

# ECRI

European Commission against Racism and Intolerance  
Commission européenne contre le racisme et l'intolérance

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## European Commission against Racism and Intolerance

SECOND REPORT ON  
"THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA"

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## **Foreword**

*The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on "the Former Yugoslav Republic of Macedonia" is dated 16 October 1998 (published in May 1999). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.*

*An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.*

*The contact visit to "the Former Yugoslav Republic of Macedonia" took place on 7-10 March 2000. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the national authorities of "the Former Yugoslav Republic of Macedonia" for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation and the Macedonian national liaison officer, whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.*

*ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.*

*The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 16 June 2000 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.*

### ***Executive summary***

Over recent years, "the Former Yugoslav Republic of Macedonia" has taken steps to address the problem of discrimination and intolerance through the introduction of relevant legislation, as well as encouraging an institutional framework in which minority groups may develop their identity. "The Former Yugoslav Republic of Macedonia" also accommodated large numbers of refugees fleeing unstable conditions and unrest in the neighbouring region with significant economic and social consequences.

Nevertheless, "the Former Yugoslav Republic of Macedonia" is still a society in which the issues of discrimination and intolerance are not adequately recognised and confronted. Despite some progress in this field, different ethnic communities still lead parallel existences, often having limited contact with each other and their relations are strained by negative stereotypes and mistrust. Furthermore, members of minority groups do not participate fully in public institutions at all levels of society. There is little concrete information available about manifestations of racism and discrimination within society, which in turn means that specific measures to combat these phenomena are often lacking in various fields.

**In the following report, ECRI recommends to the authorities of "the Former Yugoslav Republic of Macedonia" that further action be taken to combat discrimination and intolerance in a number of areas and to increase the participation and integration of members of minority groups in the public sphere. These recommendations cover, *inter alia*, the need to ensure that the relevant legislative provisions are implemented in practice, the need to establish a system of monitoring and evaluation of the situation of minority groups as regards possible discrimination in various fields of life, especially concerning the Roma/Gypsy community, the need to create a climate of increased trust and appreciation between members of different ethnic groups, and the need for further efforts to increase the representation of members of minority groups in public institutions.**

## SECTION I : OVERVIEW OF THE SITUATION

### A. International legal instruments

1. "The Former Yugoslav Republic of Macedonia" has ratified most of the relevant international legal instruments in the field of combating racism and intolerance. ECRI welcomes the acceptance of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, allowing the possibility for individuals to file petitions before the Committee on the Elimination of Racial Discrimination.
2. ECRI reiterates its encouragement for the swift ratification of the European Social Charter and the European Charter for Regional or Minority Languages. Furthermore, ECRI is pleased to learn that the preparatory work for ratification of the European Convention on Nationality is underway, and urges the authorities to finalise this process as rapidly as possible. ECRI also encourages the authorities of the "Former Yugoslav Republic of Macedonia" to sign and ratify the Revised European Social Charter, the European Convention on the Legal Status of Migrant Workers and the European Convention for the Participation of Foreigners in Public Life at Local Level.
3. In accordance with Article 118 of the Constitution, international treaties ratified by "the Former Yugoslav Republic of Macedonia" form part of domestic legislation and are directly applicable.

### B. Constitutional provisions and other basic provisions

4. The Constitution of "the Former Yugoslav Republic of Macedonia" establishes the fundamental principles of equality of all citizens before the law (Article 9). It also contains several provisions guaranteeing minority group members' basic rights and ability to develop their cultural identity, such as Article 48 which, *inter alia*, secures the right of national minorities freely to express, foster and develop their identity and national attributes.
5. The right for members of national minorities to use their language and alphabet, in accordance with the law, at the local level is set out in Article 7 and elaborated in the language provisions of the Law on Local Self-Government. ECRI encourages the authorities to keep the implementation of this legislation under review.

#### - *Citizenship law*

6. In its first report, ECRI noted the indirect discriminatory effect of the 1992 Law on Citizenship of "the Former Yugoslav Republic of Macedonia" on some segments of the population, particularly some ethnic Albanians and Roma/Gypsies. Some ethnic Albanians and Roma/Gypsies who have been long-term residents of what is today "the Former Yugoslav Republic of Macedonia" have not obtained citizenship

of this country due to the conditions for citizenship imposed by this law.<sup>1</sup> Following a one-year period of facilitated access to citizenship prior to the entry into force of the 1992 Law, long-term residents were given the possibility of acquiring citizenship of "the Former Yugoslav Republic of Macedonia", within one year of entry into force of the Law, if they met the requirements of 15 years of cumulative residency and a permanent source of income. Those individuals who did not acquire citizenship within the one year period of facilitated access prior to the entry into force of the law or the one-year deadline after its entry into force, either because they did not apply in time or because they were not found eligible, have to apply for citizenship through the ordinary naturalization procedure. In addition to the above requirements, applicants for naturalization must pay an administrative fee of US \$250, possess living facilities and be physically and mentally healthy.

