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**MACEDONIA**  
**Discrimination against Albanian Minority Children**  
**A Report Prepared for the Committee on the Rights of the Child**  
**by Human Rights Watch**  
October 19, 1998

The large Albanian minority in Macedonia suffers from discrimination. This brief report deals with discrimination in education against Albanian minority children by the Macedonian government. Discrimination takes place at all levels of the educational system. In 1995, the most recent figures we have, only 40.12 percent of Albanian primary school children went on to high school, as opposed to 96 percent of Macedonian children. Only 12.4 percent of children in high schools were Albanian, although the Albanian minority makes up at least a quarter of the population of the country. For the school year 1997-98, only 7 percent of university students were Albanian. In addition, the Macedonian government forbade the creation and operation of private Albanian universities. In spite of this prohibition, Albanians opened a "University of Tetovo" in February 1995 amid violence. Riot police clashed with large numbers of ethnic Albanians, resulting in numerous injuries to demonstrators and police and the shooting death of one Albanian. Since then, the private university has been allowed to function but the state refuses to recognize diplomas awarded to its graduates.

Most of the information in this report comes from *A Threat to Stability: Human Rights Violations in Macedonia*, released by Human Rights Watch in June 1996. We have not been able to do a complete update on the 1996 findings; where our information is more current, we have so indicated in the text. We are aware of some positive developments--an increase in the number of Albanian teachers being trained at the Pedagogical Academy, for example. But the key issues discussed here remain as serious as they were in 1996, and, in light of the increased ethnic violence in Kosovo and the region, are more important than ever.

## **Background**

Macedonia faces difficulties on several fronts. As a former member of the Yugoslav federation, the young republic is in a transition from communism in which it must decentralize its economy, construct democratic institutions and revitalize its civil society. These tasks, demanding under any circumstances, have been made more difficult by Macedonia's proximity to the war in Bosnia. Bloody conflict in the former Yugoslavia has severely affected the country by exacerbating inter-ethnic tensions, damaging the economy and threatening stability in the region. United Nations forces have been deployed in Macedonia since 1992 to prevent a spill-over of the war.

Despite these obstacles, Macedonia has taken some important steps toward democratization since declaring its independence seven years ago. Substantive reform has opened the door to the European institutions and laid the foundation for a multi-party system based on the rule of law. Human rights are guaranteed in Macedonia's new constitution and most of the relevant legislation.

Nevertheless, some serious problems remain. Although human rights principles are encoded in Macedonian law, their application remains selective and incomplete. This is partially a result of political and economic pressures in the southern Balkans, as well as of the country's communist traditions. But at times, the current Macedonian government has been directly responsible for violating the rights of its citizens.

The main human rights problem is the status of national minorities. Macedonia has a vast number of minority groups, including Albanians, Turks, Roma, Serbs, Macedonian Muslims and Vlachs, all of whom complain of state discrimination. While some of their complaints are politically motivated, the Macedonian government has not done all that it could to provide the minority populations with their basic rights, especially regarding non-discriminatory treatment in state employment and minority language education. The government has addressed some of these problems during the past four years, but the lack of substantial improvement has contributed to a deterioration in inter-ethnic relations.

By far the largest and most vocal of Macedonia's ethnic communities is the Albanians, who constitute almost one-quarter of the population, according to official statistics. Despite some improvements, Albanians are still grossly underrepresented in the police force and state administration, even in areas where they constitute a majority. A highly restrictive citizenship law has left stateless some ethnic Albanians with long-standing ties and family origins in the country.

A major complaint of the ethnic Albanians concerns higher education in the Albanian language. An attempt in early 1995 to open a private Albanian-language university was deemed illegal by the state and ordered shut down. The initiative continued nonetheless, and an Albanian man was killed when police clashed with Albanians on the first day of classes. The organizers of the university were imprisoned for a brief period after a trial that failed to meet international standards - one in a series of unfair trials against a prominent ethnic Albanian in the past three years.

