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**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA \***

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## CONTENTS

	<i>Page</i>
I. LAND AND PEOPLE .....	3
II. GROSS DOMESTIC PRODUCT AND AVERAGE WAGES .....	7
III. POLITICAL AND ADMINISTRATIVE SYSTEM .....	8
Organization of state power.....	9
Legislative power .....	9
Executive power .....	9
Judicial power .....	10
Public Prosecutor's Office.....	11
The Constitutional Court .....	11
IV. CONSTITUTIONAL FRAMEWORK FOR THE EXERCISE OF HUMAN RIGHTS AND FREEDOMS.....	11
Protection of human rights and freedoms.....	14
Limitations on human rights and freedoms .....	15

## I. LAND AND PEOPLE

1. The Republic of Macedonia is situated in the southern part of the Balkan Peninsula and covers a total area of 25,713 km<sup>2</sup>. According to the 2002 census, the country has 2,022,547 inhabitants of whom: 64.18 percent Macedonians, 25.17 percent Albanians, 3.85 percent Turks, 2.66 percent Roma, 1.78 percent Serbs, 0.84 percent Bosniacs, 0.48 percent Vlachs and 1.04 percent others.

Table 1. Total population by declared ethnic affiliation in the 2002 census

Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Bosniacs	Others
1 297 981	509 083	77 959	53 879	9 695	35 939	17 018	20 993
64.18%	25.17%	3.85%	2.66%	0.48%	1.78%	0.84%	1.04%

Table 2. Basic annual indicators I

	Basic measure	2002	2003	2004
LAND				
Arable land	ha	663 256	660 797	665 891
Forested land	ha	3 158	3 881	2 824
Number of water sources		192	186	-
POPULATION				
Total inhabitants at mid-year, in thousands		2020	2027	2032
Male		1014	1017	1020
Female		1006	1010	1013
Live births		24154	23596	23361
Deaths		17866	17813	17944
Natural increase		6288	5783	5417
Rates:*				
Birth rate		12.0	11.6	11.5
Mortality		9.3	8.8	8.8

Natural increase		3.1	2.9	2.7
Infant mortality		11.5	12.8	13.2
Mother mortality **		12.4	4.2	12.8

\* Computed on 1000 inhabitants.

\*\* Computed on 100000 live births

**Note:** The data and rates of vital statistics were computed on the basis of vital events occurred in the country (events from abroad are excluded). Population estimates for 2002, 2003 and 2004 were calculated on the basis of 2002 Census data.

Table 3. The 2002 census, final data

Total population	2 022 547
Households	564 296
Dwellings	698 143
Agricultural holdings	-

Table 5. Male and female population in the total population in the last five censuses

Year	Total	Males	Females
1971	1 647 308	834 692	812 616
1981	1 909 136	968 143	940 993
1991	2 033 964 <sup>1)</sup>	1 027 352 <sup>1)</sup>	1 006 612 <sup>1)</sup>
1994	1 945 932 <sup>2)</sup>	974 255 <sup>2)</sup>	971 677 <sup>2)</sup>
2002	2 022 547	1 015 377	1 007 170

**Note:** 1) The 1991 Census did not have a complete coverage (it was partly boycotted), so the data for topics which were not possible to estimate were processed and published on the population enumerated.

2) The total population figures for 1994 census are a combination of the data on actually enumerated population in the Republic of Macedonia and on the estimated non-enumerated population in the municipality of Debar.

Table 6. Basic population structure (%)

	1981	1991	1994	2002
Share of the population aged 0-14	29.1	24.0	26.33	21.0
Share of the work-capacitated population	62.7	64.8	40.5	47.1

Share of the population aged over 65 (60 with females)	8.2	11.2	8.4	10.5
Share of the farming population	21.7	14.7	11.7	2.1
Share of the population from urban areas	55.2	58.0	-	-