7. ECRI reiterates the concern expressed in its first report that these requirements could render acquisition of citizenship more difficult for ethnic Albanians and Roma/Gypsies, who suffer from especially high levels of unemployment (*see Employment*) and poverty. ECRI notes with interest the fact that the Government of "the Former Yugoslav Republic of Macedonia" has been preparing revisions to the Citizenship Law. This work is closely linked with preparations for the future ratification of the European Convention on Nationality. The latest draft reportedly includes a reduction in the period of permanent residency necessary to gain citizenship, a change ECRI would welcome and one in line with the European Convention on Nationality, which "the Former Yugoslav Republic of Macedonia" has signed. Another proposal, which ECRI strongly supports, would involve a reduction in the administrative fee. ECRI understands a restrictive definition or elimination of the requirement of physical or mental health is also under discussion, and would favor such a proposal since, as noted in ECRI's first report, such criterion might potentially lend themselves to arbitrary and discriminatory application. ECRI is pleased to learn that the authorities are almost ready to place their work in the public arena for debate, and hopes that this process of consultation will include members of the Albanian and Roma/Gypsy communities.
8. In its first report ECRI encouraged the authorities of "the Former Yugoslav Republic of Macedonia" to apply the Citizenship Law in as fair and transparent a manner as possible and to ensure that naturalization procedures are easy to understand. ECRI is pleased to learn that the Ministry of Interior is willing to provide applicants with information about the status of their application at all stages of the process. Furthermore, all decisions on acquisition and loss of citizenship contain reasons in writing and are open to appeal to the Government Commission for Appeals and ultimately to the Supreme Court. The Ministry also assists applicants in obtaining documentation and records by providing direction as to the appropriate procedures to follow and by checking the records of other former republics of the former Socialist Federal Republic of Yugoslavia. The Ministry has also informed ECRI that it interprets the naturalization requirements in a liberal manner so as to facilitate the acquisition of citizenship by those individuals who receive social welfare and reside in rented dwellings. Those

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<sup>1</sup> *Estimates vary widely as to the numbers, from the government estimate of between 8 500 and 11 000 persons who have the status of permanent resident and who could therefore apply for citizenship, to Albanian and Roma leaders estimating as high as 50 000 ethnic Albanians and several thousand Roma.*

individuals receiving state social assistance may benefit from a fee waiver. ECRI appreciates the Ministry of Interior's constructive approach in applying the citizenship law. ECRI feels, however, that legislative reform remains necessary and would facilitate the acquisition of citizenship by those Roma/Gypsies and Albanians who have been long-term or life-long residents of what is today "the Former Yugoslav Republic of Macedonia".

9. Alongside measures to facilitate the acquisition of citizenship, ECRI feels it is essential that the government disseminate clear information about naturalization procedures to those individuals who would qualify, including stateless persons. In this regard, ECRI welcomes the efforts of the Ministry of Interior to diffuse information about the citizenship procedures through brochures, the media, seminars and roundtables. Special initiatives by the Ministry to provide information and assistance to Roma/Gypsy communities in co-operation with Roma organizations are of particular interest to ECRI and it encourages the authorities to continue such positive efforts.

#### C. Criminal law provisions:

10. As discussed by ECRI in its first report, there are several important provisions aimed at combating racism and intolerance in the Criminal Code of "the Former Yugoslav Republic of Macedonia". Article 137 penalises the limitation or denial of the rights of individuals established by the Constitution, by law or by ratified international covenants on the basis of, *inter alia*, race, national origin, religious belief and language. Article 417 outlaws the violation of any of the basic human rights and freedoms acknowledged by the international community, on the basis of a difference in race, colour of skin, nationality or ethnic appurtenance. This same Article penalises the spreading of ideas about the superiority of one race over another, the advocating of racial hatred and the instigating of racist discrimination. Inciting national, racial or religious hatred or intolerance is penalised by Article 319. Further provisions deal with violation of the right to use one's language or alphabet (Article 138) and the crime of genocide (Articles 403 and 408).
11. It lies within a judge's discretion to consider a crime involving racial motivation as more serious and, therefore, deserving of a higher penalty. While ECRI recognises this judicial latitude, it favours a more systematic and consistent approach toward combating racist and xenophobic crime. In this regard, ECRI recalls its general policy recommendation No. 1 in which it suggests defining racially motivated offences as specific offences or explicitly providing for racial motivation to be taken into account as an aggravating factor by the courts. ECRI repeats its encouragement of the Macedonian government to consider the introduction of a provision in this sense.
12. ECRI recommended in its first report that priority be given to the full implementation of provisions aimed at combating racism and discrimination, and that this implementation be carried out in a non-discriminatory manner. At present, few, if any, cases involving racism or discrimination have been brought to court under the above listed criminal law provisions. ECRI is concerned that this may point to a lack of effective implementation of the legislation in force and suggests that ways should be found to improve its implementation. In this

