

HELSINKI COMMITTEE FOR HUMAN RIGHTS



КОМИТЕТ ЗА ЧОВЕКОВИ
ПРАВА НА РЕПУБЛИКА
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КОМИТЕТИ И МАКЕДОНИЈА КОМИТЕТ ДИ
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REPORT BY THE HELSINKI COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA ON THE HUMAN RIGHTS SITUATION DURING 2002

2002 was a year in which the Republic of Macedonia was to recover from the major consequences of the 2001 armed conflict; to implement the Ohrid Framework Agreement (as a guarantee for the peace) and to facilitate the conduct of early elections. The post-conflict period was featured by large-scale political turmoil (establishment of new political parties, change in the balance of powers); then by ever increasing corruption of the political structures, intensive partisan policy in the state administration and untouchable political elite. The pre-election activities and the period of transfer of power exasperated this situation. The basic characteristic of the global political situation was increased violence and insecurity of the population (due to limited operation of the police, presence of armed groups and individuals operating in certain parts of the country, activities of uncontrolled parts of the police, non-functioning of the judiciary, unresolved crimes and manipulation with the inter-ethnic relations, deterioration of the standard of living, unemployment, cuts in the social protection). According to the initial moves of the newly elected governing structure, partisan policy within the state apparatus will mark the forthcoming period as well.

Such a political situation is susceptible to disrespect, violation and lack of appropriate protection of human rights and freedoms in all spheres of everyday life. The promotion of human rights and freedoms is still reduced to the level of political paroles and declarative statements. In many areas the situation is alarming, threatening to further escalate unless the state start fulfilling its obligations and accept the activities in this area as a priority task.

In 2002 the Helsinki Committee paid special attention to several areas related to the human rights promotion and protection which were of priority interest in the course of that year, or were areas where the grossest human rights violations could be found.

1. Elections

Despite the provision of the Ohrid Framework Agreement which envisaged early parliamentary elections on 27 January 2002, due to the opposition of the ruling parties (VMRO-DPMNE and DPA) there were regular elections held on 15 September 2002. International observers (representatives of OSCE, Council of Europe, the European Union, and a certain number of NGO's and domestic observes – national NGO's) assessed the

elections as fair and democratic. The results of the elections greatly correspond to the forecasts given by independent research teams in the pre-election period. The Helsinki Committee prepared an overall report (see web-site), inter alia, for the purpose of further improvement of the election system and opportunities for complete exercise of voting rights.

The Committee registered several significant violations in the pre-election period, which could have impacted the election process: indications for forged ballots and the use of the “Bulgarian train” method of forging the elections; the attempt to enlarge the voters’ register by issuing citizenship to ethnic Macedonians living in neighboring countries and in the Diaspora; activities of employees of the Ministry of Internal Affairs aimed at intimidating the political opponents and creating an atmosphere of insecurity; disrespect for the Law on Election of Members of Parliament (Article 7) by the Minister of Internal Affairs and his Deputy, bribing voters and use of hate speech by the candidates of various parties. The pre-election silence was grossly violated in several places in the country by distribution of leaflets (with offensive contents) and by several electronic media (the state owned MTV and several local stations). The state owned media (MRTV, Nova Makedonija, Vecer and the private medium –Sitel) broadcast/published a series of anti-western contents and proclaimed the non-governmental sector as the “fifth column”.

There were cases of pressure on the day of elections (open and disguised) by several political parties; in several places there was no full secrecy of the voting (due to inappropriate facilities and inappropriate positioning of the voting booth covers); no access was secured for disabled persons, the prohibition for carrying guns at polling stations was not fully respected. The Committee recognized the deficiencies of the “modern branding” - the spraying of the thumb of the hand in evidence of completed voting, as well as to the deficiencies in the composition, training and neutrality of election committees.

Within the Albanian community there was still collective voting and non-autonomous voting by women. The “spouses voting” was especially spread (present within other communities as well) to which the election committees turned a blind eye.

One of the basic remarks regarding the State Election Commission (which otherwise fully responded to its obligations and was at the height of its tasks) is the lack of greater flexibility and readiness to react to incidents and violations of the voting rights.

In the post election period there was an attempt made to exert pressure and influence the State Election Commission. The Ministry of Internal Affairs (headed by the Minister) allowed itself to make an intrusion in the Commission facilities. Neither this nor other smaller scale violations of the Law served as grounds for institution of criminal proceedings.

The public could not review the report of the State Election Commission, which it was to submit to Parliament, which meant lack of overall complete information about the elections, registered problems and undertaken activities for overcoming the problems, i.e. punishing the perpetrators of violations. Nor did the public receive information about the decision of the Supreme Court in connection with cases instituted before it. There were no explanations offered about the suspicions in principle in respect of the acceptance of Mr. Trifun Kostovski, as “an independent Member of Parliament.” In the section entitled “letters from readers” of the Dnevnik daily newspaper, there was a letter published in which the reader precisely pointed out the illegality of such a decision. Namely Mr. Kostovski, did not complete the procedure of proposing candidates based on the envisaged number of voters – instead his candidacy was verified based on the proposal by the “For” election coalition or more precisely of the SDSM. Therefore, it clearly follows that he could not and must not have the status of “independent member of Parliament”, especially in light of the fact that two candidates of an “unidentified proposer” were in a similar situation, whom the Commission correctly registered according to their formal proposer. This unlawful situation

of Kostovski is accompanied by the case of Mr. Peter Naumovski, MP who in overt collision with the law is professionally engaged outside the Parliament.

The Helsinki Committee calls upon the current authorities to inform the public of all violations committed during the elections and the sanctions against the perpetrators and to make all necessary legislative and bylaw amendments and additions for the purpose of enabling the exercise of voting rights by as large number of citizens as possible, who will vote based on relevant information and without external pressures and threats of any type.

The professionalization of the Election Commission and facilitating its effective work in the entire period of its mandate could be used as a means in the implementation of these activities.

2. Freedom of expression and the media

2002 was featured by apparent decrease of hate speech in the media, then by attempts for objective informing and by increase of violence against certain journalists and media outlets.

Pressures and violence against journalists began as early as the start of 2002 (with the case of broadcasting ban for the third channel of the Macedonian Radio –Radio Culture, over to the attack against the TV Telma crew when informing from the peaceful meeting of employees at the facilities of the Gazela Factory (when Ljupco Jovkovski, cameraman was beaten up) in order to escalate in the pre-election period in several politically motivated physical attacks against journalists (the responsibility for which, directly or indirectly was of the ruling political parties). The following journalists also became victims of violence: Mare Stoilova (A1 TV), Marjan Gjurovski (Start), Simon Ilievski (Utrinski Vesnik newspaper), Zoran Bozinovski (Radio Tumba), Trajce Stoimanovski (Radio Probistip), and Magdalena Andonovska (Nova Makedonija newspaper). In response to this wave of violence against the journalists, the journalists organized a protest under the slogan “We are here - beat us.” Pressures from political parties escalated (exerted by party appointed or party supported editors in chief of some media outlets). Hence, journalists pressured by the threat of losing their jobs had to adjust the contents of information or abandon all together certain types of information.



he Helsinki Committee considers that pressures against the critically positioned journalists and media outlets represents violation of the freedom of information, then of Article 19 of the Universal Declaration of Human Rights, and of Article 10 of the European Convention for Human Rights and Freedoms. According to the Association of Journalists of Macedonia in the last several years there were about forty known cases of physical attacks and various types of pressures against journalists in the country, and it is estimated that there are as many cases which have not been disclosed due to additional threats and fear. A democratic country may not allow itself to complete the investigation and issue a judgment only in respect of one of the above mentioned cases.

On the other hand, the media did not find the strength to object to the violation of the freedom of expression and informing in respect of the Report of the Helsinki Committee for Human Rights of the Republic of Macedonia about the 2001 human rights situation. Most of the media supported the campaign of the then Minister of the Interior, while some of them (for example the Vecer newspaper and TV Sitel) published/broadcast a series of untruths, misinformation and libels against the Helsinki Committee Chairperson, Mrs. Mirjana Najcevska and the Board member, Mr. Sasko Todorovski. By the end of 2002, there was a significant change in this attitude and in most media the campaign against the Helsinki Committee stopped.

