

LEGAL INSTRUMENTS ON THE STATUS OF NATIONAL MINORITIES IN THE REPUBLIC OF MACEDONIA

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1. STATISTICS CONCERNING THE NUMBER OF PEOPLE BELONGING TO ETHNIC, RELIGIOUS AND LINGUISTIC MINORITY GROUPS IN THE REPUBLIC OF MACEDONIA

1. Total population of the Republic of Macedonia by ethnic affiliation looks as follows:

Total	2022547;
Macedonians	1297981;
Albanians	5090803;
Turks	77959;
Roma	53879;
Vlachs	9695;
Serbs	35939;
Bosniaks	17018;
Others	20993 ¹

2. Total population by religion is the following:

Total	2022547;
Orthodox Christians	1310184;
Moslems	674015;
Catholics	7008;
Protestants	520;
Other	30820 ²

3. Breakdown by mother tongue seems like this:

Total	2022547;
Macedonian language	1344815;
Albanian language	507989;
Turkish language	71757;
Roma language	38528;
Vlach language	6884;
Bosniak language	8560;
Other	19241 ³

2. USE OF THE TERM "MINORITY"

1. Contrary to the obvious fact that all relevant international documents/acts regarding ethnic, religious and linguistic minorities use the term "minority"/"minorities", the Constitution of the Republic of Macedonia of 17.11.1991⁴ and all laws deriving from it used the term

¹ State Statistical Office, 2002 Census.

² State Statistical Office, 2002 Census.

³ State Statistical Office, 2002 Census.

⁴ "Official Gazette of the Republic of Macedonia", Nos. 52/1991; 01/92; 31/92; 31/98; 91/01.

"nacionalnost" as a synonym to the term "minority". From the point of view of international law and comparative constitutional law, such a term did not exist (does not exist) in any state, neither in the legal theory. Therefore, very big problems arose always when the legal acts or texts referring to minority rights had to be translated into foreign languages, especially from apparent reasons, into English. The real nightmare for the translators and even bigger for the readers happened always when in the lack of an appropriate term, the term "nacionalnost" was translated as "nationality" - a term containing completely different meaning - namely citizenship.

2. The term "community" officially for the first time was used in Ohrid Framework Agreement of 13.08.2001⁵, accordingly in the Amendments to the 1991 Constitution adopted on 16.11.2002⁶ and in the legal acts adopted thereafter. The term "community" is not used in linguistic or cultural sense, but rather means and marks an ethnic community / communities as a key concept of the process of transformation of the multiethnic society into a multiethnic state. It enables the process of extraction of the ethnicity from the sphere of identity, culture, language and its transmission in the spheres of politics, institutions and law.

3. LEGAL DEFINITION OF THE TERM "MINORITY"

1. The Constitution of the Republic of Macedonia does not contain a clear legal definition of the term "minority" that would cover all distinctive elements of the phenomenon in itself. However, the Preamble of the Constitution (not its normative part) contains a wording which in an indirect way could be treated as a kind of a definition of the term "minority" / "community"⁷. It could be only treated as a partial definition of the term "minority" / "community" in the Republic of Macedonia, covering the following components:

- Citizens of the state living within its borders;
- being parts of the enumerated peoples;
- Enumeration of the recognized communities, not numerous *clausus*, but *exempli causa* (Albanians, Turks, Vlachs, Serbs, Roma, Bosniaks, others...).

⁵Ohrid Framework Agreement was signed on 13.08.2001, this fact leading towards ending of the War going on in the Republic of Macedonia in the first half of 2001. More about the Framework Agreement in Draft -Amendments to the Constitution of the Republic of Macedonia: contribution to the public debate, Faculty of Law - Skopje, Skopje, 2001; T. Petrusevska, *La reconnaissance internationale de l'Etat mac#donien: probl#mes et perspectives, La reinvention de l'Etat: democratie politique et ordre juridique en Europe centrale et orientale*, Colloque international, Le S#nat, Paris, 5-6 avril, 2002. More about the War in Macedonia, M. Arsovski-S. Kuzev-R. Damjanovski, *Vojnata vo Makedonija vo 2001 godina*, Matica, Skopje, 2006.