regard, ECRI suggests that awareness-raising measures concerning the application of the legislation in force in cases of racism and discrimination should be undertaken for those working in the criminal justice system, including for example programmes of special training for concerned officials, possibly in co-operation with international experts in the field, in order to clarify the scope of these criminal provisions and the importance of fighting against racial hatred and discrimination. ECRI is pleased to learn of the public prosecutor's ability to initiate proceedings ex officio and encourages the undertaking of such action in the field of racism and intolerance.

13. Implementation of legislation in this area could also be improved through a clearer understanding of the reasons cases are not coming before the courts. ECRI encourages the authorities to examine current implementation more closely, for example by monitoring the number of cases reported, action taken by the authorities and the outcome. Since many cases of racist attacks and violence may not be considered as such by the authorities, ECRI also encourages the setting-up of a system of data collection by which the ethnic origin of victims of crimes may be voluntarily given and recorded: this may allow the scope of any problems to be more clearly identified.

#### **D. Civil and administrative law provisions**

14. As indicated by ECRI in the first report, the principle of non-discrimination is contained in different laws and regulations dealing with specific aspects of civil and administrative law. However, there is no specific anti-discrimination legislation in the fields of employment, housing and the provision of goods and services. ECRI takes note of the fact that the constitutional guarantee of non-discrimination covers these fields, however believes this guarantee would be strengthened by supplementary legislation in specific fields. As suggested in its first report, ECRI believes that information about new legislation in this area should be widely disseminated, especially in areas where substantial numbers of members of minority groups live. Comprehensive statistical information about the application of anti-discrimination legislation should also be collected, with careful monitoring undertaken.
15. In some countries the introduction of a single body of anti-discrimination legislation covering discrimination in several fields of life and providing for effective enforcement, has proved a valuable tool. ECRI therefore encourages the authorities of "the Former Yugoslav Republic of Macedonia" to give consideration to the possible introduction of such a body of legislation.

#### **E. Administration of Justice**

16. ECRI welcomes improved criminal legislation specifying the right for members of minority groups to use their language during all stages of the pre-trial and trial process. ECRI encourages the authorities of "the Former Yugoslav Republic of Macedonia" to ensure this law is fully implemented throughout the criminal procedure.

## **F. Specialised bodies**

17. An Office of the Public Attorney (Ombudsman) began exercising its functions in March 1998. The Ombudsman is charged with ensuring that the legal and constitutional rights of citizens are not violated by organs of the state administration or other public bodies and agencies. As ECRI described in its first report, the Public Attorney is empowered to receive and seek non-judicial settlement of individual complaints. ECRI noted in this connection that the Public Attorney does not as part of its normal operational practice record the ethnic or national origin of complainants. ECRI considers that this could risk concealing those problems that disproportionately affect particular minorities, and therefore recommends that consideration be given to this issue.
18. ECRI welcomes this institution and encourages the authorities to undertake measures to raise awareness among the general population of this institution and the role it may play in offering means of recourse alongside the judicial system. Moreover, ECRI stresses the desirability of an independent specialised body charged specifically with competence to deal with cases of racial discrimination and intolerance, whether or not as part of an overall remit to deal with the generality of human rights abuses. It encourages the Macedonian authorities to draw inspiration from ECRI's policy recommendation No. 2 on the establishment of specialised bodies at national level for combating racism and intolerance, in order to establish such a body or to create a special competence in this field within the existing Public Attorney.
19. In its first report ECRI highlighted the establishment of a Council for Inter-Ethnic Relations empowered to advise the Assembly on issues affecting inter-ethnic relations and the rights of national minorities. ECRI believes that such an institution is of vital importance in the context of "the Former Yugoslav Republic of Macedonia" where, as will be explained in more detail below<sup>2</sup>, the different national communities tend to live relatively separate lives and where complex inter-ethnic relations within the region may have an impact. For example, during the Kosovo crisis, the Council served as a forum for open discussions between members of different ethnic groups. ECRI is pleased to learn of such efforts and encourages the Council to continue to provide a forum not only for seeking the resolution of problems arising between different communities, but also to develop long-term initiatives to foster increased communication and constructive interaction between different ethnic groups. Furthermore, ECRI encourages the Assembly to pay due attention to the observations and suggestions of this Council and to consider including the participation in the Council of other minority groups.

