which by itself is not enough, since it is issued four times a year with 20 pages in 1000 copies, which is not sufficient for the needs of the Vlach community.

4. The Vlachs in the Republic of Macedonia have their own programs on the Macedonian radio television as follows: 30 minutes program three times a week on the national television, and once a month (on Sunday) a one hour program; 30 minutes every day on the radio. This is insufficient and also sometimes the program is canceled or delayed to late night hours because of another program that is considered to be more important. Members of the Vlach community do not have their own independent electronic and printed media.

### The Serbian community

1. Certain information in the Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities is not correct. For example, the Report states that there is a Theater "Branislav Nusic"; the representative of the Serbian community claims that he has no knowledge of such place, nor do the other relevant actors that he has cooperated. The Serbian TV station that is mentioned in the Report is also nonexistent.
2. The cultural and historical monuments that belong to the cultural heritage of the Serbian community are ruined and no measures are being taken to protect them. One example is the cultural and historical monument "Zebrenjak" (municipality Staro Negorichane, Kumanovo, memoriam crypt from the First Balkan War)<sup>12</sup>
3. The Serbian community in Macedonia has no media in Serbian language, and the programs in Serbian language, which are within the programs of the Macedonian Radio and Television, VIDIK and RADIO EMISIJA, are formally introduced, just to say that there are some. Both editorial offices have neither employed a single professional journalist, nor a person with any kind of experience in journalism. The programs are reduced to a literal translation of the informative shows on MRTV or RTV Serbia, without addressing the problems that are of concern to the Serbian community in Macedonia. Therefore, their rating is very low and they are not well accepted by the Serbian community in the Republic of Macedonia.

### *3. Education and Language*

## The Framework Convention for the Protection of National Minorities

### **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.*

### **Article 13**

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

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<sup>12</sup> Review of this memoriam crypt was made by the State department for protection of monuments of Republic of Macedonia, record number 07117/3 from 09-02-2004g.

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

#### **Article 14**

1. *The Parties undertake to recognize 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.*

#### Factual condition

The teaching in the Republic of Macedonia is delivered in four different languages: Macedonian, Albanian, Serbian and Turkish, while the Roma and Vlach languages are neglected in this respect. The students are getting more isolated from each other, and do not have mutual contacts and communication, which results in the segregation of the ethnic communities. In such isolated state, every community pays attention only to its own values, which gives education a mono-cultural focus, where the communities, although living together, do not have the possibility to foster knowledge about each other and build a mutual cohabitation. Some of the ethnic communities do not have the possibility to provide the same quality of education as the other communities due to the isolation, which creates problems in the further levels of education, i.e. many of the members of the national minorities do not continue with their studies in the higher education. Besides this, the quality of the education in the Republic of Macedonia is very unsatisfactory in general. According to a 2003 UNICEF Report the students in our country are among the last on the level of literacy. Several reforms were conducted, however, they did not provide sufficient results, and they were also focused on the ways of performing the educational activities rather than changing the educational curricula and the quality of the fostered knowledge. The reforms were never carried out thoroughly, due to the changes of governments, since every new Minister started the reform all over again according to his own perspectives and assessments.

The daily political events through the education reflect on the students of each level of the education, which has a consequence in division, disintegration and closure in mono-ethnic communities. The students are a regular target and are constantly abused by the political structures during campaigns, meetings, strikes etc.

In the Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities there are charts with information, which refer to education, which have neither been given quality comments, nor the causes for such conditions have been presented. Comparing the information in the charts we might come to some interesting knowledge; for example members of the national minorities are dropping out of the higher levels of education, i.e. compared to the majority community, a small percentage of persons belonging to national minorities continue with their education. There is insufficient provision for the learning of the mother tongue, or for the teaching in it, in relation to the number of the students belonging to national minorities. Regarding the teaching personnel, the information shows that there are fewer teachers in proportion to the number of the students from the minority communities, unlike the majority community, and the level of educational qualification of the particular teaching personnel, which is also not presented in the charts, is very low.

All the communities agree that the state has not provided enough books, transportation, space, and teaching resources to fulfill its obligation to provide conditions for

the completion of the obligatory primary education. This particularly applies to the marginalized groups and the rural areas.

Our state has signed the European Charter for Regional and Minority Languages on 25.07.1996, which has undergone parliamentary procedure twice, but has still not been ratified. The communities in the Republic of Macedonia think that the ratification and the practical application of this Charter and the other agreements that refer to the use of languages can make great contribution to the improvement of the conditions for the use of languages of the national minorities.

With the Ohrid Framework Agreement, the state took over the responsibility to provide for the use of the minority language as a second official language, besides the official Macedonian language, in the municipalities where the minority is represented with more than 20%. This threshold of 20% is not satisfactory for the communities represented with less than 20%, as well as for the Albanians in those areas where they do not fulfill this percentage.