But minority groups are not the only victims. All citizens of Macedonia suffer from the country's weak democratic institutions, immature political parties and economic hardships. Despite the adoption of democratic legal standards, for example, there are still many violations of due process in Macedonian courts against all citizens regardless of their ethnicity. Defendants are sometimes held in detention for longer than the twenty-four hours allowed by Macedonian law,

submitted to physical abuse, denied access to a lawyer or the right to a fair trial. A Human Rights Watch published in April 1998 documents the serious problem of police abuse.

The political opposition has also complained about mistreatment by the state, including phone-tapping and police harassment. The main opposition party VMRO-DPMNU boycotted the second round of parliamentary elections in 1994 to protest what it considered altered voting lists and an outdated electoral law. International monitors from the Council of Europe and European Union reported on these irregularities but declared that they had not been serious enough to invalidate the election.

Another problem in Macedonia involves freedom of the press. The state-run company Nova Makadonja still has a virtual monopoly on printing and distribution, which severely limits the possibilities for an independent press. In May 1995, the government closed eighty-eight private radio and television stations, especially some of the more influential minority stations, allegedly for technical reasons. After protests, most were allowed to broadcast again. A media law passed in 1998 imposed high fees on private radio and television stations.

These human rights problems in Macedonia are intensified by the country's tenuous economic situation. The little industry that was based in Yugoslav Macedonia has mostly ground to a halt. United Nations sanctions against Yugoslavia, in force from May 1993 until December 1995, and an eighteen-month embargo imposed by Greece cost the economy an estimated U.S. \$4 billion dollars in lost revenue. This difficult economic situation places further strains on social relations within the country, especially between ethnic communities.

The international politics of the southern Balkans have also taken their toll on the young country. Macedonia's neighbors, known in Macedonia as "the four wolves," have exhibited behavior ranging from inhospitable to aggressive. Minority populations, irredentist movements and hostile neighboring governments all threaten the very sovereignty of the country. An active nationalist opposition at home further limits the government's maneuvering room

The international community has recognized these threats to Macedonia's stability. A United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) monitoring mission are in Macedonia to observe and report on the internal and external threats to the country. In addition to U.N. patrols along the borders, both organizations attempt to assist the government with the process of democratization and occasionally mediate between various political forces, and especially ethnic communities.

The work of these two organizations reflects the international community's main policy goal in Macedonia: stability. Both the United States and Europe fear a spread of the war to Macedonia since the conflict could draw in Greece and possibly Turkey, both members of NATO, as well as Albania, Serbia and Bulgaria. In the name of stability, however, both the U.N. and the OSCE tend to defend the status quo in Macedonia and downplay human rights violations within the country. Only gentle criticism is directed against a friendly government that is seen as a stabilizing force.

Indeed, stability in Macedonia is critical for the Balkans. Already the starting point of two Balkan wars in this century, a war in Macedonia would have devastating effects for the region and beyond. But human rights are an integral part of establishing long-term stability. A lasting peace will only be secured when a democratic system is in place that guarantees full rights for all citizens.

Despite the difficult circumstances in which it finds itself, the Macedonian government is ultimately responsible to respect the fundamental human rights of all its citizens. Clearly, there are individuals within the government who are trying to achieve this. But there are still many instances in which the Macedonian government has not respected individual human rights, as is required by both Macedonian and international law.

## **THE ALBANIAN MINORITY**

According to the Yugoslav constitution of 1974, ethnic Albanians were considered a constituent nation. In Macedonia, the Albanian language was spoken in local governments where ethnic Albanians constituted a sizable portion of the population. The predominantly Albanian region of Kosovo - now controlled by Serbia - was an autonomous region with its own local parliament and an Albanian-language university in the capital, Prishtina. Despite this, open expressions of Albanian national identity were not tolerated by the state.

The position of ethnic Albanians in Yugoslavia began to deteriorate in the early 1980s. Albanians were increasingly purged from the communist party, state institutions and many state-run firms. Student demonstrations at the university in Prishtina led to police crack-downs and more severe political repression.

The rights of ethnic Albanians deteriorated sharply with the rise of Slobodon Milošević to power. With communism failing, Milošević fostered a growing sense of Serb nationalism, directed primarily against ethnic Albanians. In 1989 Kosovo lost its status as an autonomous region within Yugoslavia. All Albanian institutions were closed, including the parliament and university, and today Albanians in Kosovo are dominated by a violent police state run by Serbs.