The use of hate speech and biased informing (or informing which intentionally or unintentionally flares up ethnic intolerance) did not cease in 2002 (despite the fact that in this period there could be more visible differences noticed among media in respect of their objectivity and use of hate speech and flaring up of inter-ethnic intolerance). The following could serve as an example: the cases to which the Broadcasting Council of the Republic of Macedonia pointed out in its press release in which it stated that "in two programs on the Albanian language desk at the MTV2 channel and TV Gura from Kicevo parts or integral shots of the event held in the village of Slupcane were broadcast, organized on the occasion of the so called "anniversary of its liberation"; then the many examples of replacement of the term "Macedonians" with various terms in the pejorative context; "information" by TV Sitel about the preparation of spring offensive in the western parts of Macedonia; "Information " in the Flaka newspaper that 20 police officers-ethnic Albanians had been dismissed, who were part of the OSCE project; the biased "informing" by media in the Macedonian and in the Albanian language about the events in connection with the Semsevo primary school; the lack of sensibility in informing by Macedonian media about the health problems of secondary schools students of Albanian ethnic origin in Kumanovo; as well as lack of analytical informing about criminal charges and institution of court proceedings within the anti-corruption campaign, and about the wave of workers' dissatisfaction and numerous demands for revision of privatization.

The Helsinki Committee calls upon the media to apply larger sensibility in situations which involve issues of inter-ethnic relations, to raise the level of professionalism in informing, which will prevent the violation of personal dignity and will lead to respect of the presumption of innocence.

3. Justice system and independent judiciary

The justice system continued the trend of its losing independence and professionalism in performing its functions. The inexperience and disrespect of the procedures and forms of court proceedings and evident violations of the substantive law not only undermine the trust in the justice system, but also disable the protection of human rights and freedoms and often per se represent direct violations of these rights. The absurdity of some charges, lack of elementary explanations, changes and adjustments of

the charges in the course of the court proceedings in order that the accused is kept in custody for as long as possible, the delays of the court proceedings and the biased conduct of the proceedings (the following cases could serve as an example: the cases of Vulnet Kazimi, Atanas Aleksovski, Krenar Osmani, Selam Selami, Dzevad Elmazov, Tairi Sabri) represent a direct attack against the right to fair trial which is one of the most protected rights in a series of international documents and which is to a great extent precisely defined in the national legislation.

In 2002 there was strengthening of the evident influence of the executive power and of political parties on courts and the Public Prosecutor's Office. On several occasions the issue of inappropriate salaries of judges was raised, as well as the issue of control by payment of judges' salaries through the Ministry of Justice (which controls the amount and distribution of salaries).

These institutions were influenced inter alia through the election of judges and appointments of public prosecutors. The first level of this influence is represented by the influence of ruling parties on the Judicial Council which is in charge of the selection and proposing judges appropriate for election. However, if a person who is not in the grace of the ruling parties "slips" through the selection of the Judicial Council, the person will not gain the necessary votes at the Parliament session. There were several occasions last year when judges -candidates did not get the support by the parliamentary majority despite the presented results from their work and arguments in favor of their competencies and expertise. Each judge candidate must go through the party filters of the party personnel commissions. On the other hand, persons without any proof of their qualities, who have never worked in courts, but have been party soldiers, were elected for judges. This is the case for example with the recently elected judge for the Supreme Court who has never been a judge, but a party activist.

An especially weak point and source of continued limitation of the judges' mandate (hence the opportunity to control the judiciary) is paragraph 3, sub-paragraph 6 of Article 99 of the Constitution and Article 2 of the Law on the State Judicial Council which define the procedure for proposing judges for dismissal due to 'inexpert and incompetent performance of the judicial office'. This provision was abused on several occasions in inappropriate and unsubstantiated proceedings against judges who were not in the grace of the ruling structures (or were not under the direct protection of some political party). The new authorities very promptly and in a very similar manner dismissed two judges. The lack of appropriate argumentation and serious proceedings in the dismissals represents a continuation of the erosion of the independent judiciary. The last insistence of the new Government on change of the composition of the Judicial Council could be interpreted in this context. (According to the Government *"one of the priorities in the implementation of the Ohrid Framework Agreement is the election of a new Judicial Council, since this is required with the amendments to the Constitution of the Republic of Macedonia"*). In its Press Release the Council underlined that "there are no constitutional grounds for election of new members of the State Judicial Council since the mandate of the present members has not ceased." According to Article 104 of the Constitution, the Council members are elected for 6 year mandate, while in accordance with the positive Law on State Judicial Council the office of a council member ceases only in case of submission of resignation, dismissal on grounds of criminal conviction for at least 6 months suspended sentence or in case of permanent loss of capabilities for performance of the office. The adoption of a new law is not envisaged as one of the grounds for cessation of the mandate. In such a situation it is very much expected that the Judicial Council would "come close" to the governing structures, i.e. it would operate under the direct instructions of these structures.

In addition to the election, the executive power and political parties exerted pressure on the judges in adoption of concrete decisions. Thus, in the case of Vulnet

Kazimi (suspended sentence for the crime of causing general danger according to Article 288 of the Criminal Code) none of the evidence presented in the investigative proceedings nor at the main hearing proved that the accused had really perpetrated the crime he was charged with. It seems that the pronouncement of the guilt of Kazimi and his suspended prison sentence is a judicial compromise, which is damaging for the justice system in Macedonia. Pronouncing of Kazimi as guilty evidently served the purpose of "covering up" his seven month detention. In any case there remains the fact that the true culprits remain unpunished. The Helsinki Committee sincerely hopes that the Appellate Court would not tolerate such compromises, even bargains with the justice principles.

As a result of such pressures last year there were no proceedings held (for example the case of the Macedonian Helsinki Committee Board members against the Vecer newspaper which is still in the drawers of the Skopje I First Instance Court in Skopje for which the court/judge Gordana Sajkova persistently does not schedule the hearing) or there were inappropriately conducted proceedings for several cases in which hearings were delayed (allegedly because of inability to bring witnesses or because of absence of some of the parties in the proceedings) , and in some cases the judges even did not schedule hearings. In the case of Atanas Aleksovski (complaint submitted to the Skopje First Instance Court against the Ohis Company from Skopje) the last three hearings in this case were delayed since the case file was simply lost. Aleksovski stated that the case file disappeared in 1993 as well so the entire material was renewed by resubmission of evidence. By not conducting proceedings against the Government or its exponents the judges and courts attempt to avoid eventual collision with the power and thus directly damage citizens and devalue the principle of the rule of law.

The influence of parties on the judiciary is also expressed by the change of seats of certain companies in circuits of judges who are in favor of a certain political party or certain business circles and who thus became in charge of resolution of possible disputes of these companies. For example, Makedonija Tabak 2000 and its affiliates changed their seat in Stip; the Lozar Company changed its seat from Bitola in Skopje.

It is especially of concern that judges avoid completing the proceedings in which the accused persons are employees of the Ministry of the Interior. The case of Toni Pesevski from Kumanovo (Pesevski and his father were beaten up by a special unit police officer, on 10 May 1994; Pesevski instituted private lawsuit for the crime of light bodily injury and for the crimes of: illegal deprivation of freedom and maltreatment in the performance of official duties. After several delays of the proceedings due to obstruction by the accused and the witnesses – police officers the law suit was rejected due to statutory limitations). Such is the case of court proceedings (the Dzevad Elmazov case at the Negotino First Instance Court, the juvenile S.M. case at the Struga First Instance Court) instituted by the Legal Office of the Mesecina Humanitarian Association for Protection of Roma from Gostivar against officers of the Ministry of the Interior. The situation is similar with the case instituted by the Helsinki Committee (the case of Muhaedin Belja for inappropriate arrest by the police).

The situation in the Public Prosecutors Office is similar to that in the judiciary. The manner of proposing and appointing the prosecutors and their deputies facilitates great influence by the executive power. In the last period the Public Prosecutor's Office was an obstacle to the institution of proceedings against representatives of state administration organs and especially against employees of the Ministry of the interior in numerous cases of abuse of powers and evident torture in the performance of their duties. Numerous proceedings instituted against economic crime and other abuses by public officials are "stuck" at the Public Prosecutors' Office. At the same time, proposals for institution of criminal proceedings against renowned political opponents were accepted on obviously political grounds. By abuse of the institute of "obligatory instructions" lower instance public

prosecutors were ordered to criminally prosecute former officials of the Ministry of the Interior and of the Public Prosecutor's Office (current political opponents). One of the priorities of the new ruling structure was the dismissal of the State Public Prosecutor. In this case too the entire procedure was utterly formalized and simplified. In a situation when relevant and numerous arguments based on which dismissal could be requested could have been presented, there were not even minimum arguments given and there was no serious debate about the dismissal. This indicates that the office of the Public Prosecutor is deemed as an office to be filled in exclusively by party soldiers to protect party interests of whatever governing party.