## **G. Education and awareness-raising**

20. In the context of "the Former Yugoslav Republic of Macedonia" where children of different ethnic groups often have little contact with each other and attend separate schools, it is particularly important that schools make a special effort to teach human rights, tolerance of difference and appreciation for other ethnic groups. Schools should strive to break down negative stereotypes and replace

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<sup>2</sup> See *Issues of Particular Concern, Interethnic Relations*.

them with more impartial information about other ethnic groups and the pluralism therein. ECRI therefore welcomes the introduction into the school curriculum of civic education in which tolerance, understanding, the prevention of conflicts and minority rights will be taught. ECRI encourages the authorities of "the Former Yugoslav Republic of Macedonia" to integrate these topics into all levels of the educational system and to offer teachers special training in this area. The national authorities should also ensure that all subjects are taught in a manner that fosters the above values.

## H. Reception and status of non-citizens

21. In 1999 "the Former Yugoslav Republic of Macedonia" was overwhelmed by a rapid influx of Kosovar refugees, mostly ethnic Albanian, but also including Roma. While most of the Kosovar Albanians have now returned to Kosovo, Roma continue to seek refuge, fearing persecution by ethnic Albanians in Kosovo, who accuse them of collaborating with the Serb forces. At its peak in May there were approximately 240,000 refugees in the country as a result of this conflict, housed in camps, collective centres and with host families, bringing the total number of registered refugees to 360,000. The refugees were granted temporary protection providing them with the right to food, accommodation, health care and education. This status did not, however, permit a refugee to work or to make a request for temporary residence. In March 2000 the number of refugees benefiting from temporary protection in "the Former Yugoslav Republic of Macedonia" was, according to the Ministry of Interior, approximately 8530, including several thousand Roma/Gypsy refugees. The UNHCR estimated the total number of refugees in the country, counting those not registered, at around 12 000.
22. ECRI appreciates the efforts on the part of the authorities and population of "the Former Yugoslav Republic of Macedonia" to welcome such large numbers of refugees on their territory. ECRI expresses its strong hope that the national authorities will continue to respect the principle of non-refoulement as incorporated in the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol and under no circumstances return the Roma refugees to a situation in which their life or freedom would be threatened. In this respect, ECRI voices its concern that the international community has not provided sufficient humanitarian aid to support the recent wave of Roma refugees.
23. In its first report, ECRI noted the absence of a clear institutional framework to clarify the status of refugees and asylum seekers, and recommended an organic law on asylum. ECRI is aware that the government of "the Former Yugoslav Republic of Macedonia" is finalizing work on a draft Law on Asylum, prepared in co-operation with the UNHRC and the Council of Europe, and encourages the authorities to complete the process as rapidly as possible in order to clarify the legal status of the non-citizens remaining on Macedonian territory.

I. Access to public services

- *Access to social services such as health care, welfare and housing*

24. The Ministry of Labour and Social Policy has made clear that all citizens have an equal entitlement to public services and benefits, regardless of their ethnicity, in accordance with the constitutional guarantee of equality. However, ECRI has received reports of corruption and prejudice in some municipalities resulting in discrimination against the Roma/Gypsies in the provision of social services. Several predominantly Roma neighbourhoods lack basic facilities, such as water and sewage. It is difficult to assess the scope of the problem as information in these fields broken down by ethnicity is unavailable. ECRI stresses that discrimination at the local level should not be tolerated by national authorities. In this respect it is important that a system of monitoring be established whereby it will be possible to identify problems of discrimination. A specialised body working in the field of racism and discrimination could perhaps be involved in this process. ECRI also encourages the Macedonian government to enact anti-discrimination legislation in these fields (*see paragraph 15*).

- *Access to education*

25. The Macedonian authorities have in recent years made considerable efforts to improve the participation of students from ethnic minority groups in secondary and higher education. Over the past ten years, the numbers of in particular Albanian and Turkish pupils in secondary education have increased significantly. However, ECRI is concerned that despite these efforts and improvements, the number of students from minority groups who receive secondary and higher education remains low. ECRI understands that the reasons for this situation are complex and that there is no easy solution, however it emphasises the need to increase the participation of members of these groups at the secondary and higher levels of education, particularly through measures to combat the high drop-out rates of children from these minority groups from the school system. In this respect, ECRI stresses the positive role that the introduction of bi-lingual classes incorporating relevant minority languages could play in improving interaction and integration between children of minority and majority ethnic background.