In Macedonia, the situation is nowhere near as tragic. But, having been one country up until 1991, the denial of basic rights for ethnic Albanians in Kosovo has a strong impact on the ethnic Albanians in Macedonia. In practical terms, for example, Albanians in Macedonia no longer have an Albanian-language university in Kosovo to attend. In addition, Serb oppression is often viewed as a Slav Orthodox attack against the mostly Muslim Albanian population.

Since 1991, the ethnic Albanians in Macedonia have viewed their new state with suspicion. The Albanian members of Macedonia's parliament boycotted the vote on independence in 1991 and asked their constituents not to participate in the 1992 census. Albanian MPs also did not vote on the new Macedonian constitution in 1991 due to what they claimed was its Macedonian national character.

The major complaint of the Albanian minority is that they are considered a "minority group" in the constitution rather than a "constituent nation" as they were in the 1974 Yugoslav constitution. For ethnic Albanians, "minority status" relegates them to an inferior position vis-a-vis ethnic Macedonians and forms the basis on which a Slav-dominated state may discriminate against them.

Human Rights Watch found that many of the particular details concerning the rights of ethnic Albanians in Macedonia are manipulated by both sides. In the end, however, ethnic Albanians have been denied many of the basic rights guaranteed them in both Macedonian and international law. In particular, the Macedonian government should take steps to eliminate discrimination in state employment, assure equal political representation and provide a sufficient opportunity for Albanians to protect and preserve their culture, including the right to open private educational institutions.

## **Demographics**

According to the 1994 census, ethnic Albanians make up 22.9 percent of the population. Almost all Albanians, however, dispute the figure claiming that it was reduced for political purposes. Some ethnic Albanian leaders claim the number is as high as 40 percent.

The Albanian population is concentrated in the western part of the country near the border with Albania. A large number, officially 107,000, live in the capital, Skopje. For the most part, Albanians lead a more rural and tradition lifestyle than ethnic Macedonians. This has some bearing when considering their complaints of discrimination in education and employment. The majority of Albanians in Macedonia are Muslim.

## **Albanian Language Education**

A primary complaint of the Albanian community concerns discrimination in Albanian-language

education. Human Rights Watch does not take a position on the state's obligation to provide education in a minority language. As such, this section presents the complaints of the Albanian community, along with the government's position, without judging whether the government is meeting its obligations under international law.

However, Human Rights Watch unequivocally supports the right to open private schools on all levels, in accordance with minimum standards set by the state, as a right to free expression and association. In the case of minorities, private schools also fall under the right to preserve one's culture. What is more, the way in which the Macedonian government addresses the particular concerns of the Albanian minority regarding education can do much to reduce tensions and foster an atmosphere of tolerance and good faith or, by contrast, foster ethnic hostility and regional instability.

The education system in Macedonia is divided into three parts: primary (grades 1-8), secondary (grades 9-12) and university. Education through grade eight is mandatory. After that, students may elect to proceed through to university or to attend a variety of technical or professional schools.

Although the numbers have increased slightly since 1992, ethnic Albanians still comprise only 12.4 percent of all high-school students in Macedonia and 6.5 percent of all university students.

(Human Rights Watch interview with former Assistant Minister of Education Zoran Jachev, Skopje, August 8, 1995. Jachev is now chief of staff at the Foreign Ministry. While there are many Albanian schools on the primary and secondary level, the state does not provide university level instruction in the Albanian language, except for the training of Albanian teachers.)

In recent years the Macedonian government has taken some steps to improve the situation. These include expanded instruction for Albanian teachers, the introduction of a 10 percent minimum quota for minority groups at the university in Skopje and the opening of some new elementary and secondary schools. But many ethnic Albanians believe that these changes have been slow in coming and inadequate.