#### The Albanian community

1. The participation of the children in the kindergartens is not satisfactory for the children from the Albanian community, especially in the areas with fewer members than 20% of the overall population. For example, in Kumanovo where Albanian community is 23% of the overall population, and in 6 kindergartens only below 50% children from the Albanian community have been included, and the most often cited reason for this is the lack of groups in Albanian language.
2. The Albanian classes in the primary and secondary schools are above average maximum for the number of students by class. Besides this, the other conditions for normal teaching are not fulfilled (there is no appropriate space, heating, water, and there is no way to introduce lab teaching).
3. Books with names of places that are not in accordance with the nature of the Albanian language, but of the Macedonian, are still being published.
4. In February 2004 the Act for establishing a third State University passed a parliamentary procedure, which made it possible to open another University in the Republic of Macedonia in Tetovo, which will allow the members of the Albanian community access to the higher education in Albanian language. This is one of the measures that the state is introducing for tolerance between the communities.

#### The Turkish community<sup>13</sup>

1. In the rural areas inhabited with Turkish population there are schools only for the first four grades, and the children are impelled to continue their primary education until the eight grade or further in distant areas, and also not in their mother tongue. A lot of them are not able to continue their education after the fourth grade due to the bad economic situation. The state is not taking any measures to improve the educational infrastructure, although the primary education is obligatory according to the Constitution of the Republic of Macedonia.
2. In the town of Struga, there is a class in Turkish language, but that is not enough to meet the needs of the Turks for both towns of Ohrid and Struga.
3. Among the many problems that Turkish pupils are facing is also the lack of schoolbooks, guidebooks and other educational resources, as well as genuine literature, which is a long-term problem that the state is not taking any measures to solve.

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<sup>13</sup> The data for the education of the members of the Turkish community in the Republic of Macedonia are taken from the fieldwork of the nongovernmental organizations, (most of all from the researches of the "Adeksam")

4. In the Ministry for Education and Science, as well as in its departments (the Bureau for Development of Education-BDE) there is no personnel employed, responsible for the education in Turkish language in primary schools (not mentioning the secondary education), so for the country as a whole, there are only two advisors for the pupils educated in Turkish (the BDE in Gostivar, and the BDE in Tetovo) and there are no advisors in Skopje or the Eastern part of Macedonia.
5. The State is not taking any measures for training teaching staff for school subjects in Turkish language.
6. According to the Constitution in the Republic of Macedonia, the Turks have a right on education in their mother tongue. In 55 primary schools and 6 secondary schools (in which education in Turkish is conducted for only one class per school) 7.000 pupils are being educated in Turkish and there are 316 teachers in Turkish. In the secondary education during the 2002/2003, 857 are Turks. From this figures, one can conclude that a very small number of pupils from primary school are continuing their education, and the State does not provide any analysis of the figures and in the end does not provide reasons for such conditions.

#### The Roma community

1. In 1993 the state organized a ten-month course to train teaching personnel who were supposed to start with facultative classes to teach the Roma language. When the course was completed, the state did not acknowledge the certificates of the trained personnel, and did nothing whatsoever to introduce the classes in schools. After some time, the trained personnel organized voluntary facultative classes to teach the Roma language to the students who were interested in it. However, because the diplomas of the teachers were not recognized and there were no means for the courses, the interest gradually dropped, so at the moment such classes are held only in one primary school in the municipality of Shuto Orizari.
2. The members of the Roma community have very small number of their own teaching personnel included in the general education. However, the teaching they conduct is not in Roma language, but in the languages of the other communities (Macedonian, Albanian or Turkish). The state has not taken any measures or initiatives to improve the conditions, i.e. to train personnel, which will teach the Roma children in their mother tongue.
3. The work of Roma students is often marked lower than the equivalent work of non-Roma students, but this is difficult to prove because of lack of explicit grading criteria.
4. Depending on their surrounding, the members of the Roma community in the Republic of Macedonia have specific needs and requirements in the area of education. Thus, the students from the "Roma ghettos" as well as those from the eastern region of Macedonia have the need to study the Macedonian language, while in the western regions the students have the need for a better quality access to the primary and secondary education. In this context, in those areas where the members of the Roma community represent a majority, there is a need to introduce classes where the teaching would be conducted in Roma language to a full extent.
5. Roma in education are often treated as people with lower level of intelligence, they are often underestimated, they are often suffering collective punishments, they are not evaluated equally with the others, there are no measures for prevention of discrimination from other children towards Roma, etc. Because of this inappropriate treatment during education, in general, the members of the Roma community suffer from lack of quality education and low level of fostered knowledge. Thus, the Roma students cease to complete the primary education, which has consequences in the further integration of the members from this community into the society, i.e. they do not have access to employment,

social care and health insurance etc.<sup>14</sup>. The tendency to drop out of the educational system continues with the transition from primary to secondary education. Thus, for example, only 12.4% of the students from the Roma community continued with their secondary education in the academic year 2000/2001. The situation in the higher education is even worse.