⁶"Official Gazette of the Republic of Macedonia", No. 91/01.

⁷Namely, the wording reads as follows: "... citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others ..."

2. Neither, there is a single definition of the term "minority" / "community" embodied in any of the relevant laws regulating any of the minority / community rights.

3. Last, but not least, there is no *lex specialis* with a strict personal application towards the members belonging to the national minorities in the Republic of Macedonia, consequently containing a specific definition of the key term "minority" / "community".

4. NATIONAL MINORITIES RECOGNIZED IN THE REPUBLIC OF MACEDONIA

1. A kind of officially recognized definition by the Government of the Republic of Macedonia was embodied in the Declaration included in the ratification document of the Council of Europe Framework Convention for the Protection of national Minorities, deposited by the Republic of Macedonia on 10.04.1997, which reads as follows: "The term "national minorities" used in the Framework Convention and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniak people".

2. Taking into account the Constitutional Amendments of 2001, in 2003, the Government of the Republic of Macedonia submitted a revised Declaration under which "the term "national minorities" used in the Framework Convention and the provisions thereof, shall apply to the citizens of the Republic of Macedonia living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Roma people and the Bosniak people.

3. Consequently, in the Republic of Macedonia exist the following minority groups / communities:

- Albanians;
- Turks;
- Vlachs;
- Serbs;
- Romas;
- Bosniaks

5. LEGAL INSTRUMENTS ON THE LEGAL STATUS OF THE COMMUNITIES

1. The legal framework of the ethnic communities' position has been regulated by the Constitution of the Republic of Macedonia through two groups of rights and freedoms (general and special), so called two basic levels of protection. The first one operates through the principle of equality of all citizens before the Constitution and the laws, (or *argumentum a contrario*, through the prohibition of discrimination) covering the list of fundamental human rights and freedoms, which, under completely equal conditions, are enjoyed by the majority members as well as by the citizens that are members of all communities. This list was defined in the Constitution of 1991. It currently seems completely

the same as it did before 2001, since the Amendments adopted in 2001 did not intervene in it:

a) Personal freedoms and rights:

- right to citizenship (article 4);
- right to equality (article 9);
- right to prohibition of discrimination (article 9);
- right to life (article 10);
- right to protection of the physical and moral integrity (article 11);
- right to freedom (article 12 (1));
- right to juridical pronouncement of a sentence (article 12 (2));
- right to defense (article 12 (3));
- right to presumption of innocence (articles 13 and 14);
- right to appeal (article 15);
- freedom of thought and assurances (article 16);
- right to inviolability of the secrecy of letters and other forms of communication (article 17);
- freedom of religion (article 19);
- right to privacy (article 25);
- right to inviolability of the home (article 26);
- Freedom of motion and inhabitation (article 27).

b) Civil and political freedoms and rights:

- freedom of speech and public appearance (article 16 (2));
- freedom of press and other types of informing (article 16 (3-7));
- freedom of association (article 20);
- freedom of assembly and of other public gathering (article 21);
- electoral rights (article 22);
- right to performing public functions (article 23) and
- Right to presentations and appeals (article 24).

c) Also, economic and social rights:

- right to ownership (article 30);
- right to work (article 32);
- freedom of work (article 32);
- rights of the veterans, military disabled persons and of members of families of veterans who lost their lives in the war (article 36);
- right to organization in syndicate (article 37);
- right to strike (article 38);
- right to social safety, social protection and health protection (article 39);
- right to protection of family (article 40);
- right to free decision for conceiving children (article 41) and
- Right to healthy living environment (article 43).

d) And cultural rights:

- right to education (article 44) and
- Freedom of scientific and artistic creation and other types of creation (article 47).