Table 7. Population by sex and age group according to the 2002 census data

Age	Total	Males	Females	Total (%)	Males (%)	Females (%)
0-4	122 757	63 279	59 478	100.0	6.23	5.91
5-9	143 184	73 816	69 368	100.0	7.27	6.89
10-14	160 339	82 533	77 806	100.0	8.13	7.73
15-19	165 422	84 902	80 520	100.0	8.36	7.99
20-24	161 945	83 546	78 399	100.0	8.23	7.78
25-29	153 461	78 351	75 110	100.0	7.72	7.46

Table 8. Infant deaths by age

	1998	1999	2000	2001	2002	2003	2004
Total	474	404	345	320	282	303	308
Up to 30 days old	333	305	253	226	215	231	226
0-6 days	258	232	201	163	182	180	172
Up to 24 hours old	120	97	102	83	89	90	65
1 day	50	48	32	20	31	24	35
2 days	23	19	25	22	25	26	15
3 days	29	29	20	19	12	13	18
4 days	19	12	13	8	14	12	17
5 days	7	21	6	7	8	9	10
6 days	10	6	3	4	3	6	12
7-13 days	36	42	27	43	15	19	23
14-20 days	16	14	17	12	12	18	20
21-27 days	13	13	5	7	6	9	9
28-29 days	10	4	3	1	-	5	2

1 month	33	22	26	19	14	26	18
2 months	22	17	22	17	17	14	12
3 months	19	10	13	4	4	7	10
4 months	17	19	6	14	6	6	11
5 months	13	2	5	6	6	7	6
6 months	9	7	4	11	6	2	4
7 months	3	5	3	8	4	1	5
8 months	6	5	4	1	5	4	5
9 months	6	5	5	6	1	1	3
10 months	9	2	3	4	3	2	4
11 months	4	5	1	4	1	2	4

2. The average population density amounts to 78.7 inhabitants per square kilometer and varies from one region to another. The highest population density is in the city of Skopje with 1390.6 inhabitants per square kilometer (in 2002).

3. Pursuant to Article 36 of the Law on Census:

- Census is carried out in the official Macedonian language and its Cyrillic alphabet;
- In cases where the enumeration is carried out in the official language spoken by at least 20% of the population of the Republic of Macedonia, the census form is filled in that language and additionally in the Macedonian language and its Cyrillic alphabet;

Table 9. Elected members of Parliament by declared ethnic affiliation, by electoral years

	Total	Macedonians	Albanians	Turks	Roma	Vlachs	Serbs	Others
1998	120	93	24	-	1	-	-	2
%	100	77,5	19,2	-	0,8	-	-	1,6
2002	120	85	26	2	1	1	2	3
%	100	70,8	21,6	1,6	0,8	0,8	1,6	2,5

## II. GROSS DOMESTIC PRODUCT AND AVERAGE WAGES

4. The 2002, 2003 and 2004 gross domestic product amounted to 243.970 million Denars, 251.486 and 265.257 million Denars, respectively. The gross domestic product per capita amounted to US\$ 1859 in 2002; US\$ 2230 in 2003; \$2382 in 2004. <sup>1</sup>

<sup>1</sup> Preliminary data

Table 10. Gross Domestic Product of the Republic of Macedonia

By production method, in current prices

Description	2003	2004 <sup>2</sup>
	%	%
Agriculture, hunting and forestry	11.4	11.3
Fishing	0.0	0.0
Mining and quarrying	0.4	0.4
Manufacturing	15.8	15.0
Electricity, gas and water supply	4.7	4.2
Construction	5.4	5.6
Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	11.2	13.6
Hotels and restaurants	1.9	1.6
Transport, storage and communication	8.4	7.8
Financial intermediation	2.4	2.8
Real estate, renting and business activities	3.4	3.3
Public administration and defense; compulsory social security	6.8	6.7
Education	3.8	3.7
Health and social work	3.9	3.6
Other community, social and personal service activities	2.2	2.3
Imputed rents	5.5	5.9
Minus: Imputed banking services	1.5	1.8
A. Value Added	85.5	86.0
B. Value added tax	12.0	11.8
C. Import duties	2.5	2.2
D. Minus: Subsidies on products	0.0	0.0
Gross Domestic Product ( A+B+C-D)	100.0	100.0

5. In 2002 average net-wage paid per employee, expressed in Denars<sup>3</sup>, was 11279;

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<sup>2</sup> Preliminary data

In 2003 average net-wage, expressed in Denars, was 11824; and

In 2004 average net-wage, expressed in Denars, was 12293.