6. The members of the Roma community in the Republic of Macedonia do not have the opportunity to attend pre-school institutions due to the financial burden it would present to the family. Pre-schooling is free of charge but results in additional expenditures: school materials, food, clothes, shoes, etc. On the other side very poor families are using their children for work (as beggars, sellers of small things, etc), so the engagement of the children in schools means additional economic disadvantage for the family. Also, there is no pre-school institution that provides teaching in Roma language, and the state has not made any efforts to involve the members of the Roma community in the pre-school education.
7. The members of the Roma community are facing the language barrier, especially the representatives coming from specific Roma environments (the neighborhoods where the majority of inhabitants are members of the Roma community). Contrary to this, in those areas where the Roma population does not represent a majority, there are cases of losing the knowledge of their mother tongue.

#### The Vlach community<sup>15</sup>

- a. In the field of education, besides the right to additional classes in Vlach language in the primary education, nothing more has been achieved. The conditions are not satisfactory due to the following reasons:
  - a. The Principals of the primary schools show certain reluctance to introduce additional classes in Vlach language;
  - b. There are certain cases where teachers who have not been employed for many years, after they have accepted positions of Vlach language teachers, have been offered another employment the following year, or extra classes in Macedonian language in schools far from the Vlach communities, which stops them from giving classes in Vlach language (Bitola, Skopje);
  - c. In cooperation with the Philology Faculty in Skopje- the Department for Romanian Group of Languages, supported by the Ministry of Education, there have been two teacher-training courses for teachers of Vlach language; however, the State's efforts have not shown obvious results due to organizational reasons, as well as due to inappropriate selection of candidates for the training courses. This resulted in not having classes in Vlach language.
  - d. During the last 8 years, only one Alphabet Book and one Reading Book have been published. The Alphabet Book does not correspond to the norms of the Vlach language, being based on the grammatical forms of the Romanian language (by a Romanian author, who is a foreigner, and a person who does not recognize the existence of a separate Vlach language, but considers the Vlach language as a dialect to the Romanian language).
2. At the Philology Faculty, the Department for Romanian Languages, there are no Grammar and Literature Studies of the Vlach language. Nothing has been done in the direction of creating specialized personnel for the Vlach language, via post-graduate studies, thesis etc. as a precondition for introducing lectures for the Vlach language, as a first step towards the establishment of a Department for Vlach Studies.

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<sup>14</sup> For a person to be registered at the Center for social care or the Employment bureau where the rights on social and health care, as well as the employment are being realized, s/he has to have a certificate for finished primary school, otherwise regardless on the grade to which the person has made, s/he'll be excluded from school.

<sup>15</sup> Sources from the NGO sector of the Vlach community

### The Serbian community

1. The State Report claims that there is a Department in Serbian language at the Pedagogical Academy and the Philology Faculty in Skopje, which is not correct.
2. Before the independence of the Republic of Macedonia, the Serbian community in Macedonia had the possibility for education in their mother tongue, in the pre-school institutions, as well as the primary and secondary schools. Since 1992, every year the educational institutions in Serbian language are closing down, so today there are only:
  - Primary school in the village of Tabanovce
  - Primary school in the village of Kuceviste
  - Primary school in the village of Staro Nagoricane
  - One mixed class in Skopje
  - One mixed class in Kumanovo

The Ministry of Education explains the situation saying that there is lack of interest on the parents' side to enroll their children in Serbian classes, but the practice shows a different situation.

- There are no pre-school institutions to provide basic knowledge for the children;
- There is no possibility for facultative classes in Serbian language;
- The members of the Serbian community are recommended mixed-age and classes for learning in Serbian language, where the children from the first to the fourth grade study together in one classroom, at the same time;
- There are no appropriate course books and the teachers improvise with the course books, or translate simultaneously during the class;
- There is no appropriate personnel, and the classes are conducted by teachers who are not sufficiently familiar with the Serbian language, so the children communicate by using a mixture of both Macedonian and Serbian language, which permanently damages the language culture of the children in relation to both languages;
- In such conditions the teaching is not quality but improvised;
- Parents are not motivated to enroll their children in classes with such personnel;

### 3. *Participation and Integration*

#### **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.*

### Factual condition

In the post-conflict period, the Republic of Macedonia, with the Ohrid Framework Agreement, took over the responsibility for a better quality participation and integration of national minorities, especially in the confidence building measures, the development of the decentralized government, non-discrimination and equal representation in all areas of social life.