2. The principle of non-discrimination and equal treatment of minorities is ensured, among others, through the following legal provisions:

- article 7 of the Law on Courts⁸ that guarantees equality of all before law, equal right to protection of citizens' rights and equal access to the courts for the protection of their rights and legal interests;

- article 40 of the Law on Courts⁹ that prohibits discrimination on the grounds of sex, race, color of skin, ethnic or social origin, political and religious beliefs, property or social status and ensures equitable representation of the citizens who belong to all communities when selecting judges and lay judges;

- article 4 of the Law on Execution of Sanctions¹⁰ which provides for impartial execution of sanctions, without discrimination on any of the above-mentioned basis;

- Articles 137 (violation of citizen's equality), 319 (causing ethnic, racial and religious hatred, division and intolerance) and 417 (racial and other discrimination) of the Criminal Code¹¹;

- article 3 of the Law on Inheritance¹², which provides for equality in inheritance, under equal conditions;

- article 8 of the Law on Organization and Operation of the Public Administration Bodies¹³ that obliges them to provide all citizens for efficient and legal exercise of their constitutional freedoms and rights;

- article 8 of the Law on Primary Education¹⁴ that states that for the members of communities who have instruction in a language other than Macedonian and its Cyrillic alphabet, the pedagogic and education work is performed in the language and script of the respective community in the way determined with this law, consequently enough, the pedagogy records are kept and issued in the Macedonian language and its Cyrillic alphabet and in the language and alphabet of instruction;

- article 3 of the Law on Secondary Education¹⁵ and article 6 of the Law on Higher Education¹⁶ that guarantee the right to education under equal conditions;

- article 4 (3) of the Law on Religious Communities and Religious Groups¹⁷ that contains a prohibition of discrimination derived from religious choice, affiliation to a religious community or a religious

⁸"Official Gazette of the Republic of Macedonia", No. 58/06.

⁹ Ibid.

¹⁰"Official Gazette of the Republic of Macedonia", Nos. 3/97; 23/99; 74/04.

¹¹"Official Gazette of the Republic of Macedonia", Nos. 37/96; 80/99; 4/02; 43/03; 19/04.

¹²"Official Gazette of the Republic of Macedonia", No. 47/96.

¹³"Official Gazette of the Republic of Macedonia", Nos. 58/00; 44/02.

¹⁴"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 63/04; 82/04.

¹⁵"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 67/04.

¹⁶"Official Gazette of the Republic of Macedonia", Nos. 64/00; 49/03.

¹⁷"Official Gazette of the Republic of Macedonia", No. 35/97.

group, carrying out or taking part in religious practices and other forms of expressing faith;

- article 23 of the Law on Associations of Citizens and Foundations¹⁸ and the Law on Political Parties¹⁹ according to which the competent body will not register an association of citizens or a political party, or will prohibit the operation of those already established if they encourage ethnic, racial or religious hatred and intolerance;

- article 45 of the Law on Broadcasting²⁰ that provides for an obligation for the public broadcasting company that broadcasts program within the territory of the Republic of Macedonia (Macedonian Radio-Television) to broadcast programmes in communities' languages in addition to broadcasting programmes in Macedonian;

- the Law on Culture²¹ that regulates the indiscriminate way of establishment and operation of communities' members' cultural institutions.

3. The second level represents a system of special rights of the members belonging to the ethnic communities and religious groups. It provides for protection of and guarantees to the right to cultural identity of all citizens of the Republic of Macedonia as well as equality of distinctive cultural communities as groups. This level of constitutional guarantees, further on developed the relevant legal norms, secures the rights of every citizen to self-identification and self-definition in a cultural sense as well as the right to fair opportunities for promotion of the cultural diversity and distinctiveness of the various ethnic communities. The list of special rights of members of the ethnic communities, after the adoption of the Constitutional Amendments (from IV to XVII) is longer than the one contained in article 48 of the Constitution of 1991. The extended list looks as follows:

- freedom of belief and expression;
- freedom of religion;
- freedom of expression of identity;
- right to use of the community symbols;
- right to establishment of cultural and artistic institutions and associations;
- right to establishment of educational institutions;
- right to equitable representation of the members of the communities in the public authority bodies at all levels;
- right to education in community language and
- Right to use of the community language as an official one.