The lawyers did not manage to take a strong stance in protection of the human rights and initiate application of international documents ratified by the Republic of Macedonia. On the contrary, in 2002 the Bar Association adopted Rules for the interruption of the work of the members of the Bar Association of the Republic of Macedonia in which the provisions of Articles 12, 13 and 18 of the Law on Lawyer's Profession are negated. Furthermore, Article 5 of the Statute of the Bar Association which defines this organization as an obligatory one denies the freedom of association and the independence of lawyers in the performance of their duties. These Rules were applied in the case of Mr. Nikola Petrov, lawyer from Strumica.

In November the media were faced with a specific phenomenon in the Macedonian court practice. Namely, in several occasions when journalists were interested in certain verdicts they got the reply that "they may not be allowed inspection of the verdict". However, it is not a matter of inspection at all, but of incorrect interpretation of and practice by our courts. Namely, the institute of "publication of verdict" envisaged in Article 344 of the Criminal Procedure Code is replaced with communicating the verdict practically only to the involved parties (the prosecutor, accused and depending on the punishment and circumstance to the relevant penitentiary, the damaged parties and other courts). These subjects are envisaged in another institute "submission of the verdict" (Article 347/3-6 of the Criminal Procedure Code). Thus, the institute of "publication of verdicts" is bypassed, despite the fact that the verdict as a final product of the opinion of the court, should also be used by courts to influence the social trends, and as a means to account before the public. The non-publication prevents the public to criticize the work of courts, and if one adds the principle of "independence of courts" the courts de facto become untouchable.

The Helsinki Committee expresses its great concern with the further erosion of the judiciary and its independence. The independent judiciary is the basis for the protection of human rights and freedoms, which in 2002 could not be realized, and if this process continues this cannot be realized in 2003, as well. The lack of fair trial turns those who should be the greatest human rights advocates into the greatest perpetrators of violations, and denies citizens the possibility of defending their basic human rights and freedoms.

4. Overstepping of police authorities

In 2002 there were no steps undertaken in terms of decrease of use of excessive use of force by the police, improvement of the organization of the police and replacement of the methods of torture with methods and means of modern technologies for the purpose of detecting and bringing crime perpetrators to justice. All this resulted on one hand with the police being utterly inefficient in many cases and on the other hand with the police violating human rights and freedoms in service of the ruling parties.

The largest number of human rights violations was perpetrated by officers of the special units at the Ministry of the Interior. Furthermore, the abuse of official powers and violent conduct by regular police forces continued and remained unsanctioned. The

number of cases of police torture decreased at the time of the armed conflict, however it is still of large proportions. The following could serve as an example: The Mayor of Plasnica, Ismail Jaoski, was brutally beaten up at the Prilep Police Station (February 2002); the suspect Vulnet Kazimi from Tetovo was held 11 days in various police stations and was beaten and maltreated (without food and water, and was not allowed communication with a lawyer); there are suspicions that summary execution was conducted against 6 foreign nationals in the case of Rastanski Lozja (March 2002); Fanija Vasilevska was offended and brutally beaten because she was driving with a lawyer of another ethnic group; Naser Raufi, Cano Caneski and Vebija Saloski from the village of Oktisi were brutally maltreated by police reserve officers (April 2002); the police used excessive force in breaking up the demonstrations organized by the Association of Trade Unions (April 2002); on 15 May in the vicinity of the Gostivar village of Leunovo during a demonstration exercise by the Lions special police unit the Minister of the Interior, Mr. Ljube Boskovski, when firing a 30 mm automatic grenade launcher – the so called frog-injured several of the present – (the Dnevnik journalist Daniela Vejlanovska, the interpreter of the French Embassy Anita Ramadanova, the head of the Skopje police unit Marinko Kocovski and his driver Kire Partakliev). No court proceedings were instituted against the Minister; Bojan and Dusko Arangelovi from Kocani were victims of police abuse and maltreatment (June 2002); Gjoko Dimeski from Prilep was beaten by the police (July 2002); a group of the Tigers special unit in an organized manner beat a group of citizens in Vinica when one person was killed, and two more seriously injured (July 2002); officers of the Lions special unit blocked the road at Pletvar in order to prevent a political gathering of the opposition; a group composed of officers of the Lions special unit maltreated citizens gathered for the celebration at the St. Elias Monastery by the village of Pokrajcevo and one person ended up in hospital with serious bodily injuries (August 2002); officers of the Lions special unit did not allow Kosta Popovski, journalist of the Utrinski Vesnik newspaper, to report from the abandoned mine in the vicinity of Kratovo (where allegedly Ljube Boskovski the then Minister of the Interior was searching for gold); on 21 June, Ljubica Dimcevska without a court warrant and with the assistance by the police was committed first at the Negorci mental hospital and then at the Bardovci mental hospital. The review by the representatives of the Helsinki Committee showed that Ljubica was committed without any grounds; on 5 October Sadula Duraku, former NLA member, presently high official of the DUI, was deprived of freedom on the basis of an order issued by the Skopje 2 First Instance Court in which he was charged for committed crimes of: “grievous forms of high treason”, “endangering the territorial integrity of Macedonia” and of “war crimes against civilians”. Duraku was released upon several “political interventions”; Celebi Semov charged for theft of wood (November 2002) was maltreated at the arrest and interview at the police station. He admitted to the offence, but also claimed responsibility from the police officer. The proceedings are pending.

A specific problem is the excessive use of force and inappropriate treatment by the police in the arrest and detention of persons belonging to the Roma ethnic community, arrested for minor offences - reselling and smuggling across the border. In some cases one could be surprised with the great concern and dedication of the police in prosecuting the perpetrators of these minor offences.



The concerns with the police treatment of suspects in police stations remain. The police rarely assist the suspects in finding a lawyer, it obstacles the contacts with the lawyer if there is one, it disables the active participation of the lawyers in the interrogation. Detained persons are not provided with appropriate medical treatment or care. Most police stations do not have appropriate facilities for detention, or funds for alimentation of detained persons. Police stations do not keep appropriate files for all persons detained or kept in custody in the police station, which results in inability to register all cases of prolonged detention. The competencies in respect of the authorization for arrest and detention by the police are not defined.

The situation at the Idrizovo penitentiary (where all sentences of more than two years are served, i.e. where all foreign nationals serve their sentence regardless of its length) is disastrous and does not satisfy even the minimum conditions for humane serving of sentence. The facilities are old and ruined, there are 20 people in the cells, the bed linen is dirty and torn, there is unpleasant smell in the facilities, while prisoners can bathe once in 15 days (they have hot water for several minutes). In winter the heating is turned on for 1 or 2 hours a day which cannot even minimally warm up the facilities. Convicts-drug users are closed in separate cells – with 20 persons each- where they simply vegetate lying on beds without any treatment or care. There is one general practitioner –doctor to care for the health of prisoners (who often applies the subjective like of dislike principle in the work) and once a week a psychiatrists visits the penitentiary. The beating up of prisoners is used a means to maintain the order and discipline in the penitentiary. The solitary cells are more facilities for torture than disciplinary tools. There are often cases of physical maltreatment, and the guaranteed rights of detained persons are limited (visits by the family, regular walk in the open, appropriate care for persons with health problems).

In the last two years, the Committee for Prevention of Torture (Convention body at the Council of Europe) visited the facility on three occasions after which there were two reports with serious remarks about the situation in the Republic of Macedonia published. None of the reports was published for the wider public.

The Helsinki Committee considers that the treatment of the police forces, of whatever form, outside the legal framework must result in further erosion of democracy. Only in conditions of enhanced democratic control, the police - a modern one qualitatively trained and equipped- may protect the democratic society. Therefore, now it is very important that the court proceedings are conducted with persistent and complete application of the rules for exercise of human rights in practice. Very often the police use force as a consequence of lack of organization and lack of preparedness for execution of its tasks. The Helsinki Committee for Human Rights joins the concerns and recommendations contained in the reports of the Committee for Prevention of Torture and underlines the seriousness of the maltreatment and illegal detention at police stations, the non-processing of perpetrators of various overstepping of police authorities, the "solidarity" on the part of the prosecution and courts, even in cases of evident violations which are substantially documented or clearly pointed out by victims, national or foreign governmental or non-governmental organizations.