Besides the possibility for political participation, the government coalitions were and are led by the Macedonian and Albanian political parties, which focused primarily on approximating the different determinations of their parties, which neglected other minorities, restraining them from active participation in creating the state policies. This policy had direct influence on the inappropriate percentile representation of the ethnicities in the legislative, executive and judicial power.

In practice, the participation in the state administration still does not meet the standards of effective participation of the national minorities. As a result of the Ohrid Framework Agreement, the state has made steps to train civil servants from different ethnic affiliation in order to reach proportional representation of all the communities in the public administration. However, the national communities consider it as a selective measure (the selection of candidates depends on the current political situation, smaller communities are represented with insubstantial number of candidates, communities that lack suitable personnel are not treated differently in order for their situation to be improved as well, etc) and are not satisfied with the number of the trainees for civil servants.

There are discrepancies between the percentile participation of the communities in the judicial power compared with the number of people from each community. The Initial Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities, in the comments on Article 15, presents the condition with the participation of the members of the communities in the courts, which makes it obvious that the situation is alarming.

The participation of national minorities in the economic sphere is not satisfactory and is on a very low scale, which as a result, puts them in a very critical position when it comes to securing the minimum living conditions. The national minorities are affected by this particularly in the area of employment, as well as the access to loans and investments in the private sector. The State has not taken any measures to change this situation, particularly in direction of training people for advancement of their qualifications and skills. This is obvious from the number of persons using social welfare, the unemployment rate, as well as the information presented in this Shadow Report, in Part II, under the heading *Economic Indicators* (p.4), and from all the comments in the Report, where the economic factors often prove as a cause for the bad conditions in the education, culture, basic human rights.

The processes of decision-making in the state were strictly centralized by now. The minority communities, especially the smaller ones, didn't have representatives in these centralized structures to represent their view or needs. Also there weren't any other mechanisms for participation of the citizens in the processes of decision-making. This means that any question of interest for the minority communities was discussed and decided by someone else that has no knowledge of the problems and needs of the community, has no interest in it and is not prioritizing the resolving of that issue. Because of this continuous isolation from the decision making processes about issues that are with direct impact on the communities, the communities were not able to get improved on social, economic and cultural plan, and some regions are even significantly impeded. Some parts of the new Law on local self-government are providing possibilities for participation of the citizens in the decision-making processes on local level for issues that are of their concern, but this is not implemented yet. Besides the law is here, the state has done nothing to promote these new possibilities before the citizens or to motivate them to come up with certain solutions for their problems that the government then would undertake.

The ethnic key in the employment procedures at the state institutions and organs in the post conflict period is a positive measure, and is so far being applied only in the structures of the Ministry of Internal Affairs (see the chart in the part of *Tolerance Measures, Factual condition, page20*). The communities consider that the principle is generally satisfactory, but the same principle should be carefully combined with the principle of professional competence/qualifications.

In relation to the selection process for representatives of the minorities in certain bodies and state structures responsible for creating various state policies (cultural policies, educational policies, etc.), the selected representatives do not have the wider support of their community, i.e. the whole process is a matter of arrangements between the parties, and it lacks transparency. Due to such processes, there are cases when in certain state bodies, the communities do not have any information about the composition and their representative in

that body, the function of the body, the access to the members of that body and whether there is need for such a body whatsoever (this refers to various commissions, councils, organs etc. established by the state).

The Government of the Republic of Macedonia has received resources granted by the European Union for support of the NGO sector. However, the state gave a quarter of those resources to the Trade Union of Labor Organizations in Macedonia<sup>16</sup>, which is not registered according to the Law on Civic Organizations and Foundations. These funds were also granted without public advertisement. This had a direct impact on the effective participation and organizational development of the associations of citizens, including those working in the field of minority rights and the promotion of the multiethnic character of the state.

#### The Albanian community

1. Since the independence of the Republic of Macedonia and the functioning of the multiparty democratic system until now, there have been nine political parties of the Albanians established in the country. The Democratic Union for Integration, the Democratic Party of the Albanians, the Party for Democratic Prosperity and the National Democratic Party has already participated in the Government.
2. Damage is done to the Albanian community in the segment of participation and integration during the political determination of the constituencies for the last parliamentary elections. The constituencies are established with the aim to reduce the chances for election of Albanian representatives in the Parliament
3. There is improper or symbolic participation in the bodies of the Parliament of the Republic of Macedonia. Besides this participation, the standpoints of the members of the Albanian community are often outvoted, as for example the case with the selection of members of the Committee for Relations among the Communities and deciding the representation of the communities in it.
4. There is no political commitment for improving the participation of the Albanian community in the public sector.
5. There is not enough concern by the state for the protection of the amateur cultural and artistic works.