4. Pursuant to article 48 of the Constitution, respective laws regulating and elaborating the rights of communities' members have been adopted:

- Law on Census of Population, Households and Apartments in RM²² enables implementation of one of the fundamental values of the

¹⁸"Official Gazette of the Republic of Macedonia", No. 31/98.

¹⁹"Official Gazette of the Republic of Macedonia", No.76/04.

²⁰"Official Gazette of the Republic of Macedonia", Nos. 20/97; 70/03.

²¹"Official Gazette of the Republic of Macedonia", Nos. 31/98; 49/03; 66/03.

constitutional order in RM enumerated in article 8 (1) (2)) - the freedom of expression of one's identity; freedom of not expression of any identity whatsoever and freedom of choice of certain (ethnic, linguistic or religious) identity;

- Law on Culture²³, Law on Copyright and Other Related Rights²⁴, Law on Use of the Communities' Flags²⁵ regulate the practice of different expressive forms of ethnic, cultural, linguistic and religious identity through nourishing, stressing, underlining all attributes of the appropriate community, in every legally approved way, in order to affirm its ethnic, linguistic, religious and cultural identity; developing and enriching every aspect of the national attributes of the community to which they belong/want to belong; use of the symbols as expression of appropriate community's identity; demanding the state to exercise its own obligation to protect identity of the communities and establishment of institutions and associations for expressing, nourishing and developing their own identity;

- Law on Broadcasting²⁶ and Law on Telecommunications²⁷ that regulate the modes of exercise of the right to free expression as an aspect of the fundamental freedom of speech, public appearance and public informing, as well as of the freedom of establishment of institutions for public information; the right to free access to information and the freedom of receiving and transmitting of information through the obligation for the state not to preclude providing aid for projects in the media field; obligation for the public broadcasting company that broadcast a program on the territory of RM (MRTV), beside broadcasting programs in Macedonian, to broadcast also programs in the communities' languages; obligation for the public broadcasting companies that operate at local level to broadcast also programs in the language of the appropriate community in those regions where the communities' members represent the majority i.e. a significant number of the population and the right of the commercial broadcasting organizations (trade broadcasting companies), beside broadcasting program in Macedonian, to broadcast programs in communities' languages, as well;

- Law on Primary Education²⁸, Law on Secondary Education²⁹, Law on Higher Education³⁰, Law on the Establishment of the State

²²"Official Gazette of the Republic of Macedonia", Nos. 16/01; 37/01; 70/01; 43/01.

²³"Official Gazette of the Republic of Macedonia", Nos. 31/98; 49/03; 66/03.

²⁴"Official Gazette of the Republic of Macedonia", Nos. 47/96; 03/98; 98/02; 04/05; 23/05 - consolidated text.

²⁵"Official Gazette of the Republic of Macedonia", No. 58/05.

²⁶"Official Gazette of the Republic of Macedonia", Nos. 20/97; 70/03.

²⁷"Official Gazette of the Republic of Macedonia", Nos. 33/96; 17/98; 22/98 - consolidated text; 28/00; 04/02; 37/04.

²⁸"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 63/04; 82/04.

²⁹"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 67/04.

³⁰"Official Gazette of the Republic of Macedonia", Nos. 64/00; 49/03.