In fairness, the Macedonian government is fighting deep-seated prejudice against Albanians in some sectors of the ethnic Macedonian population. Conservative forces at the university in Skopje, for example, have resisted changes proposed by the government to improve Albanian language instruction. The previous Minister of Education was even taken to the Constitutional Court by a group of citizens for trying to expand Albanian-language classes at the Pedagogical Academy. In September, a group of ethnic Macedonian parents in the northern village of Ognjanci refused to send their children to school because Albanian classes had been started at the local school. The government did not stop the Albanian classes and threatened the parents with prosecution, thereby ending the boycott and making a positive statement about the importance of Albanian-language education.

In addition, Albanians' educational statistics are in part a reflection of their demographic characteristics and socio-economic status. In general, the Albanians in Macedonia are more rural and traditional and place less emphasis on obtaining a higher education. Many ethnic Albanians respond, however, that they would be more interested in obtaining a higher education if they could study in their mother language at an institution that did not discriminate against them.

### **Primary and Secondary Schools**

Schools on the primary and secondary level exist in a number of minority languages, including Albanian, Turkish, Serbian and, most recently, Vlach. Every village with a sizable ethnic Albanian population has its own primary school, while secondary schools are located in more centrally located towns. Albanian students, therefore, can study through the twelfth grade exclusively in Albanian, with the exception of classes in Macedonian as a foreign language. At no point before university do ethnic Albanian and ethnic Macedonian pupils study together.

One common Albanian complaint is that there are not enough primary and secondary schools in all the places where ethnic Albanians need them. In addition, those that do exist, Albanians say, are generally of a lesser quality than the schools for ethnic Macedonians.

*The first complaint is vehemently disputed by the Ministry of Education. Havzi Mehmeti, Assistant Minister of Education and an ethnic Albanian, told Human Rights Watch: Before 1945, 90 percent of the [ethnic] Albanian population was illiterate. Today, wherever Albanians are living, in every village, there is a primary school. There is not a single Albanian child that is not covered with schooling in the Albanian language. (Human Rights Watch interview with Havzi Mahmeti, Skopje, August 10, 1995.)*

Human Rights Watch found that there were enough Albanian-language primary schools to cover the needs of the Albanian population, especially when considering the financial constraints on the Ministry of Education.

According to the Ministry of Education and Physical Culture, the annual budget for the entire ministry is less than U.S. \$100 million. However, some Albanian schools, partly because of their rural locations, were more poorly equipped than the schools attended by ethnic Macedonians.

The question of secondary schools, however, is more complicated, since the government decides where to locate the schools, and pupils must pass entrance exams. As with the primary schools, Albanians claim that there are not enough places in the secondary schools to accommodate all those who wish to attend.

*According to Milaim Fejziu, President of the Forum for Human Rights in Gostivar, a predominantly ethnic Albanian group: In the obligatory primary schools there are 80,000 Albanian pupils. From these, about 8,000 finish the eighth grade. But when they want to continue with high school there is discrimination because there is no way for them to be registered. The percentage is 25-30 who go to high school. The reason is the Ministry of Education sets limits. 96 percent of [ethnic] Macedonians who finish eighth grade go on to high school. (Human Rights Watch interview with Milaim Fejziu, Tetovo, August 1, 1995.)*

The government recognizes that ethnic Albanians who finish primary school are less likely than ethnic Macedonians to continue their educations on the secondary level. According to the Ministry of Education, 30.75 percent of the Albanian pupils who completed their eight years of elementary school in 1994 went on to an Albanian secondary school. This percentage rose to 40.12 in 1995. For both years, the corresponding percentage of ethnic Macedonians who continued their education on the secondary level was 94 percent.

*Human Rights Watch interview with Assistant Minister of Education Havzi Mahmeti. These numbers also correspond with those in a letter to Prime Minister Stevo Crvenkovski from Max van der Stoel, OSCE High Commissioner on National Minorities, November 16, 1994. However, the government disputes that this discrepancy is because ethnic Albanian pupils are being denied entrance into secondary schools. Instead, it is because ethnic Albanians are voluntarily choosing not to continue their educations on the secondary level. (Former Minister of Education Emilja Simoska)*

*Emilja Simoska was Minister of Education until February 1996 when the government was changed. told Human Rights Watch that all ethnic Albanians pupil can find places in a secondary school if they want. She said: There was not one [ethnic] Albanian student left out of a secondary school. No one was excluded. And that's the problem because some of them - a big number of them - were accepted with a lower criteria than [ethnic] Macedonians. (Human Rights Watch interview with former Minister Emilja Simoska, Skopje, July 20, 1995.)*

Despite these reassurances, ethnic Albanian leaders in some areas were not satisfied with the

availability of an Albanian-language secondary education and decided to open their own private schools. Each time, the Ministry declared the school illegal, and the police closed it down.