5. Inter-ethnic relations

After the apparent relaxation of the inter-ethnic relations as result of the cessation of the armed conflict, there was an evident rise of tensions resulting in the more and more evident state, institutional and wider social parallelism, and reduction of multiculturalism to biculturalism. Namely, there is continuation of the intention of reducing the protection of minority rights to promotion and protection only of the Albanian community, completely neglecting (even worsening) of the situation of other ethnic communities. Some of the persons belonging to different ethnic communities (the Turkish, Roma and Vlach) pointed to attempts for forced assimilation by the larger ethnic communities (the Albanian and the Macedonian ones).

Persons belonging to the Roma community are still in the worst situation, while state structures do not show any interests in terms of improving their situation. Despite the fact that there are Roma with university degree they are not employed in state administration and have problems in the employment at the Ministry of Internal Affairs (as part of the uniformed police). In actions of social protection, in cases of clear social vulnerability state organs did not take into consideration Roma families (no family from the most socially threatened settlement of Mesnost Ramina got a welfare apartment in the distribution of welfare apartments for Veles). The activities of competent state authorities most often remain at the level of promises and bombastic statements at the TV (during his visit of the settlement of Ramina in 2000 President Trajkovski promised assistance of 5.5 million DEM for the resolution of the problem, but this remained only a promise; in 2002 the President again promised construction of 54 prefabricated houses; the President also promised assistance for the improvement of the situation in respect of the last floods when houses of many Roma families in Kumanovo were destroyed). The state has not undertaken or organized continuous affirmative actions for improvement of the position of the Roma community.

Persons belonging to the Turkish community complain about the process of their continued neglect and large pressure by the Albanian community. They react about unresolved problems in the education (training in their language), as well as to the bad social situation (especially of the rural population).

Despite the fact that there are several associations of Vlach (and their political uniting lately), the problems of extinction of the Vlach language remain due to the lack of support by the authorities in creating conditions for its use and teaching, as well as the

issue of registering the religious community in which the service would be conducted in the Vlach language.

All non-Albanian ethnic communities react negatively to the Ohrid Framework Agreement and raise the issue of their participation in the formulation of the provisions of this Agreement. They especially react to the bipolarism promoted with this Agreement.

The Helsinki Committee considers that in 2002 there was evident marginalization of the influence of the non-Albanian minority communities and the state did not respect to most of the provisions contained in the Framework Convention for the Protection of National Minorities, In this context, it is of concern that the Republic of Macedonia has not still submitted its report about the implementation of this Convention despite the obligations arising from its ratification.

In the first half of the year it seemed that the relations between the Macedonian and Albanian community were relaxed. Police patrols of mixed ethnic character implemented the plan for return of the police in the populated areas encompassed by the conflict area. This process is characterized by that fact that on several occasions (police arrests of persons belonging to the Albanian ethnic community) the local population blocked the roads and prevented the ethnically mixed patrols from entering the relevant villages. In each of these cases it was necessary that international factors assist.

On 9 January 2002, at one of the police bases in the vicinity of Skopje, priests of the Macedonian Orthodox Church gave plaques with an engraved cross and Orthodox Christian prayer to the officers of the special unit Tigers, to the special purpose unit Lions and to the special antiterrorist unit at the Ministry of the Interior. His Eminence Stefan, Ohrid and Macedonian Archbishop, the Prime Minister Ljubco Georgievski and several Government ministers attended the ceremony. The Helsinki Committee strongly condemned this ethnic-religious identification of any part of the Ministry of the Interior.

A new political party (Democratic Union for Integration) was established in the pre-election period composed primarily of members and sympathizers of the NLA, which was active in the conflict period. The new political subject caused radicalization of VMRO-DPMNE (which thus was given a permanent source of disputing the new authorities composed of 'former terrorists') and of the DPA and PDP (which attempted to continue the radical policy of the former NLA).

Several constitutional amendments were made and the Law on Amnesty was adopted. In lack of a wider scale campaign, explanations and promotion of the constitutional amendments, there was large opposition of persons belonging to the Macedonian (but also to other ethnic communities) and dissatisfaction with the slow process or insufficient number of changes (among persons belonging to the Albanian ethnic community).

There were special problems in regard of the interpretation and (non-) application of the Law on Amnesty. None of the subjects concerned with this Law (members of the NLA, citizens charged with terrorism, the Public Prosecutor's Office, courts, penitentiaries, and lawyers) applied the Law through an appropriate procedure which created a source of continuous tensions and human rights violations. As of its adoption this Law is the obstacle in establishment of trust among ethnic communities. Most of the persons belonging to the Macedonian ethnic community regard this Law as injustice made legal through a law, while most of the persons belonging to the Albanian ethnic community regard the disrespect of the law and its non-implementation as a sign of disrespect of the Ohrid Framework Agreement and basis for continuation of the conflict.

The use of languages in the Republic of Macedonia is an obstacle for the new Government as well. The Parliament has still not adopted new laws to regulate the use of languages in state administration organs (or laws on issuance of personal documents in

accordance with the amended Article 7 of the Constitution) despite the fact that this is an obligation to have been fulfilled by the previous composition of the Parliament (see Article 8 of Annex B). Hence, the dispute that was created as to which language the sessions of Parliamentary committees, chaired by ethnic Albanians, should be conducted in, could not be resolved only by interpreting Article 3 of the Rules of Procedure of the Parliament since the said Article gives possibilities for different interpretations.

In 2002 trust was not established between the Macedonian and the Albanian ethnic community, and no conditions were created for their future joint work and development of democratic institutions. After the elections a new political/party compromise was made which provides for the division and functioning of the power, but does not stimulate the establishment of the state governed by the rule of law as the basis for a more complex interethnic dialogue and guarantee for the sustainability of this process.

There are indications that in ethnically mixed communities in which a certain ethnic group dominates there are pressures against the minority population, which results in creation of ethnically clean areas (the displacement is within the territory of a city or between cities, i.e. from villages into towns). In reality, as a result of the armed conflict the gap between persons belonging to the Albanian and Macedonian community respectively was deepened. In 2002 not only there were no new forms of communication and cooperation established, on the contrary the differences were stressed and there was a series of smaller conflicts, which did not allow stabilization of the situation.

Most problems occurred in the education sphere. The state did not prepare any special strategy for substantial and organizational changes in the schools, which would be aimed at promotion of tolerance, respect of differences and human rights. As a result there were disintegration of ethnically mixed schools; continuous interethnic tensions due to the requests of representatives of the Albanian ethnic community for change of the names of the schools (using names of Albanian cultural and other renowned persons) and due to the placement of symbols of the Albanian i.e. of the Macedonian nation in front of schools (busts of "heroes" of the recent and more distant past).

The case of missing persons is still not closed. The families of the missing persons – 12 Macedonians, 6 Albanians and one Bulgarian national remain without any information about their close ones. The relevant state organs have virtually done nothing to find the missing persons. On 29 November 2002, the new Prime Minister and the Minister of the Interior promised that within 30 days they would come up with concrete information for clearing the case. The public does not have information that anything has been done to fulfill this promise.

The lack of confidence building and a strategy for promotion of multiculturalism, as basis of the Republic of Macedonia, creates conditions for further deepening of the gap between the Macedonian and Albanian ethnic community, then for possible manipulations by radicalized parties or groups (but also by governing structures and partners in part of the government) and for a possible future conflict on the territory of the Republic of Macedonia.