University in Tetovo³¹ and Law on Pupils' and Students' Standards³² that clarify the right to education in the community language at all levels of education. In respect to the communities' members that attend courses in languages different from Macedonian language and its Cyrillic writing, it means that the overall pedagogic-educational activity is performed in the language and writing of the appropriate community, while the overall pedagogic documentation is in Macedonian language and its Cyrillic writing and in the language in which the teaching is performed. Nevertheless, these rights do not revoke the obligation of the communities' members, who attend the courses in their own language, to learn the Macedonian language and its Cyrillic writing, as well.

- Law on Religious Communities and Religious Groups³³ and Law on Associations of Citizens and Foundations³⁴ that regulate the right to profess one's own religious belief, freely and publicly, individually or as a member of a certain community; the right not to profess one's own religion even if the one has religious beliefs; the right to satisfy others' demands for professing a religious or other belief that is contradictory to the own desire and the right not to be punished for self-identification for one, not another religion, or for religious self-identification within some of the churches and religious communities separated from the state and completely equal before the law (Macedonian Orthodox Church; Islamic Religious Community; Catholic Church; Evangelistic - Methodist Church and Hebrew Community) that enjoy the right to establish religious schools; the right to establish social and charitable institutions, the right to establish religious schools at all educational degrees, except of elementary degree; the right to collect voluntary contributions for religious and humanitarian goals; the right to use all kinds of media; the right to possess and acquire ownership of real estate and other assets necessary for performing their activities and the right to perform religious ceremonies and religious activities;

- Law on Organization and Operation of the Public Administration Bodies³⁵, Law on Civil Servants³⁶, Law on Labor Relations³⁷, Law on Public Enterprises³⁸, Law on Internal Affairs³⁹, Law on Defense⁴⁰, Law on Military Service⁴¹ that enable implementation of the principle of equitable representation of communities in state administrative bodies, local self-governments units and public services.

³¹ "Official Gazette of the Republic of Macedonia", Nos. 08/04.

³² "Official Gazette of the Republic of Macedonia", No. 40/03.

³³ "Official Gazette of the Republic of Macedonia", No. 35/97.

³⁴ "Official Gazette of the Republic of Macedonia", No. 31/98.

³⁵ "Official Gazette of the Republic of Macedonia", Nos. 58/00; 44/02.

³⁶ "Official Gazette of the Republic of Macedonia", Nos. 59/00; 112/00; 34/01; 103/01; 43/02; 98/02; 17/03; 40/03; 85/03; 17/04; 69/04.

³⁷ "Official Gazette of the Republic of Macedonia", Nos. 80/93; 03/94; 14/95; 53/97; 59/97; 21/98; 25/00; 34/00; 50/01; 25/03; 40/03; 80/03 - consolidated text.

³⁸ "Official Gazette of the Republic of Macedonia", No. 40/03.

³⁹ "Official Gazette of the Republic of Macedonia", Nos. 19/95; 55/97; 38/02; 33/03; 19/04.

⁴⁰ "Official Gazette of the Republic of Macedonia", Nos. 42/01; 05/03.

⁴¹ "Official Gazette of the Republic of Macedonia", Nos. 02/02; 98/02; 25/03; 71/03

- Law on Ombudsman⁴² that gives particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in state administrative bodies, local self-government units and in public services;