These are data for average net-wage paid per employee from the Monthly Survey Labour-1 in SSO.

### III. POLITICAL AND ADMINISTRATIVE SYSTEM

6. In compliance with the principles of the Charter of the United Nations relating to the right of all nations to self-determination, recognized as well by the International Covenant on Civil and Political Rights, in the referendum held on 8 September 1991, citizens of the Republic of Macedonia confirmed their will to live in a sovereign and independent State. Positive referendum results were a basis for the adoption of the Declaration on International Recognition of the Republic of Macedonia as a sovereign and independent State by the Assembly of the Republic of Macedonia on 19 December 1991.

7. The Republic of Macedonia is the only State of those which had comprised the former Socialist Federal Republic of Yugoslavia, to succeed in achieving independence and sovereignty in a peaceful manner. In its application for admission to the United Nations dated 30 July 1992 and in the Declaration on Accepting the Responsibilities Contained in the United Nations Charter, the President of the Republic of Macedonia stated that the Republic of Macedonia accepted the responsibilities specified in the Charter and undertook to fulfill them. Moreover, the Republic of Macedonia, as an independent and sovereign State, would undertake to achieve full adherence to the generally accepted principles of international relations contained in United Nations documents and in the Helsinki Final Act of the Organization for Security and Cooperation in Europe and the Paris Charter.

8. The Constitution of the Republic of Macedonia was adopted by the Assembly of the Republic of Macedonia on 17 November 1991, following the Referendum of 8 September 1991, which resulted in establishing the Republic of Macedonia as an independent and sovereign state. The Constitution was amended several times. Amendments I and II were adopted and proclaimed on 6 January 1992; Amendment III - on 1 June 1998; Amendments IV through XVIII on 16 November 2001; Amendment XIX - on 30 December 2003 - and Amendments from XX to XXX on 7 December 2005. The amendments form an integral part of the Constitution of the Republic of Macedonia.

9. In the Republic of Macedonia, sovereignty originates from citizens and belongs to citizens. The power is vested in the citizens who exercise it through democratic elections of MPs, in referendums and by other forms of direct expression of their will. (Article 2 of the Constitution of

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<sup>3</sup> 1 USD = 50,8301 Denars – current average rate of exchange of the National Bank of the Republic of Macedonia



the Republic of Macedonia). The fundamental values of the constitutional order are: the fundamental freedoms and rights of the individual and citizen, recognised in international law and determined by the Constitution; the free expression of ethnic identity; equitable representation of citizens belonging to all communities in state bodies and other public institutions at all levels; the rule of law; the separation of state powers into legislative, executive and judicial; political pluralism and free, direct and democratic elections; the legal protection of property; the freedom of the market and entrepreneurship; humanity, social justice and solidarity; local self-government; organising and humanising the environment, protecting and improving living conditions and the natural environment; respect for the generally accepted norms of international law (Article 8 of the Constitution). Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of their gender, race, skin color, national or social origin, political or religion conviction, property or social status. Citizens are equal before the Constitution and the law (Article 9 of the Constitution).

### **Organization of state power**

10. The state power in the Republic of Macedonia functions on the basis of its separation into legislative (the Parliament of the Republic of Macedonia), executive (the President of the Republic of Macedonia and the Government of the Republic of Macedonia) and judicial power.