6. Internally displaced persons and refugees

According to the information of the Red Cross the number of displaced persons in the crisis reached the number of 70.000 persons. At the beginning of 2002 this number was decreased to 16.500 and according to the information of November 2002 there were 9.500 internally displaced persons and about 1.600 persons who have not returned from Kosovo. Most of the internally displaced persons are accommodated in collective centers (72%), while others are accommodated with families of relatives and friends. The

accommodation is inappropriate in terms of number of family members, then it does not provide for healthy and hygienic conditions for life, and does not offer minimal conditions for appropriate development of children. Most of the humanitarian assistance for these persons comes from external donors and there are indications that it will cease at the beginning of 2003. Contrary to international standards, the Framework Agreement does not envisage alternative solutions to the problems of internally displaced persons – one and only one solution is envisaged – return to the previous place of living. In order to prevent the ethnic cleansing of the territories after last year's conflict and supported by the international community, the state insists (to the level of force and blackmail) that all displaced persons are returned to their former places of living in the shortest period possible. The offered resolution of the problem not only does not contain any other possible alternative, even more it does not satisfy the minimal standards for such a return: 1) the most damaged houses have not been reconstructed; 2) reconstructed houses are not equipped with basic appliances and facilities; 3) these persons have not been paid any compensation for killed cattle and destroyed agriculture crops due to the bombardment by the army; 4) the necessary infrastructure network has not been provided (in places where there are reconstructed medical facilities there are no doctors and other medical personnel; 5) there are no minimal guarantees for the life, property and security of the citizens; 6) some of the reconstructed houses of ethnic Macedonians and Serbs are again destroyed and robbed (in the Tetovo region villages of Jedoarce, Otunje and Setole and in Aracinovo). In order to protect their rights internally displaced persons have established two associations, which make efforts, without any results, to establish appropriate dialogue with representatives of the authorities. There are indications for institution of several private lawsuits against the state for compensation of damages incurred during the armed conflict. In December 2002, a new body for resolution of the position of internally displaced persons was established. The body does not have a representative of the internally displaced persons.

There are about 3000 non-Albanian refugees (mostly Roma, Egyptians and Aeshkali) from Kosovo (some of the refugees are accommodated in camps, some with families). The Katlanovo camp accommodates 409 refugees, while 450 refugees are accommodated privately in the Municipality of Suto Orizari. The Suto Orizari camp accommodates 1088 refugees of whom 430 children at the age of up to 16 years, out of whom only 60 children attend primary school, and only one child attends secondary schools). These refugees live in utter misery, without elementary medical care, without basic hygiene conditions, with minimum food and without any care and education of children, with undetermined refugee status, without possibility of being legally employed and earn their living. The return of these persons in Kosovo is impossible due to direct and indirect threats by persons belonging to the Albanian ethnic community and inability of international forces to provide for their appropriate protection. The situation of children who do not regularly attend school and live in inappropriate conditions damaging their health and development is especially of concern. Most of these persons see their future in the Republic of Macedonia and ask for appropriate treatment by the European countries (which they consider are directly responsible for their situation, due to the intervention in Kosovo).

The resolution of the issues of the internally displaced person is a delicate problem, both in terms of the provisions of the Ohrid Framework Agreement (according to which the state undertook the responsibility of returning all displaced persons to their homes), and in terms of protection of their rights which also a responsibility of the state. The responsibility of the state in this case is enhanced by the fact that the situation in which these citizens have found themselves is directly caused by activities of the state and the policy it pursued. Forcing the return in

conditions of complete absence of a guarantee for elementary security is another greater violation of the rights of these citizens and it intentionally puts their life and physical integrity in danger.

7. Trafficking in human beings

A problem that gradually attracts the attention of the state and of the public is trafficking in human beings. The amendment to the Criminal Code (which formulates separate criminal offence related to trafficking in human beings - Article 418-a) was not followed by evident changes in the practice and operation of state organs. Despite the fact that the centers where women - victims of trafficking are accommodated, as well as the main participants and transit channels have been identified to a great extent there is no organized and decisive action to prevent and punish these criminal activities. The institution and completion of several criminal proceedings in this area is a positive sign, but it is in no way sufficient for a significant change in the fight with this type of human rights violation. The Republic of Macedonia is no longer only the transit country, but is becoming the end destination of trafficking in human beings.

According to the official information, in Macedonia there are about 300 nightclubs, more than 100 of which are in Tetovo and the Tetovo region. Only small number of them is illegal, i.e. do not possess work license. Girls-victims of trafficking in human beings are allegedly employed in these bars as waitresses or dancers, when in fact they are in a complete slavery like position: they work without remuneration, staying in rooms without minimal hygiene conditions, fed scarcely, forced to prostitution and sold from one to another boss. Sometimes, especially in rural environment, the victims of trafficking are forced into prostitution in readapted cafes and teashops.

The problems of this type of crime cannot be resolved easily, since directly or indirectly some business circles and high-ranking officials of the authorities and of the police are involved. Prosecution organs are very often pressured to cover up i.e. not to take actions against certain persons involved in this type of crime. Furthermore, there are problems in respect of the victims themselves who do not trust the police, since very often uniformed persons have used their services (that are often connected to the traffickers in human beings or are users of services in their facilities). Regardless of the change of Government, places such as Velesta, Radolista, Bogovinje and Kamenjare can be singled out even at the extraterritorial level.

In the court practice victims of trafficking, especially sexually exploited girls are still treated as prostitutes so perpetrators are covered by Article 191 of the Criminal Code: "Mediation in prostitution." On the other hand, very often it is impossible to secure the presence of the victims of trafficking in the investigation and at the main hearing, as damaged parties or as witnesses since they are foreign nationals without any personal identification documents and are hence immediately expelled from the territory of the Republic of Macedonia. The International Organization of Migration gives its contribution to the alleviation of this problem, and has opened a transit center in Skopje, to accommodate victims of trafficking until their witnessing before court. There are indications that in this Center there is selection made in the acceptance of women who are illegally staying on the territory of the Republic of Macedonia (which is the case with most of the victims of trafficking in human beings).

The problem of trafficking in human beings is still not raised at the level of priority and there are no systematic and continuous activities for cutting channels of trafficking in human beings, then for detection and release of women who are in the "fun houses" throughout Macedonia against their will and under threat and for bringing to court and sanctioning the perpetrators of crimes. The inability to

perpetrate this crime without the active involvement of the officers of the Ministry of the Interior implies the need for wide internal action for their detection and bringing to justice.

8. Social and Labor Rights

In 2002 poverty in the country increased, the standard of living of the population decreased and the industrial production had a negative trend. In Macedonia, 78.000 households or 308.000 persons are welfare cases who receive welfare assistance in the amount of 3.600 MKD (about 60 EURO) monthly, for four family members in total. According to some researches each fifth citizen is hungry, i.e. does not poses sufficient funds for subsistence, while 22.3% of the population are bellow the poverty line. The unemployment rate reached the incredible percentage of 50% unemployed out of the entire work capable population. Such a situation of the population puts under question the possibility for exercising human rights and freedoms. The negative trends in the field of economy continued. A significant contribution to the negative economic situation is to be attributed to the costs (justified or not) which the state incurred in relation to the previous year armed conflict and the cease of production and trade in the crisis regions. However, this is also a result of the continued inappropriate management with economic facilities, illegal privatization (started at the time of the previous political establishment), abuse of power by the ruling parties VMRO-DPMNE and DPA for party or personal benefit. Increased social tensions and violation of large part of the labor and social rights of citizens feature this entire period. Most cases of complaints of citizens, which come to the attention of the Helsinki Committee in the second half of 2002, are mainly related to these areas.

A great contribution to this negative trend is to be attributed to the deterioration of the functioning of the economy after last year's crisis, as well as to the resolution of the problem or liquidation of loss making companies. As a rule the closing or transformation of loss making companies and the completion of the privatization process was accompanied by flagrant violation of the laws. Typical examples of this are the factories, enterprises and mines Bucim, Jugohrom, Gazela, FAS 11 Oktomvri, and Sasa. In the most recent period this practice of privatization can be seen in the cases of the Nova Makedonija publishing house and the Lozar Company from Bitola and others. The issue raised in respect of most of these cases was related not only to the correctness of procedures but also to the existence of grounds for institution of bankruptcy proceedings (as in the case of the Gazela factory). All of this resulted in more frequent strikes accompanied even by denial of the right to strike of workers. In this context, it should be stated that during the strikes or various expressions of dissatisfaction of persons employed in those companies, the management used physical force by engaging security companies or by abusing the police organs. In the first half of 2002 after the change of the leadership of the Association of Trade Unions of the Republic of Macedonia, large-scale strikes were organized in order to pressure the Government, especially during the negotiations with the IMF and World Bank. The aim of these strikes and demonstrations was to raise the minimal salary in the public sector to 5.060 MKD (about 80 EURO) to which the Government agreed despite the prolongation of the application of this solution.

The Helsinki Committee considers that it is evident that there is no consideration for the real needs and rights of citizens of Macedonia by the Government and that it is matter of political compromises for the purpose of calming down social tensions or even pre-election calculations. Thus, citizens are placed in a situation of realizing their rights exclusively and only through the "street

democracy” institutions instead through the system institutions which undermines the pillars of authentic civic democracy.