Article 45 of the Macedonian constitution states that "citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions defined by law."

One such school was in the southwestern village of Ladorisht, near Struga. Organizers of the school told Human Rights Watch that they opened the privately funded secondary school "Hajdar Dushi" in Ladorisht only after a number of Albanian classes had been closed in the regional state school in Struga in 1989.

(Human Rights Watch interview with Mr. Lena, Ladorisht, July 31, 1995. )

According to the private school's organizers, they made formal requests to the Ministry of Education in August and September 1991 asking for permission to open an Albanian-language secondary school, but the government refused. They opened their school in October 1991 regardless with a program that, the directors claim, was based on the republic's curriculum with qualified teachers.

*The first director of the school, Mr. Lena, told Human Rights Watch:*

Beginning in April 1995 we got an ultimatum from the Ministry of Education to close the school. We asked for discussions with the Ministry of Education in Skopje, but they said if we don't close the school they will intervene with the police. We also spoke with the United Nations.

On April 17, the police blocked the roads around the school and didn't let the pupils in the school. The educational inspector took the school's materials and forcefully entered the office. We asked them why and they said they had orders. For ten days, police were around the school. So, now we make the school in private homes.

*Ibid*

But officials at the Ministry of Education in Skopje have a different story. They claim that the ministry didn't receive an official request from the school's organizers until 1994. Assistant Minister of Education at the time, *Zoran Jachev, told Human Rights Watch* that Ladorisht did not need an Albanian secondary school since there were Albanian-language classes in nearby Struga. He pointed out that no village in Macedonia has a secondary school of any kind. The school in Ladorisht was ordered to close many times, and finally the police had to be called in. He told Human Rights Watch that, "the closing was to make order in the educational system. It was not an ethnic question."

(Human Rights Watch interview with former Assistant Minister of Education Zoran Jachev, Skopje, August 8, 1995. )

As evidence, he pointed out that at least six ethnic Macedonian schools had also been closed over the last three years, either because they were private or because they were not following the Ministry's set curriculum.

*Assistant Minister of Education, Havzi Mehmeti, told Human Rights Watch* that every ethnic Albanian from the Struga region would be guaranteed a place in a secondary school. He admitted, however, that there had been resistance in the Struga secondary school to open some Albanian classes.

According to Mehmeti, the Ministry of Education is currently planning to open two new schools in the Struga area, one in Frangovo and one in Veleshta. Both will be built with the financial help of the local population. Three other Albanian primary schools should be opened in Kicevo, one in Gostivar and three in Tetovo. Ethnic Albanians, however, question whether these schools will really be opened and contend that the state is not providing adequate possibilities for Albanian-language secondary education.

Despite these disagreements, both ethnic Albanian leaders and the Ministry of Education agree

that there are serious problems with the quality of Albanian-language education in the country. Officials at the Ministry of Education readily admit that the Albanian primary and secondary schools generally do not provide as good an education as the Macedonian-language schools.

*Former Minister of Education Emilja Simoska told Human Rights Watch/Helsinki:*

At entrance into the secondary school there is discrimination against [ethnic] Albanians because of the lower quality of their primary education. Most of their schools are in rural areas. We can change the quality by training the teachers.

(Human Rights Watch interview with former Minister of Education Emilja Simoska, Skopje, July 20, 1995.)