#### The Turkish community

1. The Turks in the Republic of Macedonia are participating in the Parliament with three representatives. They also have their representative in the Government - the Deputy Minister in the Ministry of Labor and Social Policy, as well as in the Ministry of Culture.
2. Applying the principle for fair participation in the field of public administration is very important. One of the expectations of the Turkish community is the implementation of this principle and employment of Turks in the central and local governmental structures and the police. According to the data from 2003, the participation of the Turks in public institutions was as follows:
  - In the Parliament of the Republic of Macedonia 2,5%
  - The Basic Court 0.6%
  - The Army of the Republic of Macedonia-ARM, 0.4%
  - The Constitutional Court, 0.0%
  - The Ministry of Foreign Affairs, 0.6%
  - The Ministry of Internal Affairs, 0.8%
  - The Ministry of Education and science, 1.0%
  - Ministry of Labor and Social Policy, 1.0%

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<sup>16</sup> The Report of the Helsinki Committee for Human Rights of the Republic of Macedonia from July and August 2003.

3. The data presented above indicate that the participation of the Turks in the social life should be marked as inappropriate to the number of the population and the needs of the Turkish community together.
4. The use of the mother tongue on local level is very important for its preservation, as well as for the preservation of the identity, and the communication with other towns in the Republic of Macedonia. For example, the NGO “Adeksam” from Gostivar in 2002 submitted a request to the Parliament and to the Mayor of Gostivar municipality for the use of the mother tongue on local level, but there is no answer by now.

### The Roma community

1. It is quite obvious from the charts and tables presented in the Initial Report of the Republic of Macedonia that the members of the Roma community do not participate in the institutional life of the state at all.
2. Currently, there are only three representatives of the Roma community in the State institutions (one representative in the Ministry of Internal Affairs, one in the Ministry of Labour and Social Policy and one officer in the Department for public incomes, which do not create directly the state policy in relation to relevant issues for the Roma population). In the other ministries, commissions and other parliamentary bodies, agencies etc. there is no participation of representatives of the Roma community at all.
3. On a local level, the Roma population had only one mayor in Shuto Orizari, and except for the Municipality Council in Shuto Orizari there are no other councilors from the Roma community in any other municipality, whatsoever.
4. The Roma community has one Head of the Primary School “Brothers Ramiz and Hamid” in Shuto Orizari. The Roma community has two attorneys and one lawyer employed in the state institutions, as well as one representative in the Commission for granting concessions for electronic media. There is one PhD on ethnology employed in the Institute for Folklore as a representative of the Roma community. There are no other Roma representatives on higher positions in the state institutions.
5. There are very few Roma civil servants although in some institutions Roma are a major client group. This includes, for example, the Center for Social Care, although the Roma population represents the majority of the welfare users.
6. All of this shows that the Roma population still cannot integrate into the Macedonian society due to the long-term exclusion from the decision making processes.
7. Roma community is not participating in the judicial system in Macedonia at all.
8. Many of the Roma neighborhoods are not urbanized, i.e. they aren’t dislocated according to the considered urban planning, with the excuse that there are not enough funds, and on the other hand they are not allowed to upgrade them. The use of funds for urbanization is very selective and always avoids Roma neighborhoods, but in some cases when the location of the settlement is attractive, Roma are facing consistent administrative barriers that aim to stop the renewal and grow the prices of maintaining of their houses for cheaper expropriation. There are cases when there are three generations living together under one roof in a very small space (the case with the Roma neighborhood “Dolno Maalo” in Tetovo).
9. The Roma community is particularly interested in the process of building National Strategy for Integration of the members of the Roma community in the Republic of Macedonia, which is in its initial stage of preparation. In this context, the Government of the Republic of Macedonia has accepted the recommendations of the World Bank, and OSCE, and in the following period we are expecting an overall involvement of the Roma organizational structures for equal representation in the preparation, implementation, monitoring and evaluation of this strategy.

### The Vlach community

1. The MPs belonging to the Vlach community have not been elected in the name of the Vlach population, but chosen from the political parties, which do not allow them to act outside the position of the parliamentary group of MPs belonging to a certain political party. As a result, the Vlach issues have not reached the agenda of the Parliamentary sessions so far. (There was only one instance, without much discussion, regarding the National Vlach Day-23<sup>rd</sup> of May). The representation of the Vlachs in the Parliamentary commissions has no validity for the Vlachs, due to the conditions listed above, which according to the Vlach community is a negative approach.
2. There is a Department for the Culture of the Communities at the Ministry of Culture, without a Vlach representative.
3. The Bureau for Educational Development has no executive representative of the Vlach community, and no steps have been taken to analyze the conditions in the education of the Vlachs. There are not even data on the number of students by the knowledge of their mother Vlach language.
4. In the sphere of Administration reforms and Decentralization, as well as the local self-government, the Vlachs have not been consulted on any issue, whatsoever, and there are no visible steps how the Government is going to act, while working on the legislation.
5. There are two political parties (not one, as shown in the Initial Report, the Democratic Union of the Vlachs in Macedonia)

### The Serbian community

1. The members of the Serbian community in Macedonia have no cultural institutions of their own. There is neither a theatre in Serbian language, nor a cultural ensemble, nor a specialized institution for cherishing the cultural heritage.