26. The poor quality of education in some of the minority language schools is one of the obstacles faced by pupils who wish to further their education beyond secondary school. The OSCE High Commissioner on National Minorities has stressed the need to improve the quality of teaching in Albanian language schools, particularly in grades V-VII of Albanian language primary schools and in Albanian language secondary schools. Other minority groups face similar problems in the field of education. In this respect ECRI welcomes the introduction of teaching in Albanian and in Turkish at the Pedagogical Faculty of Skopje, offered to future teachers of kindergarten and the first four grades. ECRI encourages the government to offer similar training to teachers of higher school levels as well and notes in this respect that the recently adopted Law on Higher Education provides for teacher-training in minority languages for the higher primary school grades and pedagogical courses for teachers in secondary schools. Roma leaders also stress the need to improve the quality of

Romani language teaching. ECRI has been informed that the Macedonian government is making efforts to improve the quality of such education through the preparation of new curricula and courses in the Romani language in order to train teaching staff. ECRI encourages the government to further expand and develop such positive initiatives.

27. As in many other countries, members of the Roma/Gypsy community in "the Former Yugoslav Republic of Macedonia" face particular disadvantages in the field of education. ECRI believes special efforts should be made to increase levels of education of this socially and economically marginalised group. The government may wish to consider special assistance programmes for Roma/Gypsy and other children from extremely poor families who find the costs of textbooks, other school materials and proper school dress prohibitive; in this respect, ECRI notes that schoolbooks at primary level are provided to all pupils free of charge by the government. Insufficient knowledge of the Macedonian language upon entry into school may also present an obstacle to the success of some Roma/Gypsy children living in Roma settlements. ECRI is pleased to learn of non-governmental initiatives to offer Macedonian language classes to prepare Roma for entry into the school system, and encourages the authorities to support such initiatives. An investigation should also be carried out into the role of stereotypes and prejudices of teachers, which may lead to low expectations for Roma/Gypsy children. ECRI recommends, in this respect, that training be offered to teachers, including information about the particular needs and expectations of Roma/Gypsies and the ability to use this knowledge effectively. Targeted training of Roma/Gypsies for teaching posts and recruitment of teaching staff from the Roma/Gypsy community might also play a role in improving the situation.
28. As highlighted in ECRI's first report, the government has taken important provisional measures to increase numbers of students from minority groups in higher educational institutions, including the introduction of a quota of places reserved for members of minority groups. While facilitating the access of members of minority groups to higher education, the quota has also provoked a certain amount of hostility from ethnic Macedonians and encouraged negative stereotypes about members of minority groups. ECRI encourages the authorities of "the Former Yugoslav Republic of Macedonia" to closely monitor the impact of this policy and provide accurate information to the public about the complex social and economic reasons motivating its introduction.
29. The Assembly of the "Former Yugoslav Republic of Macedonia" has adopted a new Law on Higher Education; a draft of the Law had previously been forwarded to the OSCE High Commissioner for National Minorities. The Law provides a legal framework for the establishment and exercise of institutions of higher education, both private and public. ECRI appreciates the sensitivity of this issue; it nonetheless urges the authorities to further efforts to promote the participation and interaction of members of different ethnic groups. As discussed above, this might involve the development of bi-lingual education within the public system.

## J. Employment

30. Although, according to a 1999 governmental survey, the national unemployment rate stands at 32.4%, the most recent government workforce survey estimates that the unemployment rate among the Roma/Gypsy population is 71.8%. This is considered by the authorities to be a consequence of the changing labour market situation and a lack of qualifications among the Roma/Gypsy population. ECRI believes, however, that indirect and direct discrimination frequently play a large part in explaining this phenomenon. ECRI therefore encourages the authorities of "the Former Yugoslav Republic of Macedonia" to identify ways of monitoring the situation of the various minority groups in the labour market, in order to identify areas of possible discrimination. In this regard, ECRI takes note of the existing statistics about the labour market broken down by ethnic groups, and suggests that this information could be expanded and developed in a manner that permits problems of discrimination to come to light.

## K. Monitoring the situation in the country

31. To plan any action programme to combat discrimination and intolerance, it is necessary to identify accurately the extent and causes of the problem. As ECRI noted in its first report, there appears to be a need for comprehensive statistical information about the participation of ethnic minorities in public life and on their economic and social situation, especially with regard to access to employment, health, education and housing. Information should also be collected about the effectiveness of remedies in cases of discrimination, including the number of complaints, the subsequent investigation by police and prosecutors where relevant, the judicial assessment of such complaints and the redress or compensation awarded to victims. This information could cover *inter alia* criminal and civil provisions aimed at combating racism and discrimination. In gathering such information due respect should be paid to the right to privacy and to standards of data protection and free and informed consent of the persons in question.