Last year was featured by more than evident party based employment in the public sector and promotion according to the party membership principle. This was especially present in the period before the parliamentary elections held on 15 September. The legally prescribed procedures for employment were violated by and large, in which the role of the Civil Servants Agency was marginalized (typical example is the case of Sanija Hasic employed by the Minister of Justice Idzet Memeti without fluffing conditions and without passing the test of the Civil Servants Agency). The dismissals or even voluntary resignations are related to the gross violations of the labor rights by the state organs – employers (the cases: Olgica Trajkovska from the Ministry of Culture who in addition to the inappropriate procedure for dismissal from her position could not regulate her status due to obstruction in issuing documents by the former employer –the Ministry of Culture; or the case of Snezana Lupevska from the Agency for Development and Investments who could not be employed at her new job due to incomplete documents to be provided by the former employer – the Agency).

In November and December the newly established power began changes in the administration and declared “war” against corruption and the “state” crime. The Helsinki Committee welcomes these attempts to establish the rule of law and sanction the acts of its violations, but is strongly opposed to any form of irregular actions against illegality. It is especially of concern that the new Government continues the practice of the previous structure of unsubstantiated changes and suspensions in procedures that violate the right to a fair procedure, the right to appeal, the presumption of innocence and the principle of contradictoriness which are part of the right to defense and are required for all types of proceedings. In respect of the process of personnel changes in the state administration bodies, which were not evidently linked to the anti-corruption campaign (despite the fact that they were instituted under that umbrella), it is especially of concern that there was disrespect or even open negation of the Law on Civil Servants, (for example in the change of the Director of the Civil Servants' Agency, or the change of the Director of the inter-municipality social work center, i.e. the procedure against the State Counselor for organizational affairs at the Ministry of Foreign Affairs). Thus, the Civil Servants Agency is blocked in acting as an organ to decide upon appeals against disciplinary measures and suspensions.

As late as the election year, the Government started the construction and published the public competitions for the so-called welfare apartments. Namely, those are apartments distributed for privileged rental according to a public competition following a procedure of fulfilling certain criteria for socially vulnerable category of citizens. In his respect, the Ministry of Transport and Communications did not fulfill its obligation for transparent work, respecting the procedure and criteria which caused revolt by the citizens who were even denied their right to inspect the documentation that prevented them from lodging appeals. The annulment of the public competitions by the new Government was a result of the great pressure of citizens, applications lodged with the National Ombudsman and other relevant institutions. The annulment of the public competition (supported by the National Ombudsman) represents illegal resolution of an illegal situation, which again leads to violation of rights of citizens, which are to be protected. Instead of revising only the selection and canceling or not concluding contracts only with persons who do not fulfill the criteria defined in the public advertisement, i.e., in the still valid Decisions on the manner and procedure for distribution of apartments, the Government exasperated the

violation of rights of all those persons who have fulfilled the criteria for lease of an apartment.

In addition to the general economic crisis and extraordinarily low level of social standard, citizens' frustrations were deepened by the non-cooperativeness of banks in the Republic of Macedonia in respect of housing credits. In light of the fact that these credits as a rule are mortgage secured, and the interest rate is enormous – between 15 to 19% (annual rate) a situation is created of a certain type of debt slavery, explicitly prohibited in the Europe Human Rights Convention.

One of the first measures of the new Government was the Budget rebalance in order to pay overdue obligations of the state. This rebalance would satisfy some of the workers on strike; however it does not envisage payment of obligations towards: disabled persons, pensioners and children who receive child supplement. Thus, the Government is making a selection by which it neglects exactly the most vulnerable groups of the population (or rather those who cannot exert pressure on the Government). In this context, one could mention the latest announcement for privatization of kindergartens, senior citizens' homes, and centers for persons with special needs, and child resorts which in conditions of an absolute fall of the standard of living and enormous unemployment rate means avoidance on the part of the state to honor its obligations towards especially sensitive groups of citizens.

A significant form of violation of citizens' rights characteristic for 2002 is the dismissal from work or threats or various types of pressures on grounds of expressing one's opinion, membership in non-governmental organizations, i.e. on grounds of participation in the organization or conduct of strikes. Such is for example the case of Gjorgji Zajkov from Radovis against the SEMKOR Company, affiliate of the Bucim Stock Holding Company from Radovis. In the explanation of the dismissal decision this is even openly stated: *"By his appearance at the media, during the strike of workers of loss making companies, he damaged the company..."* The statement that Zajkov gave for the TV stations was: "These people do not deserve beating up! These people need a piece of bread!") The wave of worker's dissatisfaction expressed in strikes, demands for payment of overdue salaries, for revision of privatization etc., continued with undiminished intensity in December. Threats for use of force and use of methods of violence, which culminated in Veles in the events in front of the Kiro Kucuk factory, are especially of concern. Namely on 3 December 2002 after a group of stock holders attempted to protest in front of the factory, they were fired at by fire arms, by the factory's security, when four persons were injured.

Similar pressure and opened threats expressed by management structures were directed at some of the members of the Helsinki Committee. Some of the members were pressured at their work to cease their membership in the Helsinki Committee Board (for example in the case of Sasko Todorovski, employed at the Ministry of Foreign Affairs, when the then Minister of Foreign Affairs, Slobodan Casule, presently member of Parliament from the ranks of the VMRO-DPMNE, openly opposed the right and freedom of association and sanctioned the free expression of thought and in an illegal procedure dismissed him from the duty of Charge d' Affaires at the Mission of the Republic of Macedonia in Strasbourg). The procedure against this decision is unjustifiably delayed, which enhances the possibility of exerting such types of pressures in the future as well.

The Helsinki Committee is concerned with the further impoverishment of the population, the actual inability to exercise the right to work due to violence and threats of use of violence as a means to resolve the demonstrated dissatisfaction of citizens. The lack of elementary conditions for life, social insecurity and non-protection, pauperization of the population became one of the key obstacles in the exercise of human rights and freedoms. The lack of appropriate activities by the state for the resolution of this situation, as well as the announcement for cuts in the

social and health care protection may represent grounds for disorders of larger dimensions and delay in the development of democracy and democratic structures.

9. Gender Discrimination

The focus in the field of women's rights in 2002 was on violence against women. The statistics and the researches of non-governmental organizations show that each 8 women out of 10 are victims of physical violence. Only 20% of the cases of physical or psychological violence are reported, while the police intervened in only 8% of the reported cases. The most intensive manner of violation of women's rights in the Republic of Macedonia is still home violence. It is of concern that each fourth woman in Macedonia is a victim of family violence. The situation in this field becomes even more alarming by the fact that this type of crime is not sanctioned in an appropriate manner because of inappropriate and incomplete legislation. Namely, perpetrators may not be prosecuted *ex officio*, and criminal proceedings for crimes under the family violence term may be instituted only upon a private lawsuit. Thus, a large number of victims of family violence are not able to institute even criminal proceedings, since they fear additional violence within the family or within the environment by which they would be stigmatized. There are no records of sexual violence within the family. However, in practice there is so called dark figure since these victims do not wish to talk about this out loudly. It is considered that the increase of the number of incest cases, primarily against girls can be explained by the theory that, as a result of various situations and circumstances (and in this case the armed conflict), people react in a peculiar and unusual manner.

Other violations of women's rights in this period are violations connected with family and marriage, in which respect out of all juvenile marriages in the country in 2002, in 90% the juvenile is a girl. The so-called family voting most often in cases when the woman is illiterate violates the right to vote and in general the secret ballot. It could be concluded that in the last two years the state has done nothing in connection with the demands for amendments of laws submitted by non-governmental organizations and humanitarian associations working on the improvement of women's rights in the Republic of Macedonia. Namely, based on the activities and researches of these organizations and associations a proposal was submitted for reform of the Criminal Code, Criminal Procedure Code, the Obligation Law, the Law on the Family, the Inheritance Law. All these proposed changes are related to family violence and to violence stemming from labor relations - sexual harassment in the process of employing and on the job.

The action of non-governmental organizations for 30% participation of women the Parliament of the Republic of Macedonia was bypassed by placing women at the last places of lists of candidates of parties – and hence their actual displacement.