## **VI. RECOMMENDATIONS**

Based on the Shadow Report, the Working Group has made several recommendations in direction of improving the conditions of the national minorities, and life in general in the Republic of Macedonia. We encourage the State to take these recommendations into consideration, as well as actively involve the national minorities in their realization.

### **General Recommendations**

(Regarding the Initial State Report of the Republic of Macedonia on the Framework Convention for the Protection of National Minorities.)

1. The Government should take concrete steps to effectively implement the recommendations contained in the Opinion of the Advisory Committee. This should be done with full participation of minority communities, including minority civil society. A task group which would include minorities should be set up to work on implementation of the AC Opinion and to monitor it. The Government should also inform citizens about the findings of AC.
2. The Government of the Republic of Macedonia should prepare a Report on the implementation of the Framework Convention for the Protection of National Minorities (FCPNM) by the end of 2005. This report should show the progress made in direction of accomplishing the national minorities' rights. The future State Reports of the Government of the Republic of Macedonia should focus on the implementation of the Convention and its practical application. In this regard, according to Articles 1 and 2 from this Convention, assistance is expected from the international community.
3. The State should involve and consult the national minorities in the preparation of the future State Reports on the FCPNM by involving the NGO sector, individuals, leaders, and experts belonging to national minorities.
4. The Ministry of Foreign Affairs, in cooperation with the civic sector, should prepare and realize activities (brochures, presentations, public events and other), for the promotion of FCPNM in order to introduce the citizens with the FCPNM by the end of 2010.

### ***Discrimination***

1. The State should make the process for obtaining citizenship more efficient and easier by solving the status of the current applicants for citizenship by 2007. The Working Group specifically recommends that the State should unify and improve the interpretation of the Law by establishing a special agency or body that will provide instructions regarding the procedure for obtaining citizenship in a most favorable period (maximum 3 months).
2. The Working Group encourages the State to continue advancing the police training in the spirit of respect for the human rights, and the rule of law, particularly the part regarding minority rights.
3. The State, in cooperation with the NGO sector, via continual activities, should inform the citizens, particularly those belonging to national minorities, about their rights guaranteed by national and international agreements and laws, as well as how to accomplish those rights, in a manner most appropriate for them.
4. The State should provide free legal aid regarding judicial proceedings for persons that cannot afford to cover the expenses by the end of 2007.
5. The State should provide equal opportunities for overall participation of the minorities in the society in the following period, in order to enable proportional participation of the minorities in all spheres of social life by 2015.

6. The State should fully finalize the immunization of the rural population during 2004 and 2005, via regularly informing the population, and to frequent visits of medical staff to the rural areas.
7. The State should make efforts to provide equal conditions regarding the infrastructure in the regions generally inhabited by the minority communities, with those of the majority, by 2015.
8. The State should abolish the discriminatory Article 9 from the Law on Religious Groups and Communities.

### ***Tolerance Measures***

1. The State should build effective norms and criteria regarding educational grading by the end of 2005, in order to prevent biased grading of, prejudices against and stereotypes for the members of national minorities. Minority teachers should be included in the process of producing the effective norms and criteria.
2. The State should make efforts to actively involve the national minorities in the preparation of history and geography books, in order to prevent parallel interpretation of the history and geography, as well as build common values for multiethnic coexistence, by 2005.
3. The State should find a more effective way to distribute the funds, received from the International Community for support of the NGO sector in the Republic of Macedonia for promoting the spirit of tolerance, as well as interethnic and multicultural understanding.
4. The State should avoid any selective approach in protecting the cultural heritage and monuments of the national minorities, which are protected with a special Act. The State should renew the Register of monuments protected by the State by 2007, actively involving the national minorities in this regard.
5. The State, i.e. the Ministry of Transport and Communications, should take a more active approach in providing more regular and appropriate time scheme of the programs in the languages of national minorities on the national TV.
6. The State should work consistently in direction of presenting the multicultural coexistence within and out of the country by actively involving the national minorities and majority.

### ***Education and Language***

1. The State should take urgent measures to prevent the de-facto segregation in the education system. The State's priority should be to introduce opportunities for bilingual or even multilingual education aimed to improve communication and common understanding.
2. The State should train teaching staff necessary to improve the quantity and quality of the education for the national minorities by the end of 2010, via specific programs that will meet the needs of the national minorities.
3. The State should take a special approach and measures to involve all, particularly the Roma, Vlach and Turkish, communities in the education by 2010, which should be designed to meet the specific and traditional needs of the national minorities.
4. The State should ratify the European Charter for Regional and Minority Languages by 2005.
5. The State should make continual efforts to provide resources for cherishment and advancement of the culture, art and traditions of the national minorities in the Republic of Macedonia.
6. The State should work consistently to present the multicultural character of the country in the world by actively involving the national minorities.