To rectify the imbalance, the ministry has initiated a number of changes. First, in the school year 1994-95, one hundred ethnic Albanians applied to the Pedagogical Academy that trains teachers for the primary and secondary schools. All one hundred applicants were accepted, even though officials at the academy did not want to admit them all. Then, in 1995, the two-year Pedagogical Academy was expanded to become a four-year faculty at the university in Skopje. Ethnic Albanians will study there in the Albanian language to become teachers.

Thus far, the Ministry is pleased with the results. In 1990, for example, only 15 percent of ethnic Albanians who finished primary school went on to secondary school. In the school year 1994-1995, however, 41 percent applied to secondary school, and all were accepted. Likewise, in the school year 1992-1993, 91 percent of all secondary school students were ethnic Macedonians, while 8.5 percent were ethnic Albanians. In 1994-1995, 87 percent were ethnic Macedonian and 12.4 percent were ethnic Albanian.

(Human Rights Watch interview with Zoran Jachev, Skopje, August 8, 1995.)

## **Higher Education**

The biggest controversy over Albanian-language education concerns demands for higher education in the Albanian language. Article 48 of the constitution grants the nationalities the right to primary and secondary education in their mother languages, but does not mention higher education. Recent changes have introduced more Albanian-language instruction into some university departments, especially where students from minority groups are studying to become teachers, but the universities are basically Macedonian-language institutions.

Ethnic Albanian leaders claim that their demand for higher education must be viewed within the context of the former Yugoslavia. Beginning in 1974, they point out, ethnic Albanians from all over Yugoslavia could study most subjects at the Albanian-language university in Prishtina, Kosovo. Today, that university offers instruction only in Serbian and is located on the other side of an international border.

Albanian-language instruction was halted after the revocation of Kosovo's autonomy in 1989. For more information about the status of Albanians in Kosovo, see two Human Rights Watch/Helsinki publications: "Open Wounds: Human Rights Abuses in Kosovo," March 1993 and "Yugoslavia: Human Rights Abuses in Kosovo 1990-1992," October 1992.

As with primary and secondary education, Human Rights Watch does not take a position on a government's obligation to provide Albanian-language education on the university level. However, the government does not have the right to forbid the creation and operation of private universities, although the recognition of degrees from such universities may depend on whether the school's curriculum has met the minimum standards set out by the state.

The Macedonian government recognizes that ethnic Albanians are proportionally underrepresented at the university level. According to the Ministry of Education, in the school year 1991-92, ethnic Albanians made up 2.4 percent of all university students. In 1994-95, that number had increased to 6.4 percent, a number still well below the percentage of ethnic Albanians in the total population.



(Human Rights Watch interview with former Assistant Minister of Education Zoran Jachev, Skopje, August 8, 1995. )

Official statistics from the University of St. Cyril and Methodus in Skopje vary slightly from the Ministry's, but essentially confirm these numbers.

It should be noted that, in percentages, fewer ethnic Albanians apply for acceptance to the university. In 1994, for example, 6,891 ethnic Macedonians took the entrance exam for St. Cyril and Methodus University, which is 0.5 percent of the total ethnic Macedonian population. In comparison, 775 ethnic Albanians applied, which is 0.17 percent of the total ethnic Albanian population. Leaders of the Albanian community, however, claim that many more ethnic Albanians would apply to the university if it offered better possibilities to study in the Albanian language.

The lower number of ethnic Albanian applicants to the university is also partially explained by the socio-economic make-up of the Albanian population. The mostly rural and more traditional Albanian communities tend to place less emphasis on higher education, primarily for economic reasons. Most ethnic Albanians are involved in business, abroad or in Macedonia, and derive less of a financial benefit from a university degree.

Another factor is that many of the ethnic Albanians who do apply to the university do not pass the entrance exam. Records at the university in Skopje show that, in 1994, ethnic Macedonians had a passing rate of 82.8 percent, compared to 51 percent for ethnic Albanians. *"Analysis on Enrolling of Students in the First Year of School 94/95," University of St. Cyril and Methodus, Skopje, December 1994.*

Some leaders of the Albanian community claim that the university purposefully fails ethnic Albanians on account of their ethnicity. However, Human Rights Watch found no evidence to support this claim. Entrance exams are graded anonymously, and students seem to be accepted based on their academic qualifications.