In the last several years, the activities of the non-governmental sector in the field of gender equality have been intensified. As a result of these activities there has been an increase of participation of women in politics and power. However, there has been little or no progress made in order to achieve gender equality within the family and at the level of local communities and at the job. At the individual level, women are exposed to violence, sexual abuse, while the social pressure prevents them from actively opposing in each concrete case. The research encompassing children at the age from 9 to 10 years evidently shows that girls esteem themselves less and lack confidence in themselves as compared to boys.

10. Persons with special needs

The activities of associations of disabled persons were intensified last year (events, campaigns and concrete activities were organized advocating for facilitated participation of these persons in every day life). However, the state neither directly nor indirectly participated in these activities nor did it demonstrate awareness of its obligations for the protection of the rights of this group of citizens. All activities remain within the NGO sector, which obstacles the presentation and resolution of this problem. This is especially evident if it is taken into consideration that a National Strategy for equalization of rights of disabled person in the Republic of Macedonia was drafted and adopted, under which a National Coordination Body was established. On the contrary, instead of progress in respect of this issue there was a serious institutionally assisted degradation both in normative and in practical terms. By this there was a big step made towards their social segregation, instead of integration. The institutional restrictions were manifested in a number of fields, starting with education and employment, over to social and health protection all the way to the transport policy – the issue of customs exemptions for vehicles of disabled persons. All these “small moves” systematically included in bylaws, the purpose of which is to enable implementation of laws in practice, result in exclusion of disabled persons from social activities and life overall, both in terms of finances and in terms of decision making processes and equal enjoyment of basic rights and freedoms. There are no indications that a changed, new course is to be taken in the strategy of the new Minister of Labor and Social Policy and the Minister of Finance. This is confirmed by the fact that the proposal for taking advantage of the census taken in November 2002 to register persons with special needs was rejected (despite the fact that this could be seen as part of the commitment expressed in the Rules on assessment of specific needs of persons with obstacles in their physical or psychological development adopted by the Ministry of Labor and Social Policy in 2000.)



Persons with special needs did not succeed in their efforts to introduce a separate section in the census materials in order to establish the percentage of such citizens. The lack of elementary information about the percentage and types of disability supports the lack of activities by the state for resolution of specific problems that these citizens face in terms of their participation in all segments of social life. Absence of persons with special needs from the power and state functions and their marginal participation in the every day life and in public general contribute to the permanent and complete marginalization of the voice of these citizens and of the possibility that their basic needs and interests are satisfied.

11. Sexual minorities' rights

For the first time an association with a program for the promotion and protection of rights of persons belonging to the lesbian/gay/bisexual/ transvestite – LGBT community was established in the country (Center for Civil and Human rights). This is just the initial step in the promotion and protection of sexual rights as part of the human rights corpus. According to the results of the research conducted by the Helsinki Committee, the Human Rights and Conflict Resolution Center and the Center for Civil and Human Rights the attitude of the public towards homosexuality is greatly negative. Homosexuality is treated as an illness, homosexuals are not allowed to publicly manifest their sexual orientation because there is a clear threat of discrimination (at the work place and in society overall), they are ghettoized and their freedom of movement is limited. There could be a strong wave of discrimination expected at the moment of public manifestation of the homosexual orientation, and there are no indications that the state is prepared to appropriately react in such a situation.

It is especially of concern that in the latest educational and expert texts, homosexuality is treated as psychological illness i.e. deviation (mental disability) which is to be treated (Ljubisa Novotni, Sudska Psihijatrija, Studentski zbor, Skopje 1998, pp, 196-197 and 205).

12. Environmental protection

The year 2002 was featured by raised awareness about environmental protection problems. However, there were no concrete solutions for registered problems. The Helsinki Committee registered several cases of threatened right to healthy environment (pollution of the Radika River, and other consequences of the work of the Austrian Company KNAUF; pollution by the Veles Smelting Works, the Nonmetal Grinding Works Ograzden) which are still not appropriately treated by the state and do not result in court decisions.

Under the auspices of the Environmental Fund, on 27 June in Veles an international conference for environmental protection was held, focused on the tragic destiny of the environment of this city. It was expected that the results of the monitoring by the Central Laboratory of the Ministry of Environmental Protection conducted in the Zletovo Smelting Works would be presented at this conference, but there were no results. This is not the first attempt to cover up the environmental disaster in Veles and Veles region. Namely, four years ago a documentary was broadcast called "MAC-maximally allowed concentration" which unveiled horrifying facts. Due to numerous reactions it was withdrawn. However, the Association of parents for healthy children from Veles became active which presented facts about the seriousness of health disorders among children. The Association claims that despite the fact that medical services and all competent

organs are aware that the deformities are a consequence of the pollution by the smelting works no measures have been undertaken. They demand that the state assume its responsibility for "the environmental genocide" in Veles. In his last statements given for the Dnevnik newspapers, Blagoja Aleksoski, Director of the State Health Protection Institute, said that there were no indicators that the smelting works have a damaging effect on the health of citizens and considers that any project as part of which there could be a detailed analysis of the environmental impact, should be realized upon initiative of the "decisive factor", which ever these decisive factors are.

In June the right to healthy environment of people living in the Strumica settlement of Deviation was also violated. Namely, at the beginning of June the Ograzden Non-metal Grinding Works started releasing "poisonous dust" in the air. Experts of the Mining-geological Faculty in Stip warned that the proximity of the factory, which produces silicates and the several years breathing of the dust of feldspar could cause a serious lung disease – silicosis. Therefore, the alarmed inhabitants petitioned the media because they were suspicious as to whether the relevant organs would protect them since the management of "Ograzden" is "political despots". They stated in the media that they had discussed this on several occasions with the Mine Director, in all of which occasion he had mocking attitude and rejected the seriousness of this phenomenon.

The ISO 14001 standard (for environmental protection management) was introduced in only two companies Alkaloid (in two of its facilities) and Kontiplast in Gevgelija.

The Helsinki Committee reminds that last year the public had the opportunity of getting information about the alarming situation with the environment in Veles, Bitola, etc. Unfortunately, the alleged "economic interest" prevailed. It is a matter of a serious delusion behind which there is a choice between two negative options (which a democratic society could not allow itself): to loose the source of income and thus existence for many families the members of which work in factories-polluters or to tolerate along with other citizens in the city such a level of pollution that directly impacts the health, not only of children but of all generations. Therefore, the Helsinki Committee is strongly convinced that the two competent ministries for environmental protection and economy are directly responsible for such a negative choice by citizen of Veles, and of Strumica and that they are obliged to most urgently assume responsibilities and offer choice between two positive options.

13. Census

In November the census of citizens, households and apartments was conducted, under the monitoring of 50 international experts from 26 countries. According to the statements of the State Census Commission and the Statistics Bureau the census was conducted at an enviable level, while in their preliminary findings, international monitors positively assessed this huge statistical operation. However, the field information gives a different picture.

The media by and large reported about series of irregularities: filling in census forms with a pencil, belated submission of authorizations for census takers in Debar and Debar region; some families in Kavadarci refused to be census taken because they believed that the selection of census takers was made on grounds of party membership (in favor of VMRO-DPMNE), there were similar accusations, but on different grounds in Skopje, as well; there were census manipulations with the ethnic affiliation of Macedonian Moslems in Debar, Zupa Center, in Struga and in the Ohrid region (they were entered in the census forms as Albanians or Turks) , etc. Additional aggravating fact in terms of

verification of results is the refusal by some villages in the Polog region for a post-census examination to be conducted. The media in the Albanian language on the other hand, pointed out several cases of lack of Albanian speaking census takers. There were the evident cases of Sutka where the census allegedly did not start on 12 November due to lack of Albanian speaking census takers, or the case of the Cair municipality where again due to this lack the census taking was taken over by Macedonian census takers and the requests of ethnic Albanians to be census taken in their mother tongue were met with mocking replies. The Helsinki Committee monitors signaled even at the time of selection of census takers that there were numerous irregularities in this procedure and that the data of the real estate records are most often not updated and are incorrect. This was confirmed by the several cases in the Skopje region, where entire streets, even entire local communities were "skipped". The Roma community informed the Helsinki Committee that large number of Roma families in several cities in Macedonia was not covered by the census. In the Veles region there was not a representative of the Roma in the Census commission for this census region, which is in direct collision with Article 29, paragraph 4 of the Census Law. As result, it was impossible to impact the employment of Roma census takers in the census sub-regions, by which there was evident lack of Roma census takers. A special problem for the Roma is the high illiteracy rate, which is closely related to the problem of verifying the identity of the population due to lack of valid personal documents. The census takers were faced with the absurd situation of not being able to deal with these problems due to lack of the so called PD-1 forms, specially designed to be used in cases of non-possession of documents for personal identification.