### **Participation and Integration**

1. The State should urgently assess the needs of the national minorities by the end of 2005, which would provide a specific action program for involving the national minorities and providing equal access in social and economic life.
2. The Working Group encourages the State to continue with the practice of participation in the public administration by ethnic key in combination with the principle of quality.
3. The State should pay particular attention to the percentile representation of national minorities in the legislative, judicial and executive power, as well as the administration, and to provide favorable participation by 2015.
4. The State should introduce a legal framework that will enable the smaller minority communities to delegate their MPs in a single constituency on a national level.

## VII. ANNEXES

### *List of questions submitted to the state institutions regarding the Initial State Report*

During the analysis of the Initial State Report, The Working Group has prepared additional questions and submitted them to the institutions in charge, in order to determine the facts regarding certain conditions of national minorities. All the questions have been submitted in written form on 11.02.2004, with an explanation why we need them. There has been no response, whatsoever, until the finalization of the Shadow Report on 22.03.2004. We have received feedback only from the Ministry of Culture on 19.02.2004, with a request to forward an authorization for the preparation of the Shadow Report on the Condition of National Minorities in the Republic of Macedonia. We have responded by saying that there is no such official authorization, as well as that every citizen or organization in the Republic of Macedonia has the full right and freedom to prepare Shadow Reports. However we explained that we have received financial support from the MRG and ECMI.

The questions that have been submitted to the state institutions are as follows:

- To the Ministry of Culture:
  1. How many institutions/organizations for advancement and protection of the cultural identity of national minorities have been founded until now?
  2. How many projects in the sphere of culture for encouraging and stimulating interethnic cooperation the Ministry has supported?
  3. Which are the names of those organizations that have been supported for the promotion of the culture of the national communities in Macedonia and abroad; what amount has been given to those organizations as well as in what manner (together or separately by ethnicity)?
  4. What is the number of scholarships granted for undergraduate, postgraduate as well as PhD studies by ethnicity?
  5. What is the number of cultural and religious objects that has been damaged or ruined during the conflict, as well as information for their reconstruction (which, how many, and where)?
- To the State Statistic Office:
  1. What is the number of employees in the public administration by ethnicity?
  2. What is the birth and mortality rate by ethnicity?
  3. What is the specific decrease of the population by ethnicity regarding gender?
  4. What information concerning mixed marriages is there? Between which ethnic communities? Which are the most numerous? (For example: Macedonian-Serbian, or Macedonian-Albanian.)
  5. What kind of migrations can be found by ethnicity (temporary or permanent)?
  6. What information is there concerning migration by ethnicity?
- To the Ministry of Internal Affairs:
  1. What the number of convicted felons by ethnicity is, number of imprisoned, as well as under what charges?
  2. What measures have been taken to offer protection to the citizens from threats, discrimination, and violence against them, by ethnicity?
  3. Out of 460 public protests that were mentioned in the Initial State Report, the police stopped two. Which were those protests and what was their aim?
- To the Ministry of Education and Science:
  1. In what degree and where is the right for free healthcare, free school books and transportation applied?
  2. How many pupils/students are housed in boarding schools by ethnicity?

3. How many pupils/students have received scholarships by ethnicities?
  4. Which measures or changes have been made for the development of the intercultural dialogue and tolerance in the sphere of education?
  5. What data is there regarding pre-school groups by ethnicity? How many groups as well as in what regions?
  6. What data are there regarding the condition in the education concerning teaching staff by ethnicity?
- To the Ombudsperson:
    1. What statistical data are there regarding cases in relation to the ethnic communities in the Republic of Macedonia submitted to the Ombudsperson:
      - Who has applied?
      - What for?
      - How many cases are in procedure?
      - How many have been solved?
      - In what manner have they been solved?
  - To the Permanent Questionnaire Commission for the Protection of Civil Freedoms and Rights at the Parliament of the Republic of Macedonia:
    1. Which cases have this Commission reviewed and what are the results?
    2. What mechanisms does this body use in its work?
  - To the Ministry of Labor and Social Policy:
    1. What data are there regarding the number of employed in the public administration by ethnicity?
    2. What is the number of unemployed by ethnicity?
    3. What is the number of social welfare users by ethnicity?
  - To the Agency for Civic Servants:
    1. What data are there regarding the number of persons employed in the public administration by ethnicity?
  - To the Ministry of Justice:
    1. Are there cases of direct application of international agreements and conventions in the judicial proceedings in the Republic of Macedonia? Please, list the number and specific cases.
    2. Whether the judges currently working at the Constitutional Court are elected by a majority vote from the majority and minority groups? Please, send separate data.
    3. What is the progress in building strategy for reforms in the judicial system as well as bringing forward the Law on Independent Court Budget, and the Amendments in the Law on Judges, which should provide for strengthening the independence of the judicial power in the Republic of Macedonia? What are the future plans?
    4. According to the Court statistics, which are the most usual reasons for divorce by ethnicity?
    5. Are the examples of petitions submitted by individuals, as well as a monitoring procedure regarding the State's responsibility concerning the protection of human rights and freedoms?
    6. we would appreciate if you could forward data concerning cases of conviction by ethnicity, the number of convicted felons, the number of imprisoned, and statistical data by criminal acts by ethnicity?
    7. How many appeals (complaints, charges) regarding discriminations have been submitted to the courts? How many of these cases have been solved as well as in what manner?
    8. Has the Constitutional Court abolished or struck certain provisions from the Law due to determined inconsistency with the Constitution? Has the