University professors and students told Human Rights Watch that students occasionally paid bribes to university officials to gain acceptance into the university.

Human Rights Watch, however, does find credible Albanian complaints that the university entrance exam is administered only in the Macedonian language. Former Minister Simoska denied that this would negatively affect ethnic Albanian students, but it seems plausible that the exam would be more difficult for an ethnic Albanian who, up until that point, had only studied and taken exams in the Albanian language.

The primary reason for ethnic Albanians' poorer test results, however, is the lower quality of Albanian-language primary and secondary schools.

*Former Minister of Education Emilja Simoska told Human Rights Watch:*

The quality of education in the [Albanian] secondary schools, which is a precondition for acceptance in the university, is lower... The real problem is the quality of students. When they raise their level, they will get into the university because there is really no political discrimination.

(Human Rights Watch interview with former Minister Simoska, Skopje, July 20, 1995.)

Since 1994, the Ministry of Education has undertaken a number of initiatives to improve the level of Albanian education. As mentioned above, the focus has been on improving the quality of ethnic Albanian teachers. Despite resistance, the Pedagogical Academy was expanded from two years to four and made into a regular faculty at the university. In addition, in the school year 1994-95, the university established a 10 percent minimum quota for first year students from the ethnic minorities. According to the Macedonian government, the quota was later raised to reflect the percentage that each minority group comprises of the total population.

Letter to Human Rights Watch from the Macedonian Ministry of Education and Physical Culture, August 4, 1998.  
The Private University in Tetovo

Despite these positive developments, ethnic Albanians still view improvements in their access to higher education as slow and disingenuous. Many ethnic Albanians point out that they had been demanding improvements in the Pedagogical Academy beginning in 1991. Despite numerous governmental promises, nothing was changed until 1995.

In late 1994, a group of ethnic Albanians formally presented their demand for a university in Tetovo in the Albanian language. The legality of their demand was ambiguous. Article 48 of the constitution makes no mention of higher education in languages other than Macedonian. Article 45, however, states that "citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law."

No law exists to clarify the conditions under which a private school may be opened. In addition, the communist-era Law on Education of the Socialist Republic of Macedonia is still in force and does not provide for the creation of private universities.

Human Rights Watch believes that all Macedonian citizens should have the right to open private schools, a right that is apparently guaranteed in Article 45 of Macedonia's constitution. Clearly, private schools on any level must fulfill the academic criteria established by the state. The government should, therefore, take steps to establish guidelines for private schools, which would allow Article 45 of the constitution to be applied.

Despite this, the government rejected the request and declared that any attempt to open a private university would be unconstitutional. The government and many ethnic Macedonians expressed the belief that the university was a political initiative rather than a genuine attempt to improve education for ethnic Albanians. Many also feared that a separate university would lead to increased demands for Albanian autonomy.

*Former Education Minister Simoska told Human Rights Watch:*

The problem with that self-proclaimed university is not only from the constitutional point of view. Let's say we had a provision that allowed a university in Albanian, we wouldn't just go and say this building from today is a building of the university. This is a professor of history, a professor of math. I mean, there are standards in all countries.  
(Human Rights Watch interview with former Minister of Education Simoska, Skopje, July 20, 1995)

A group of ethnic Albanians continued to organize the university despite warnings by the government that it would be illegal. They argued that, while article 48 of the constitution did not specifically allow an Albanian university, it also did not forbid it. In addition, they said, Albanians from Macedonia and abroad were willing to finance the project themselves.

According to organizers of the initiative, the police repeatedly attempted to hinder their work.

*Fadil Sulejmani, rector of the university project, told Human Rights Watch:*

On November 9, 1994, the police arrested me and my colleagues. They asked us so-called informational questions. They said they will arrest me and use all means of the police and army to stop the university. I spent one day and a night in prison and was let go.  
On December 14, the Macedonian government with the police broke in to the university's office and confiscated our documents, telephone and fax. They blocked the door. A university building where we wanted to put the science faculty was destroyed by bulldozer.

(Human Rights Watch interview with Fadil Sulejmani, Tetovo, August 1, 1995.)