- Law on General Administrative Procedure⁴³, Law on Criminal Procedure⁴⁴, Law on Public Attorney⁴⁵, Law on Litigation Procedure⁴⁶ elaborate the ways and means of exercise of the right to use languages of the communities in the judicial procedures. The use of communities' languages in administrative procedure is being realized through the right of any citizen, who lives in local government units, in which at least 20% of the citizens speak an official language different from the Macedonian one, to submit documents to authorized organs in that language and the obligation of the organs to respond in the official Macedonian language and its Cyrillic writing and in the official language and writing that have been used by the other party. The use of communities' languages in criminal procedures implies the right to translation of complete procedure and of documents that, on the other hand, includes the right of the person, who is called, arrested or deprived from freedom, to an immediate information about the reasons for calling, arresting or depriving from freedom and for any criminal accusation against him/her, as well as about his/her rights, in the language that this person understands; the right of the persons that participates in the procedure (the accused, damaged party, private pursuer, witnesses and other persons), who speaks official language different from Macedonian language, to use his/her own language and alphabet when performing pre-investigative, investigative and other juridical activities, at the main proceeding and during the complete appealing procedure; the obligation of the court to provide oral translation of everything that participators expose in procedure, and of documents and evidential material, as well, an obligation of the court to provide translation of written material relevant for the procedure or relevant for the defence of the accused; the right of other parties and of witnesses to free legal aid by the translator in the procedure before the court, if they do not understand or speak the language in which the proceeding is led; the right of the civilians who speak official language different from Macedonian language to submit documents in his/her own language or in the language in which the proceeding is led; the obligation of the court to provide translation of documents submitted in this way, the obligation of the court to direct invitations, decisions and other written documents in the language, in which the proceeding is led; the obligation of the court to send letters to civilians that do not speak Macedonian language in the official language different from the Macedonian language, as well, and the right to annulment the verdict because of relevant violation of the procedure, if the obligation for translation has not been respected in all parts of the proceeding. The use of communities' languages in legal procedure implies the rights of the parties and of other participators in procedure

⁴²"Official Gazette of the Republic of Macedonia", No. 60/03.

⁴³"Official Gazette of the Republic of Macedonia", Nos. 47/86 - consolidated text; 44/02.

⁴⁴"Official Gazette of the Republic of Macedonia", Nos. 15/97; 44/02; 74/04.

⁴⁵"Official Gazette of the Republic of Macedonia", No. 60/03

⁴⁶"Official Gazette of the Republic of Macedonia", Nos. 33/98; 44/02.

that use other official language spoken by at least 20% of the citizens, and, the following obligations that the court have, as counterpoint to inform the party i.e. other participator in the procedure that uses other official language spoken by at least 20% of the citizens and its writing, as well as the community member that as a party or participator in procedure do not understand Macedonian language and its Cyrillic writing, about the right to use that language or the right to have a translator, to cover the translation expenses, to enable the parties and other participators in the procedure who speak other official language to use that language when participating in court appearances and when undertaking other trial activities before the court in writing; to provide oral translation for participators in procedures in their own language of everything that is exposed during the court appearance, to provide oral and written translation of documents used as evidence during the court appearance for participators in procedures in their own language, to deliver invitations, decisions and other juridical letters to the parties and other participators in procedure, whose mother tongue is official language different from Macedonian language, written in Macedonian language and its Cyrillic writing and in that language, as well, to translate documents written in language of a specific community into Macedonian language and its Cyrillic writing and to submit them to other parties and participators in procedure, the obligation of the parties and other participators in procedure, whose mother tongue is official language different from Macedonian language and its Cyrillic writing, to submit accusations, appeals and other documents in their own mother tongue, as well, rights of the parties and other participators in procedure that are Macedonian citizens, whose mother tongue is not the Macedonian language and its Cyrillic writing, nor official language different from Macedonian language and its writing, to be informed that they can follow the oral procedure before the court in their own language through translator, giving up the right on translation, if they state that they understand the language, in which the procedure is led, participating in court appearances and orally undertaking other procedure activities in their own language and also the court has an obligation to cover the translation expenses in such procedures.

- Law on Local Self-Government⁴⁷ regulates the right to use of the community language at local level. The official language in local government units, besides the Macedonian language and its Cyrillic writing is the language and alphabet used by at least 20% of the citizens (Amendment V), while the organs of local government units decide on the use of the languages and alphabets that are used by less than 20% of citizens within this local government unit (article 41 of the Law on Local Government). The Decision is passed by the Council of the local government unit, upon initiative of the representatives of appropriate community, which participates with less than 20% in the adequate local unit, and on basis of the relevant constitutionally and legally guaranteed possibility. The Council passes the Decision upon majority votes from present members (relative majority) (paragraph 2), except in cases when special majority is not determined, as it is demanded when passing regulations regarding, among other issues, the use of languages and