## L. Conduct of Certain Institutions

### - *Law Enforcement Officials*

32. ECRI is concerned that police abuse and violence continues to be a problem in Macedonian society and one that disproportionately affects members of minority groups, particularly Albanians and Roma/Gypsies. Although the situation is improving due to efforts of the Ministry of Interior, unlawful arrest and detention, excessive use of force and physical ill-treatment of detainees remain problems. Non-governmental organisations also report that, despite a 1997 law making the practice illegal, police continue to call individuals, and particularly those belonging to minority groups, to the police station for "informative talks" where mistreatment sometimes occurs. According to Roma organisations, police frequently overstep their authority when they apprehend Roma/Gypsies selling goods in violation of the 1995 Law on Commerce.

33. ECRI notes that an internal investigation procedure into complaints exists, undertaken first by superior level police officers and then by the Ministry of Interior. However, there is a wide discrepancy between non-governmental reports of police excesses and the results of internal investigations into complaints, which revealed only several cases of excessive force in the last year. ECRI repeats its recommendation that an independent body should be charged with the task of enquiring into all cases of ill-treatment by police officers, especially of members of minority groups.
34. Special efforts should also be made to improve relations between police and minority groups. In its first report ECRI stressed that it is paramount that all law enforcement officials receive special human rights training, particularly in relation to racism and intolerance, and that they are given a thorough understanding of the relevant national legislation as well as international human rights standards. The Ministry of Interior is undertaking a variety of educational initiatives and human rights is an obligatory subject within the police academy, which includes the teaching of respect for the rights of national minorities. ECRI encourages the authorities of "the Former Yugoslav Republic of Macedonia" to continue such initiatives and further expand their efforts to provide officials with initial and ongoing training in this field. ECRI also notes with interest the Ministry of Interior's efforts to recruit members of minority groups, and in particular the fact that in the past year the number of ethnic Albanians in key positions in the Ministry of the Interior has increased. ECRI hopes that this will lead to a police force more reflective of the multiethnic nature of the Macedonian society.

#### **M. Media**

35. Minority groups in "the Former Yugoslav Republic of Macedonia" have access to reporting in their own language, both in electronic and print form. As ECRI noted in its first report, state television and radio networks as well as private broadcasting enterprises broadcast programmes in minority languages, including Albanian, Turkish, Vlach, Romany and Serbian.
36. The media in "the Former Yugoslav Republic of Macedonia" has been criticised for its role in exacerbating mistrust and fear between different ethnic groups, particularly the Albanians and ethnic Macedonians. Critics report that the media coverage of sensitive events tends to be one-sided and overly subjective, fuelling tensions in interethnic relations. ECRI believes that in the Macedonian context, the media has an added responsibility to ensure that it reports events in a balanced and impartial manner. ECRI stresses the role that can be played by codes of self-regulation in this respect. It also urges the authorities of "the Former Yugoslav Republic of Macedonia" to vigorously implement legislation aimed at combating hate speech, such as Article 319 of the Criminal Code.

## SECTION II: ISSUES OF PARTICULAR CONCERN

37. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of "the Former Yugoslav Republic of Macedonia", ECRI would like to draw attention to the question of the need for improved interethnic relations and enhanced interaction between ethnic groups in all areas of society.

### N. Interethnic Relations

38. "The Former Yugoslav Republic of Macedonia" holds together a very delicate ethnic balance, made up of a majority of ethnic Macedonians, a large Albanian minority, and other minority groups including *inter alia* Turks, Roma, Serbs and Vlachs. Despite this diversity, each of the main ethnic communities tends to live in a relatively homogenous world of its own. Even where members of different ethnic groups live and even work alongside each other, they often have limited contact in daily life. Although interaction is increasing, particularly among young people and the educated and professional segments of society, many members of the various groups still tend to go to different restaurants, different cafes, different stores and even different schools. The organisations and associations of civil society too, are in large part divided along ethnic lines, as are the political parties.
39. ECRI notes that there is a growing awareness within "the Former Yugoslav Republic of Macedonia" of the situation and of the need to encourage further interaction and communication between the various communities. ECRI welcomes the measures which are now being taken at both the governmental and non-governmental levels to move in this direction and encourages further efforts in this regard.
40. Wider interaction between the various linguistic communities has a key role to play in improving inter-ethnic communication. While most members of minority groups speak the Macedonian language, very few ethnic Macedonians speak any minority languages, even the language of the very large Albanian minority, although in ethnically-mixed regions ethnic Macedonians do generally speak the languages of the relevant ethnic minorities. Public debate takes place within each community rather than between communities, each receiving information about events within the community, the country and the region from media in its own language, produced by members of its own ethnic group. Members of minority groups are able to access the Macedonian media, although they rarely do, but the ethnic Macedonians are largely unable to access non-Macedonian media due to the linguistic barrier. Each group therefore receives information about events and the other ethnic groups, interpreted through the eyes of members of their own ethnicity, not through direct contact and communication with members of these groups.