Constitutional Court abolished or struck a collective agreement, other regulation or general act, statute, political party program or civil association due to determined inconsistency with the Constitution of the Republic of Macedonia by ethnicity?

9. Is there a case of pressing charges against certain state organs for violation of the right to freedom of expression, or discrimination in judicial proceedings?
10. Are there examples of cases where the state has taken measures to protect persons that have been discriminated against?
11. We would appreciate if you could forward information regarding each of the four cases where registration of civic associations has been rejected?
12. We would appreciate if you could explain the case of Ratko where the application for registration has been rejected by the Constitutional Court?
13. How many religious communities are there registered? Which are they? Are there, and if yes, how many schools, social and charitable institutions have been established i.e. registered on the basis of religion? How many civic associations have been registered?

### ***List of abbreviations***

1. Working Group - Working Group for Minority Issues
2. Shadow Report - Shadow Report on the Situation of National Minorities in Republic of Macedonia
3. Initial State Report / Initial Report / Government Report - Initial Report of Republic of Macedonia on the Framework Convention for Protection of National Minorities
4. NGO – Non-government organization
5. GNI – Gross National Income
6. ECMI –European Center for Minority Issues
7. RHAM “Sonce” – Roma Humanitarian Association of Macedonia “Sun”
8. MRG – Minority Rights Group
9. FCNM / FCPNM – Framework Convention for Protection of National Minorities (modest shortcut)
10. MKD –Macedonian denar
11. “For Macedonia Together” - coalition of political parties (Social democratic party, Liberal party, Democratic Party of Turks, United Roma Party, Party of Bosnians in Macedonia)
12. Shuto Orizari – Roma community self governed part of capital Skopje
13. MOC –Macedonian Orthodox Church
14. SOC - Serbian Orthodox Church
15. OSCE – Organization for Security and Cooperation in Europe
16. MRTV – Macedonian Radio Television (national, state supported)
17. MTV - Macedonian Television (national, state supported)
18. MR - Macedonian Radio (national, state supported)
19. UNICEF – United Nations Children’s Fund
20. BDE – Bureau for Development of Education
21. SCC - State Census Commission

### ***List of references***

1. Framework Convention for Protection of National Minorities
2. Constitution of Republic of Macedonia
3. Initial Report of Republic of Macedonia on the Framework Convention for Protection of National Minorities

4. World Bank Macedonia Country Brief 2003
5. State Statistic Department, Republic of Macedonia (Nov./Dec. 2003) - reports and announcements can be found on the website: [www.stat.gov.mk](http://www.stat.gov.mk)
6. "Vreme" newspaper, issue 13, 18<sup>th</sup> February 2004
7. Helsinki Committee for Human Rights of Republic of Macedonia (Oct. 2003, Feb. 2003, Jul. and Aug. 2003, etc.) - reports and announcements can be found on their website: [www.mhc.org.mk](http://www.mhc.org.mk)
8. "To the preparation of regional directions for integration of Roma", 2004 ECMI, Fridman Eben
9. "Pleasant Fiction", ERRC- reports and announcements can be found on their website: [www.errc.org](http://www.errc.org)
10. PER Conference, speech, Mr. Erduan Iseni, the Mayor of the municipality of Shuto Orizari
11. Macedonia Understanding History, Preventing Future Conflict - UNITED STATES INSTITUTE OF PEACE, Violeta Petroska-Beska and Mirjana Najcevska
12. State Department for Protection of Monuments of Republic of Macedonia, record number 07117/3 from 19.02.2004
13. 2003 UNICEF Report
14. Many internal (not published) reports from NGOs from Republic of Macedonia are used for the preparation of the Shadow Report.