⁴⁷"Official Gazette of the Republic of Macedonia", No. 05/02.

alphabets that are used by less than 20% of the citizens in the municipality, in which cases paragraph 3 demands majority votes from present members of the Council and in the same time majority votes from present members that belong to communities that do not represent a majority in the appropriate municipality. The use of communities' languages in communication with Ministries and regional units of Ministries and within the organs of state authority is being realized through the right of the citizens, who live in the local government units, in which at least 20% of the citizens speak official language different from the Macedonian language, to communicate in any of the official languages and their writings, the obligation of the regional units competent for these local government units to respond in Macedonian language and its Cyrillic alphabet and in official language and alphabet used by the citizen, the obligation of Ministries and other organs of the state administration and administrative organizations, as well as public companies, legal and other entities authorized for performing public functions by law, to print bilingual forms and the right of the communities' members to demand the bilingual form.

- Law on Personal Identity Card⁴⁸, Law on Travel Documents of the Citizens of the Republic of Macedonia⁴⁹, Law on Road Traffic Safety⁵⁰ that provide that for the citizens speaking an official language other than Macedonian the form of the personal ID will be printed and the data therein will be entered, besides in Macedonian and its Cyrillic alphabet, in the official language and alphabet that the citizen is using; that citizens speaking an official language other than Macedonian will, upon their personal request, have the data entered in the passport and emergency passport besides in Macedonian and its Cyrillic alphabet also in the official language and alphabet that the citizen uses; the obligation to issue official documents in the field of traffic and transport in the language of citizens speaking an official language other than Macedonian.

6. PROTECTION OF THE RIGHTS OF ETHNIC COMMUNITIES' MEMBERS

The system of protection of the rights of communities' members is a component of the system of protection of human rights, in general. Namely, the protection of the rights of communities' members is performed upon the same principles, in the same kind of procedures and before the same organs, as for all other fundamental human freedoms and rights. That system implies protection of the rights in procedure before:

- regular courts;
- Constitutional Court;
- Ombudsman;
- Permanent Poll Commission for Protection of Freedoms and Rights of the Civilian within the Parliament of RM.

⁴⁸"Official Gazette of the Republic of Macedonia", Nos. 08/95; 38/02.

⁴⁹"Official Gazette of the Republic of Macedonia", Nos. 67/92; 20/03; 46/04.

⁵⁰"Official Gazette of the Republic of Macedonia", Nos. 38/02; 38/04.

ABSTRACT

This text deals with the legal instruments on protection of the existing national minorities (ethnic communities) in the RM, particularly on the following ones:

- definition/delimitation of the term "minorities" and its use in the legal system of the RM;
- recognition of the minorities in the RM;
- statistics on the minorities recognized in the RM;
- legal instruments defining position of the minorities in the RM;
- legal procedures and institutions competent to deal with the issue of protection of minorities' rights in the RM.

BIBLIOGRAPHY

Draft -Amendments to the Constitution of the Republic of Macedonia: contribution to the public debate, Faculty of Law - Skopje, Skopje, 2001;

"Official Gazette of the Republic of Macedonia", Nos. 52/1991; 01/92; 31/92; 31/98; 91/01;

"Official Gazette of the Republic of Macedonia", No. 91/01;

"Official Gazette of the Republic of Macedonia", No. 58/06;

"Official Gazette of the Republic of Macedonia", Nos. 3/97; 23/99; 74/04;

"Official Gazette of the Republic of Macedonia", Nos. 37/96; 80/99; 4/02; 43/03; 19/04;

"Official Gazette of the Republic of Macedonia", No. 47/96;

"Official Gazette of the Republic of Macedonia", Nos. 58/00; 44/02;

"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 63/04; 82/04;

"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 67/04;