41. Another key area for development is the enhancement of opportunities for children of different groups to interact with each other, particularly within the educational system. At present, children from the different ethnic groups tend to be educated within their own linguistic community. While recognising and encouraging the wide provision for minority language classes and schools, ECRI stresses the role that could be played by increased opportunities for children from the different groups to be educated alongside one another and to learn each other's languages and cultures.
42. As concerns the field of religion, ECRI notes that "The Former Yugoslav Republic of Macedonia" is built on a secular State system according to which all religions are separate from the State and enjoy equal rights and status. ECRI stresses the value of such a system in the Macedonian context, where several religions co-exist. In this context, ECRI welcomes the removal by the Constitutional Court of certain controversial provisions concerning the registration of religious groups from the Law on Religious Communities and Groups. ECRI encourages the Macedonian authorities to continue to ensure that all religions within "The Former Yugoslav Republic of Macedonia" enjoy equal status and rights. In this respect, ECRI is aware that the introduction of religious instruction in schools is currently under consideration and strongly encourages the authorities to ensure that such religious instruction would provide children from the different religious communities with an opportunity to learn about the range of religions which co-exist within the secular State system of "the Former Yugoslav Republic of Macedonia".
43. ECRI appreciates the efforts the authorities of "the Former Yugoslav Republic of Macedonia" have made to promote the ability of each minority group to develop its own cultural identity.. ECRI is concerned, however, that the current situation, where each group tends to remain amongst itself with little opportunity for interaction or communication with other ethnic groups, permits mistrust and negative stereotypes to persist. At present, this situation also means that minority communities may remain rather isolated from the majority community. In this respect, ECRI encourages efforts to develop enhanced interaction between members of various ethnic groups in all fields of life.
44. As concerns the political sphere, ECRI notes that despite the participation of Albanians and other minority groups in politics at the national and local level, these groups are greatly under-represented in state institutions, such as the public service at the national and local level, the police, and the judiciary. ECRI appreciates the efforts of the Macedonian authorities to recruit members of minority groups into these institutions, and urges them to continue these efforts. Not only would a more reflective minority representation allow members of these groups to participate more fully in Macedonian society and have improved access to these institutions, but it would also provide spaces for constructive interaction between members of these groups. Furthermore, the authorities of "the Former Yugoslav Republic of Macedonia" may wish to promote the more widespread use of minority languages

45. At present, interethnic relations are tense, with each group harbouring negative stereotypes and fears about the others. Relations between the two largest ethnic groups, Macedonians and Albanians are often complex. These relations are intertwined with the regional context of the Balkans, reflecting not only the internal reality within the country, but also the events in neighbouring countries. Thus the Kosovo crisis increased mistrust and reduced tolerance between groups, exacerbated in some cases by media reporting. The numbers of Albanian refugees triggered fears amongst ethnic Macedonians that this influx would upset the ethnic balance of the country. Albanian mistrust of the ethnic Macedonians was aggravated by incidents such as Blace, where the border was temporarily closed, leaving refugees stranded.
46. Relations between the Roma and the other ethnic groups have also been negatively affected by the conflict. There have been disturbing reports of an increase in ethnically-motivated violence against Roma. The accusations by some Kosovo Albanians that the Roma collaborated with the Serbs and the corresponding wave of Roma refugees have strained relations between ethnic Albanians and Roma in "the Former Yugoslav Republic of Macedonia".
47. In this context of actual or latent interethnic tension existing in a context of separation between ethnic groups, ECRI believes that leaders of public opinion, such as politicians, public figures and journalists, bear a special responsibility in decreasing mistrust and fears as well as in improving tolerance and acceptance between ethnic groups. Various politicians have been guilty of using ethnically inflammatory issues to promote their popularity in the hope of obtaining votes. ECRI encourages opinion leaders to avoid expressions of hostility, and to strive instead to foster attitudes of appreciation and respect for other groups and to promote increased trust between ethnic communities. As a primary source of information about other ethnic groups, the media should make special efforts to contribute towards greater understanding, trust and interaction between different minority groups. The media has an important role to play as a bridge between the communities, and ECRI encourages it to assume this positive role.
48. ECRI urges the Macedonian authorities to consider further initiatives and measures that will enable contacts and communication between members of different groups and enhance the participation of the different ethnic groups in a common society. ECRI draws particular attention to the school system and strongly urges the authorities to consider ways in which children from different ethnic groups would have opportunities for positive interaction and learning about each other. ECRI notes in this connection the recent adoption of a new Law on Higher Education. The authorities may wish to consider further increasing the opportunities for students to learn Albanian and other minority languages as part of the mainstream school curriculum at all levels of the education system. This would allow increased contacts between children of different ethnic groups, be an important step in breaking through the linguistic divide between groups and promote the participation and sense of belonging in Macedonian society of members of minority groups. The authorities should also make special efforts to ensure that the educational system is structured in such a way that it does not reproduce patterns of interethnic hostility and mistrust.