In respect of the Vlach communities in Veles, Kocani, Vinica the employment of Vlach census takers was not even envisaged, while in Skopje the number of census takers belonging to the Vlach community is symbolic. Most of the census takers employed as persons belonging to the Vlach community did not speak Vlach language at all.

Another aspect of the census of population in the Republic of Macedonia (which has not been taken into consideration in the last census) is the issue of emigration i.e. several years absence of some citizens from the country's territory (but with evident strong family and other relations.).

The Helsinki Committee could not be convinced that the Census was well prepared and appropriately carried out despite the several delays in the name of preparing it well. Therefore, it considers that the period of summing up results is very important, while the high level sincerity of the State Statistical Bureau is of crucial importance in terms of an argument assessment as to whether the results could be used for credible processing. The Helsinki Committee calls upon the Government to reexamine the use of this method of counting the population and to research other ways that would facilitate more relevant and more useful results.

14. Civilian army service

A positive step forward in the protection of the freedom of thought and conviction is the start of the implementation of the provisions for civil service of the army term contained in the Law on Defense. In November, the Ministry of Defense issued several decisions for acceptance of the conscientious objections, i.e., for civil service of the army term. The conscientious objections do not cover only those on religious grounds, but also persons who ground their conscientious objection on personal convictions and beliefs. Most of these cases were processed through the Helsinki Committee Office.

For purposes of practical implementation of the possibility of civilian army services it is necessary to develop specific regulations that would define the manners, places and condition and the length of the army service outside the army institutions. It is especially

necessary to resolve the issue of length of this service, which currently represents a type of discrimination in respect of those who are ready to practice (with the increase of the ratio between these two types of military services.)

15. Children's rights

In 2002 children's rights were violated continuously by individuals, state organs and by institutions in charge of protecting children's rights.

The state did not take measures to prevent the abuse children for political purposes, which was especially evident in the pre-election period. Children were passively and actively used for purposes of party propaganda, and were directly involved in inter-party disputes. In many towns there were fights between groups of children registered, who were carrying the marks of various political parties. In the pre-election period many parties distributed T-shirts, caps and other clothes with party insignia and used children as life posters in the party propaganda.

In 2002 there was no serious activity for resolution of the problems of street children and abuse of child labor in collision with Article 29 and 32 of the Convention for the Protection of the Child.

The restrictive bylaws in the field of health and social protection (the cuts in the benefits and cuts in the positive lists of medicines and other aides) as well as the fall of the standard of living, lead to deterioration of the health conditions of children and reoccurrence or increase of the incidence of illnesses such as tuberculosis, hepatitis and various forms of diarrhea. This was not confirmed in official communications of health care institutions, but was indicated from information of non-governmental organizations working in the field.

In areas of the armed conflict children were exposed to special dangers due to the incomplete infrastructure in the places of return, while children of internally displaced person still live in utterly unacceptable conditions which impact their physical and psychological development - hence of their education and chances for continuation of their education.

In 2002 the right to education of many children in the Republic of Macedonia was threatened by: inappropriate conditions at schools –lack of fire wood, deterioration of the facilities or other material/technical causes; use of children in manifesting dissatisfaction of parents with certain personnel or other decisions by the authorities related directly or indirectly to the education process; irresponsibility by parents in fulfilling the obligations for sending children in primary schools; insecurity of the area within and around the schools etc. The Ministry of Education also reacted inappropriately in the cases of violence against children (for example the Cyril and Methodius secondary school and the Ramiz and Hammed in Skopje.)

On the other hand, due to interethnic tensions which continued in this period, children attended schools in inappropriate conditions, schools which are not intended for such a level of instruction, with limited or inappropriate teaching staff (events with pupils of the Macedonian community in Semsevo, pupils from the Albanian community in the Kumanovo secondary schools, pupils from the Albanian community, from the Zefiljus Marku secondary school in Skopje). In 2002 the Ministry of Education did not undertake any activities to introduce such contents and methods of work that would contribute towards large tolerance, respect of differences and recognition of democratic values of society.

As a result of the activities (or lack of activities) by the Ministry of Education in 2002 there were several students' demonstrations organized, which were nationalistic in their features; the instruction in several schools was boycotted and on several occasion such a

level of intolerance was created that required police securing of school facilities. The pupils' protests ended with: attacks on citizens, kidnapping of students from another ethnic community and incurring serious bodily injuries, beating up children from other ethnic communities, kidnapping of students, use of fire arms and murders. The murder of the secondary students Josifovski caused solidarity protests of the young people of the Macedonian community on the entire territory of Macedonia. Unfortunately, at one of those demonstrations on 23 October in Skopje, where more than 15 000 secondary school students protested mainly peacefully, several incidents occurred. Some more extreme demonstrators attacked passers by who looked like Albanians. The results of the incidents are one more seriously beaten Macedonian-Moslem, two lightly injured ethnic Albanians and one lightly injured ethnic Macedonian. These events produced a type of "street retaliation": this time on the part of Albanian secondary students, which ended with the beating up of seven young ethnic Macedonians. The same day in the evening hours a group of ethnic Macedonians attacked a bus full of ethnic Albanians. Taking into consideration that these incidents occurred in vehicles of the Skopje public transportation enterprise, this enterprise was forced to introduce internal control at some of its vehicles transporting on the lines 2 and 63 and to temporarily terminate the line 65 which runs towards Stajkovci, Aracinovo and Stracinci. The clashes between students of the Macedonian and Albanian community continued to the end of 2002 with conflicts at the Niko Nestor secondary school in Struga, which was closed for several days in order that the situation calm down). The only solution offered by the Ministry of Education was separation of the Macedonian and Albanian classes in different facilities (which in the long run could lead to further deepening of the gap between the communities).

In December 2002 more than 300 students (ethnic Albanians) from several secondary schools in Kumanovo showed signs of serious illness (for which they were placed in hospital, and some of them transferred to the Toxicology Clinic at the Sate Hospital in Skopje) The case was used for further division along ethnic lines and deepening the mistrust between the ethnic communities. Soon after this event there was a bomb placed in front of the Goce Delcev secondary school in which there are students only of the Macedonian ethnic community, when one person was killed and one girl was more seriously injured.

Contrary to Article 37 and 40 of the Child Convention, children are subject to violence by police authorities (when making arrests or raids into cafes) and of larger scale violations of the rights of the child (such is the case of Fadil Ferati).

Domestic violence became issue for media and wider public reaction, but there was no significant change in the work of state structures for purpose of active prevention and sanctioning of these cases.

Despite the existence of a National Coordination Body for the protection of the Rights of the Child, there were no legislative amendments for purposes of implementation of the Convention on the Rights of the Child.

The state did not make any attempt, neither at the formal nor at the practical level to implement the provisions of the Convention on the Rights of the Child. Children were individually and collectively abused, maltreated, used. The Ministry of Education did not fulfill its task of securing the right to education for all children in the Republic of Macedonia. Large number of children of the Roma community, children of all communities from the previous year's conflict area and children refugees from Kosovo are completely or partly deprived of education. Violence against children is practiced privately and publicly without sanctioning the perpetrators of this violence.

Conclusion

The human rights situation in the Republic of Macedonia in 2002 is featured by raised awareness of citizens about their rights, but also by lack of sensibility about the rights of others and complete absence of legal and administrative mechanisms for protection of these rights. The state structures not only did not promote human rights and freedom but also were the greatest factors for the threats and violations against these rights and freedoms. Citizens showed their mistrust in the legal system by taking the “justice” in their hands and by continued strikes and demonstrations (which become the model of action of younger generations as well). It is encouraging that the new Government announced respect and application of the law and undertakes concrete activities in this respect. However, it is of concern that the instituted proceedings are related only to the representatives of the former ruling structures, while there are no reexaminations of certain omission and activities done during their own former ruling; in the institution of proceedings there is no respect for the law or there are smaller or more significant irregularities. Very discouraging is the a lot of changes are underway, but there are no precise criteria for all those changes etc.

It is also of concern that insecurity of citizens of the Republic of Macedonia is further increased in terms of their life, property and their future.

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