#### Legislative power

11. The Parliament of the Republic of Macedonia is a representative body of the citizens and the legislative power is vested in it. The Parliament is unicameral. It has between 120 and 140 members. Members of Parliament are elected in general, direct and free elections by secret ballot, for a term of four years. The Assembly adopts and amends the Constitution, adopts laws and gives the authentic interpretation of laws; determines public taxes and fees; adopts the Budget and the Budget's Final Account of the Republic; adopts the Spatial Plan of the Republic; ratifies international agreements; decides on war and peace; makes decisions concerning any changes in the borders of the Republic; makes decisions on association in and disassociation from any form of alliance or community with other states; issues notice of a referendum; makes decisions concerning the reserves of the Republic; sets up councils; elects the Government of the Republic of Macedonia; elects judges to the Constitutional Court of the Republic of Macedonia; elects, appoints and dismisses other holders of public and other offices determined by the Constitution and law; carries out political control and supervision of the Government and other holders of public office accountable to the Assembly; proclaims amnesties; performs other activities determined by the Constitution (Article 68 of the Constitution of the Republic of Macedonia).

#### Executive power

12. The President of the Republic of Macedonia represents the Republic and is the Commander-in-Chief of the Armed Forces of the Republic of Macedonia. The President is elected in general and direct elections, by secret ballot, for a five-year term of office. A person may be elected president for two consecutive terms at most. A candidate is elected president when the majority of the total number of voters have voted for him/her.

13. The President, inter alia, designates a mandator to constitute the Government of the Republic of Macedonia, appoints and dismisses by decree ambassadors and other diplomatic representatives of the Republic of Macedonia abroad, promulgates laws and acts and has the right to a suspensive veto, proposes two judges to the Constitutional Court and performs other functions specified in the Constitution.

14. Executive power is vested in the Government of the Republic of Macedonia. The Government is comprised of a president (prime minister) and ministers. The position of President of the Government and of a minister in the Government is incompatible with the performing of other public offices or professions. The Government performs its rights and duties on the basis and within the framework of the Constitution and the law. The Government in general and each of its members individually, are accountable before the Parliament for their work. The Parliament may vote non-confidence in the Government. The President of the Republic is bound to entrust the mandate for constituting the Government to the party or parties that have won the majority of seats in Parliament. Upon proposal from the mandator and on the basis of a relevant program, the Parliament elects the Government by a majority of votes of the total number of MPs.

15. State administration is comprised of ministries and other administrative bodies and organizations specified by law. Political organizing and actions within State administrative bodies are prohibited. The state administration conducts its work independently and on the basis and within the framework of the Constitution and laws, and is accountable to the Government for its work. The organization and work of the bodies of state administration are regulated by law adopted by a two-thirds majority vote of the total number of MPs.

#### Judicial power

16. Judicial power is exercised by the courts. The courts are autonomous and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. Extraordinary courts are prohibited. The types of courts, their competence, establishment, abrogation, organization and composition, as well as the procedure they follow are regulated by a law adopted by a majority vote of two-thirds of the total number of Members of Parliament. Judges are appointed and dismissed by the Judicial Council. Judicial office is incompatible with membership in political party or execution of other public functions or professions as stipulated by law

17. The Judicial Council of the Republic of Macedonia is an autonomous and independent body of the judiciary. The Council secures and guarantees the independence and impartiality of the judicial power.

The Council is composed of 15 members. *Ex officio* members of the Council are the President of the Supreme Court of Republic of Macedonia and the Minister of Justice. Eight members of the Council are elected by peer judges. Three of the elected members are representatives of the communities that are not in the majority in the Republic of Macedonia. Three members of the Council are elected by Parliament of the Republic of Macedonia by a majority of votes from the total number of the members of Parliament, and it must have a majority of votes from the total number of the members of the parliament that are representatives of the communities that are not majority in the Republic of Macedonia. Two members of the Council are appointed by the President of the Republic of Macedonia, of whom one is a member of the communities that are

not majority in Republic of Macedonia. Members of the Council that are elected by the Parliament of the Republic of Macedonia i.e. that are appointed by the President of Republic of Macedonia shall be university law professors, attorneys and other distinguished lawyers. The office of elected and appointed member of the Council is incompatible with membership in political party or execution of other public functions and professions as stipulated by law.

