

ILGA-Europe's submission to the European Commission's 2011 Progress Report on FYR Macedonia¹

Brussels, April 29, 2011

Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
Freedom of assembly and association	<p>Freedom of assembly and association is guaranteed by the Constitution. However, the climate of intolerance in FYR Macedonia forces LGBT people remain invisible and unaware of their rights. There is no LGBT organisation in FYR Macedonia working on the rights of LGBT people and no public gathering or protest was organized on LGBT issues during the reporting period.</p> <p>The Helsinki Committee for Human Rights together with partner organizations organized a March for Tolerance in 2010 which was well protected by the police.</p>
Hate crime and hate speech, public statements targeting LGBT people	<p>There are no hate speech or hate crime provisions in the Criminal Code of Macedonia. It doesn't treat homophobic motives of the offenders as an aggravating circumstance.</p> <p>The adoption of the anti-discrimination law in April 2010 was accompanied by hate speech and homophobic statements.</p> <p>In the Parliamentary Committee meeting on the anti-discrimination law the Member of the Parliament of Macedonia from the governing party, a doctor by profession, stated that "homosexuals are sick people and should be medically treated, and not to be protected by law".</p> <p>During the debate on the anti-discrimination law the pro-government media presented LGBT people with visual materials that were clearly aiming to increase stigma and to reinforce the negative stereotypes about LGBT people.</p> <p>In June 2010 a promotion poster for a festival of a motorbike association stated 'No alcohol, drugs, weapons, animals, 666 and gays'. The city of Skopje was the sponsor of the festival.</p>

¹ The submission is made based on the contributions from LGBTIQ programme, Helsinki Committee for Human Rights of Macedonia

	<p>The head of the Macedonian Orthodox Church- Ohrid Archbishopric made a number of homophobic public statements.</p> <p>As regards to hate crimes against LGBT people, most cases go unreported due to the lack of trust in police and fear of being victimized. Many police officers in Macedonia have homophobic attitudes and are often themselves responsible for violations of the rights of LGBT people and other vulnerable groups. There are documented cases of discrimination, arbitrariness, maltreatment of LGBT people and other marginalized groups by the police.²</p>
<i>Economic and social rights</i>	
<p>Discrimination/ Anti-discrimination policies</p>	<p>On 8 April, 2010, the Parliament of fyr Macedonia adopted a new anti-discrimination law, which, regretfully, does not include sexual orientation among the exhaustive list of protected grounds. The original draft law contained sexual orientation among the prohibited grounds of discrimination, but on 29 January, 2010, before forwarding the draft law to the parliament, the government removed sexual orientation from the list of protected grounds.</p> <p>Prior to the adoption of the law a number of EU representatives, national and international human rights organisations repeatedly encouraged the Macedonian Parliament to re-install sexual orientation among the prohibited grounds of discrimination in order to harmonise the country's legislation with the EU standards. In an open letter by the Members of the European Parliament addressed to the Parliament of fyr Macedonia MEPs advised the Macedonian parliamentarians to amend the law and include sexual orientation in order to meet the EU accession criteria.³ LGA-Europe also addressed letters to the legislative and executive branches of the government of Macedonia⁴ as well as to relevant EU officials, including to Commissioner Füle.</p> <p>While the government refused to provide protection from sexual orientation and gender identity discrimination, LGBT people in fyr Macedonia continue to suffer discrimination in health care,</p>

² <http://www.unhcr.org/refworld/country,,,MKD,,49a8f174b9,0.html>

³ http://www.ilga-europe.org/europe/guide/country_by_country/fyr_macedonia/open_letter_by_euro_mps_to_macedonian_parliament_don_t_vote_a_deficient_anti_discrimination_law

⁴ http://www.ilga-europe.org/europe/guide/country_by_country/fyr_macedonia/ilga_europe_s_letter_to_the_government_of_macedonia_english

education, in access to goods and services and in other fields.

A gay couple lost their apartment as the landlord refused to lend to a same-sex couple; a lesbian woman lost her job at a nongovernmental organisation after the president of the organisation found out about her sexual orientation; another lesbian woman lost her internship at private lawyer's office in Skopje (after graduating the Faculty of Law in Skopje) with the explanation that 'gay person can not be a future lawyer'.⁵

In addition, the Macedonian Orthodox Church- Ohrid Archbishopric mobilized other religious communities in fyr Macedonia and initiated a campaign for introduction of a constitutional ban on same sex marriage as well as on adoption of children by a single parent or a same sex couple.

On May 17, 2010 the Helsinki Committee for Human Rights organized a public debate on the topic of 'fighting homophobia in educational system of Macedonia'. The results of a research on school text books, which were discussed during the debate, revealed that the text books reinforced the negative stereotyping of LGBT people and presented same sex sexual orientation as pathology. Many stakeholders were invited to the debate including the Ministry of Education. The representative of the Ministry didn't respond to the invitation.

Removal of sexual orientation from the list of protected grounds in the law, continuous negative stereotyping of LGBT people and refusal to engage in dialogue with the civil society clearly demonstrate that the government of fyr Macedonia lacks commitment to the principles of non-discrimination and equality and, subsequently, to its European integration.

⁵ Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in the former Yugoslav Republic of Macedonia-A Shadow Report-Global Rights, ILGA-Europe, MASSO- March 2008