"Official Gazette of the Republic of Macedonia", Nos. 64/00; 49/03;

"Official Gazette of the Republic of Macedonia", No. 35/97;

"Official Gazette of the Republic of Macedonia", No. 31/98;

"Official Gazette of the Republic of Macedonia", No. 76/04;

"Official Gazette of the Republic of Macedonia", Nos. 20/97; 70/03;

"Official Gazette of the Republic of Macedonia", Nos. 31/98; 49/03; 66/03;

"Official Gazette of the Republic of Macedonia", Nos. 16/01; 37/01; 70/01; 43/01;

"Official Gazette of the Republic of Macedonia", Nos. 31/98; 49/03; 66/03;

"Official Gazette of the Republic of Macedonia", Nos. 47/96; 03/98; 98/02; 04/05; 23/05 - consolidated text;

"Official Gazette of the Republic of Macedonia", No. 58/05;

"Official Gazette of the Republic of Macedonia", Nos. 20/97; 70/03;

"Official Gazette of the Republic of Macedonia", Nos. 33/96; 17/98; 22/98 - consolidated text; 28/00; 04/02; 37/04;

"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 63/04; 82/04;

"Official Gazette of the Republic of Macedonia", Nos. 44/95; 24/96; 34/96; 35/97; 82/99; 29/02; 52/02 - consolidated text; 40/03; 42/03; 67/04;

"Official Gazette of the Republic of Macedonia", Nos. 64/00; 49/03;

"Official Gazette of the Republic of Macedonia", Nos. 08/04;

- "Official Gazette of the Republic of Macedonia", No. 40/03;
"Official Gazette of the Republic of Macedonia", No. 35/97;
"Official Gazette of the Republic of Macedonia", No. 31/98;
"Official Gazette of the Republic of Macedonia", Nos. 58/00;
44/02;
"Official Gazette of the Republic of Macedonia", Nos. 59/00;
112/00; 34/01; 103/01; 43/02; 98/02; 17/03; 40/03; 85/03; 17/04; 69/04;
"Official Gazette of the Republic of Macedonia", Nos. 80/93;
03/94; 14/95; 53/97; 59/97; 21/98; 25/00; 34/00; 50/01; 25/03; 40/03;
80/03 - consolidated text;
"Official Gazette of the Republic of Macedonia", No. 40/03;
"Official Gazette of the Republic of Macedonia", Nos. 19/95;
55/97; 38/02; 33/03; 19/04;
"Official Gazette of the Republic of Macedonia", Nos. 42/01;
05/03;
"Official Gazette of the Republic of Macedonia", Nos. 02/02;
98/02; 25/03; 71/03;
"Official Gazette of the Republic of Macedonia", No. 60/03;
"Official Gazette of the Republic of Macedonia", Nos. 47/86 -
consolidated text; 44/02;
"Official Gazette of the Republic of Macedonia", Nos. 15/97;
44/02; 74/04;
"Official Gazette of the Republic of Macedonia", No. 60/03;
"Official Gazette of the Republic of Macedonia", Nos. 33/98;
44/02;
"Official Gazette of the Republic of Macedonia", No. 05/02;
"Official Gazette of the Republic of Macedonia", Nos. 08/95;
38/02;
"Official Gazette of the Republic of Macedonia", Nos. 67/92;
20/03; 46/04. "Official Gazette of the Republic of Macedonia", Nos.
38/02; 38/04;
J. Packer, On the Definition of Minorities, in the editionh of J.
Packer - K Myntti, The protection of Ethnic and Linguistic Minorities in
Europe, Institute for Human Rights, Abo Akademi University, Abo,
1997;
T. Petrushevskaja, La reconnaissance internationale de l'Etat
macèdonien: problèmes et perspectives, La reinvention de l'Etat:
democratie politique et ordre juridique en Europe centrale et orientale,
Colloque international, Le Sénat, Paris, 5-6 avril, 2002.