#### Public Prosecutor's Office

18. The Public Prosecutor's Office is a single and autonomous state body prosecuting crimes and other offences determined by law and performing other functions determined by law. The Public Prosecutor's Office performs its functions on the basis of the Constitution, the laws and the international treaties ratified in accordance with the Constitution. The competence, establishment, abolishment, organization and the functioning of the Public Prosecutor's Office are regulated by law which is brought with two-thirds majority out of the total number of the members of Parliament. The Government proposes the Public Prosecutor of the Republic of Macedonia, following a prior opinion of the Council of Public Prosecutors. The Public Prosecutor of the Republic of Macedonia is appointed and dismissed by Parliament of the Republic of Macedonia for a time period of 6 years with the right for re-appointment. Public prosecutors are elected by the Council of State Prosecutors without any limitations of the duration of their mandate. In the election of public prosecutors the principle of equitable representation of citizens belonging to all communities is observed. The Council decides on the dismissal of public prosecutors. The office of Public Prosecutor of the Republic of Macedonia and public prosecutor is incompatible with membership in political party or with execution of another public function or professions as stipulated by law.

#### The Constitutional Court

19. The Constitutional Court protects constitutionality and legality. It has nine member judges appointed by Parliament from among distinguished jurists. The Parliament elects six of the judges of the Constitutional Court by a majority vote of the total number MPs. The Parliament elects three of the judges by a majority vote of the total number MPs, within which there must be a majority of the votes of the total number of MPs who belong to non-majority communities in the Republic of Macedonia. The term of office of the judges is nine years without a right to re-election. The Constitutional Court of the Republic of Macedonia: decides on the conformity of the laws with the Constitution; decides on the conformity of the other regulations and of the collective agreements with the Constitution and the laws; protects the freedoms and rights of the individual and the citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination on the ground of gender, race, religion, national, social and political affiliation; decides on competency conflicts between the holders of legislative, executive and judicial powers; decides on competency conflicts between the bodies of the Republic and the local self-government units; decides on the accountability of the President of the Republic; decides on the conformity of the programs and statutes of the political parties and the associations of the citizens with the Constitution; and decides on other issues determined by the Constitution.

#### IV. CONSTITUTIONAL FRAMEWORK FOR THE EXERCISE OF HUMAN RIGHTS AND FREEDOMS

20. The fundamental human rights and freedoms recognized by international law, free declaration of ethnic affiliation and observance of generally accepted norms of international law are the basic values of the constitutional order of the Republic of Macedonia. Consequently, citizens of the Republic of Macedonia are equal in their freedoms and rights, irrespective of their gender, race, color of skin, national and social origin, political and religious beliefs, property and social status. Citizens are equal before the Constitution and laws.

21. Human life is inviolable and consequently, death penalty may not be imposed on any person for any reason whatsoever.

22. The physical and moral integrity of man are inviolable. Any kind of torture or inhuman or humiliating treatment and behavior is prohibited.

23. Human freedom is inviolable. Freedom may not be limited to any person, except by a relevant court verdict and in cases and manners prescribed by law. Any person summoned, brought in or detained must immediately be informed about the reasons for their summoning, bringing in or detention and about their rights defined by law; no statement may be asked from such a person. Additionally, each person has the right to an attorney in both the police and court procedures. The person detained has to be brought before a tribunal at once, or 24 hours following his detention at the latest; the court will then, without any delays, decide upon the legitimacy of detention. The detention pending the indictment act may, by a court decision, last at most 180 days. After indictment, detention may be extended or fixed by a competent court in a procedure determined by law.

24. Each person against whom charges have been raised for a criminal offence shall be considered innocent until his/her guilt has been confirmed by a legally valid court verdict. Each person who has been unlawfully deprived of freedom, detained or convicted has the right to legal redress and other rights specified by law.

25. No person may be punished for having committed an offence that, prior to the act of committing had not been identified as a punishable offence or to which a penalty had been specified by law. In this sense, no person may be tried again for an offence that he has already been tried for and for which a legally valid court verdict has been issued (the principles nullum crimen, nulla poena sine lege and ne bis in idem).

26. The right of appeal against the decisions brought in the first instance court procedure is guaranteed. The right of appeal or other kind of legal protection against individual legal acts brought in first instance procedure before a state administration body or organization and other body with public authorizations is determined with law.