On December 17, the organizers formally declared the founding of the "University of Tetovo" in a

meeting at the headquarters of the Party for Democratic Prosperity. A journalist from TV ART in Tetovo filmed the proceedings, but was later detained by the police, who confiscated the tape.

The academic school year in Tetovo officially began on February 15, 1995, without police interference. But tension was very high and police were monitoring the roads going in and out of Tetovo.

On February 17, classes were held in two areas near Tetovo, Male Recica and Poloj. In Male Recica, riot police clashed with large numbers of ethnic Albanians, resulting in numerous injuries to demonstrators and police and the shooting death of one ethnic Albanian, Abduselam Emini. An autopsy conducted by the state did not reveal with certainty who had fired the fatal shot, but an investigation by the OSCE established that the bullet had been fired from a Kalishnikov used by the police, although, the OSCE concluded, the shot was probably not deliberate. Witnesses present in Male Recica told Human Rights Watch that the police were poorly organized and used force beyond the amount necessary to bring the situation under control.

All together, approximately twenty individuals were hurt in the fighting, including at least twelve policemen. A number of people, including children, were indiscriminately beaten by the police.

*Then-Minister of Internal Affairs Ljubomir Frckovski told Human Rights Watch* that three policemen had lost their jobs because of the incident. A journalist, Branko Gerovski, was also severely beaten, requiring hospitalization for two weeks.

That evening, five ethnic Albanians were arrested, either for hindering the work of the police or inciting the crowd to violence. They included: Fadil Sulejmani, Milaim Fejziu, Arben Rusi, Musli Halimi and Nevzat Halili. Some of them complained that they were verbally mistreated by police and denied access to a lawyer. Sulejmani was later sentenced to two and a half years in prison for inciting the crowds to resistance, but was released in February 1997.

The bail amounts were: Sulejmani DM100,000 (German Marks), Halili DM70,000, Rusi DM50,000, Halimi DM50,000 and Fejziu no fine.

In November 1995 the Tetovo university resumed classes. Sulejmani claims that the university currently has 1,259 student and 150 lecturers in six faculties.

"Back to Campus," War Report , December 1995, and "Balkan College for Albanians Fights to Stay Alive," The New York Times , February 14, 1996. The government continues to call the university illegal, but has not taken any action against it.

In May 1996, President Gligorov told a German newspaper that the Tetovo university was "illegal" and had been founded by "Albanian separatists." In spring 1998 the first class graduated, but the Ministry of Education refuses to recognize their diplomas.

While Human Rights Watch does not take a position on a state's obligation to provide minority-language higher education, the response to the university in Tetovo raises a number of concerns. First, Human Rights Watch objects to prohibitions on private education as an infringement on free expression and association. This is especially true when dealing with a minority group, which has a guaranteed right to protect and preserve its culture, including its language.

Secondly, while the university in Tetovo may have been a provocative political initiative, rather than a genuine attempt to improve the education of ethnic Albanians, it appears that the university came about as a result of the government's unwillingness to address the legitimate concerns of the Albanian community. While the recent expansion of the Pedagogical Academy and the introduction of a 10 percent minimum quota for minority students at the university are positive changes, we note that they were introduced only after the university in Tetovo had become a full-scale political concern that threatened the country's fragile inter-ethnic balance.

The implicit message to ethnic Albanians, therefore, is that they should use provocative methods to achieve their aims.

Lastly, Human Rights Watch is deeply concerned about the excessive use of force by the police on the first day of classes. According to witnesses, the police used violence beyond the amount necessary to bring the situation under control. The state has a duty to investigate the matter and hold legally responsible all those found to have used excessive force, including both the police and the demonstrators.

## RECOMMENDATIONS

Human Rights Watch calls on the Committee on the Rights of the Child to press the government of Macedonia to:

- Assure that members of minority groups are granted equal rights without discrimination, in accordance with Macedonian and international law.
- Respect the constitutional right of minority groups freely to express, foster and develop their identity and national attributes.
- Allow the formation of private educational institutions on all levels. This includes adopting the necessary laws and regulations for the accreditation of private schools.

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