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**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in “the Former Yugoslav Republic of Macedonia”.**



## APPENDIX

ECRI wishes to point out that the analysis contained in its second report on "the Former Yugoslav Republic of Macedonia", is dated 16 June 2000, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of "the Former Yugoslav Republic of Macedonia" to engage in a process of confidential dialogue with ECRI on its draft text on "the Former Yugoslav Republic of Macedonia" and a number of her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of "the Former Yugoslav Republic of Macedonia" be reproduced as an appendix to ECRI's report.

### ***OBSERVATIONS PROVIDED BY THE GOVERNMENT OF "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" CONCERNING ECRI'S REPORT ON "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"***

#### ***"I. Access to public services***

##### ***Access to education***

*Paragraph 25: With respect to the last sentence of this paragraph, which suggests introduction of bilingual classes as a measure improving integration, the Government of the Republic of Macedonia would like to inform that in the last several years the Ministry of Education has been implementing the Mosaic Project in pre-school education institutions, in cooperation with international non-governmental organizations. The project envisages establishment of bilingual classes (the children are of Macedonian and Albanian nationality). The teachers speak both languages and are adequately trained to carry out bilingual instruction. This is a pilot project, while parents can decide on such a form of instruction on voluntary basis. The project results are positive.*

*However, introduction of bilingual classes in primary or secondary education requires much more serious analysis and preparation. In this respect and taking into consideration the several decade long tradition of full education in mother tongue, the Government of the Republic of Macedonia considers that the introduction of bilingual classes (in which instruction would be carried in two languages) would cause negative reaction by persons*

*belonging to minorities who follow instruction in their mother tongue. They would consider such an instruction to be a "restriction" of their constitutional right. They consider that such measures are used for purposes of forced integration, which in time could result into assimilation. Persons belonging to minorities in the Republic of Macedonia are indeed proud of their different cultural and linguistic tradition, which they have been nurturing for centuries. After all, it should be reminded that the Republic of Macedonia is one of the rare countries in which democracy successfully functions in a multi-cultural environment and which has a developed system of protection of the rights and of the cultural diversity of persons belonging to ethnic minorities.*

*In such conditions, the eventual realization of the idea for bilingual classes could be counter productive. This instead of contributing to the strengthening of integration processes among the young people belonging to various ethnic groups could have an entirely negative effect on the process, and on the overall inter-ethnic relations in the state.*

*Respecting the ECRI recommendations, the Government considers that there are no legal, political and socio-cultural conditions for the eventual realization of this recommendation. Of course, the Ministry of Education and the expert pedagogical bodies could take it into consideration and review the eventual need of organizing optional bilingual instruction (bilingual instruction as a possibility if parents and children would like to follow such instruction). However, even in such a form, bilingual instruction would be by definition more expensive and would require appropriate technical conditions.*

## **Section II: Issues of particular concern**

### **N. Interethnic Relations**

*Paragraph 38, 40. With respect to the referred to paragraphs the Government of the Republic of Macedonia would like to underline that the remarks and considerations contained in the third and in the fourth sentence (referring to different restaurants, different cafes, different stores, different media) as well as those contained in the fifth sentence are exaggerated. Such a strict division of a society (especially in a multi-cultural society that has been functioning for generations) does not reflect the Macedonian reality. The different cultures, traditions, languages and religions of the various ethnic communities in the Republic of Macedonia are for centuries old reality. However, such a situation has never generated hatred that would lead to full separation of society as such. On the contrary, people of different ethnic, cultural and linguistic origin have lived and live peacefully together, respecting each other. Consequently, there is no violence or conflict in the collective historic memory of ethnic groups. The mixture of cultures and traditions has always been part of the cultural treasury of Macedonia, which is an excellent example of free expression and fostering of cultural, linguistic and religious diversity. Historically speaking,*

*there is not a single period in which forced integration or assimilation, through the imposition of a certain cultural matrix as the official one, has been insisted upon.*

*Such a tradition at first glance may prompt a mistaken impression of a non-integrated, divided society. What would be of relevance from the ECRI perspective is the following: whether or not such explicit cultural differences lead to hatred or to direct or indirect discrimination. Such a phenomenon is not to be found in Macedonia. Certain cases of manifestation of intolerance are marginal and do not present sufficient grounds to conclude that the Macedonian society is divided and that insufficient is done with respect to the integration of minorities. Integration must be voluntary. The best example in this regard is the young, primarily urban generation, who increasingly abandons the traditional elements of personal identity."*