27. The freedoms of belief, conscience, thought and public expression of thought are also guaranteed. The Constitution also guarantees the freedoms of speech; public appearance; public

information and establishment of mass media; free access to information; freedom to receive and disseminate information. Additionally, the rights to response, correction and protection of the source of information in the mass media are guaranteed. Censorship is prohibited.

28. The freedom and secrecy of letters and other forms of communication are also guaranteed. In addition, the security and confidentiality of personal data are guaranteed. Citizens are guaranteed protection against harm to their personal integrity that may result from the recording of information concerning them in the process of data-processing.

29. The freedom of religion is guaranteed. In this context, the free and public expression of religion, individually or in community with others, is guaranteed.

30. Citizens are guaranteed freedom of association for the purposes of realization and protection of their political, economic, social, cultural and other rights and beliefs. Consequently, citizens may freely set up citizens' associations and political parties, join or leave the same.

31. Citizens have the right to peaceful assembly and expression of public protest without a prior notification and without a special permission.

32. Each citizen has an active and a passive electoral right. This right is equal, general and direct and is exercised in free elections by secret ballot. As for the passive electoral right, each citizen has the right to be a candidate for public offices.

33. In addition, each citizen has the right to submit documents to state bodies and other public services and to receive a relevant answer. The citizen may not be called to account for, or suffer harmful consequences from, the attitudes expressed, unless he/she has committed a criminal offence by the same.

34. Each citizen is guaranteed respect for and protection of the privacy of his/her personal and family life, dignity and reputation. The inviolability of the home is guaranteed.

35. Citizenship may not be taken away from any citizen of the Republic of Macedonia nor may he/she be expelled or extradited to another country. Each citizen has the right to move freely within the territory of the Republic of Macedonia and to choose freely the place of his/her permanent stay, to leave the territory of the Republic of Macedonia and return to it again.

36. The right to property and the right to inheritance are guaranteed. In this context, property and the rights resulting from it may not be taken away from anyone except in cases of public interest specified by law. In cases of expropriation of property or its restriction, just reimbursement is guaranteed that may not be lower than the relevant market price. A non-national may acquire the right to property under conditions specified by law.

37. Every person has the right to employment, free choice of job, protection at work and material security during temporary unemployment. Within these frameworks, everyone has access to any job whatsoever, under equal conditions. Each employed person has the right to an appropriate income and the right to a paid, i.e. reimbursed, daily and weekly rest and an annual holiday. Employed persons may not waive these rights. For the purposes of realization of their economic and social rights, citizens have the right to establish trade unions. Trade unions may further

establish their own unions, i.e. associations, and be members of international union organizations. The right to strike is also guaranteed.

38. Each citizen is guaranteed the right to health care. Every person has the right and duty to protect and promote his/her own health and the health of others.

39. Every person has the right to freely to decide whether to have children. In this context, the Republic, for the purposes of harmonized economic and social development, implements a humane population policy.

40. Every person has the right to a healthy environment. To this end, each person is bound to promote and protect the environment and nature. On the other hand, the Republic is bound to provide the necessary preconditions for the realization of citizens' right to a healthy environment.

41. Every person has the right to education. Education is available to all under equal conditions. Elementary education is obligatory and free. Under conditions specified by law, citizens have the right to establish private educational institutions, at all education levels, with the exception of the elementary level. In addition, the freedom of scientific, artistic and other kinds of creation is guaranteed as are the rights resulting from the same. The state encourages, supports and protects the development of science, art and culture.

42. Members of communities have the right freely to express, foster and develop their identity and community attributes, and to use their community symbols. The state guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities. Members of communities have the right to establish institutions for culture, art, education, as well as science and other associations for the expression, fostering and development of their identity. Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied. The Constitution guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status. When adopting laws which directly affect culture, use of language, education, personal documentation, and use of symbols, Parliament makes decisions by a majority vote of MPs attending, within which there must be a majority of votes of MPs attending who belong to non-majority communities. The same rule applies for the adoption of local self-government laws, as well as laws on local finances, local elections, municipal boundaries and the City of Skopje. The same rule is applied for a number of appointments made by Parliament, including inter alia, Ombudsman, Constitutional Court judges, Judicial Council etc. Any dispute regarding the application of this provision in Parliament is resolved by the Committee on Inter-Community Relations.

43. Foreigners in the Republic of Macedonia enjoy freedoms and rights guaranteed to them by the Constitution, under conditions specified by law and by relevant international agreements. The Republic guarantees the right of asylum to foreigners and stateless persons persecuted because of their political attitudes or actions. Extradition of a foreigner may be carried out only on the basis of a ratified international agreement and reciprocity. A foreigner may not be extradited because of a political criminal offence. Terrorist acts are not considered political criminal offences.

#### Protection of human rights and freedoms

44. Each citizen may invoke the protection of freedoms and rights specified by the Constitution before tribunals and before the Constitutional Court of the Republic of Macedonia, in a procedure based upon the principles of priority and urgency. The Constitutional Court protects freedom of belief, conscience, thought and public expression of thought, political association and activities and the prohibition of discrimination against citizens on grounds of sex, race, or religious, national, social and political affiliation. In addition, there is a guaranteed court protection of the legality of individual acts of the State administration and of other public institutions. The citizen has the right to be informed on human rights and fundamental freedoms and to contribute actively, individually or in cooperation with others, to their promotion and protection.

45. Parliament has also set up a Permanent Survey Commission for the Protection of Citizen Freedoms and Rights. The findings of the Commission are the basis for initiating a procedure for determining the accountability of public office-bearers.

46. The Committee on Inter-Community Relations has been established with Article 78 of the Constitution. This Article also determines its composition and competence. The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Parliament, and a member each from among the Turks, Vlachs, Roma, Serbs and Bosniacs. If any of the communities does not have representatives, the Ombudsman, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee. The Parliament appoints the members of the Committee. The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution. The Parliament is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them. In the event of a dispute among members of Parliament regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by a majority vote whether the procedure applies.

47. The Parliament of the Republic of Macedonia elects the Ombudsman whose authority is to protect the constitutional and legal rights of citizens when those rights are violated by state administration and by other bodies and organizations with public mandates. The Ombudsman pays particular attention to the protection of the principle of non-discrimination and equitable representation of members of communities in the state organs, organs of local self-government and in public institutions and services. The Law on the Ombudsman sets forth the conditions on his/her election and dismissal, as well as his/her competence and conduct. The Ombudsman is independent, autonomous, professional and qualified in performing his/her authority, and he/she performs operations under his/her competence in accordance with the Constitution and the Law on the Ombudsman, as well as in accordance with international human rights treaties.

#### Limitations on human rights and freedoms

48. Human rights and freedoms may be limited only in cases specified by the Constitution. There may be divergence from the principle of inviolability of correspondence and other forms of communication only by a court decision and under conditions and in a procedure established by law, in cases necessary to prevent or disclose criminal offences, for purposes of criminal procedure or if demanded by the interests of national security or defense. Programs and actions of citizens' associations and political parties may not be directed at the violent destruction of the constitutional order of the state or to the incitement of war or stirring up of national, racial or

religious hatred or religious intolerance. The exercise of the right to peaceful assembly and public protest may be limited only in a state of war or emergency. The right to inviolability of the home may be limited by a relevant court decision in cases of detecting or preventing criminal offences or protecting people's health. The exercise of the right to freedom of movement may be limited by law only in cases when this is necessitated to protect state security, in a criminal procedure, or to protect people's health. In addition, the law may limit the conditions for the exercise of the right to join trade unions and to strike within the armed forces, the police and the administration.

49. Human and civil rights and freedoms may be limited in a state of war or emergency, in compliance with relevant constitutional provisions. The limitation of freedoms and rights may not be discriminatory on the basis of gender, race, color of skin, language, religion, national or social origin, property or social status. The right to life, the prohibition of torture, inhuman and humiliating treatment and punishment, the legislative determination of criminal offences and punishments, as well as the freedoms of belief, conscience, thought, public expression of thought and religion - may not be limited at all.