

# ILGA-Europe's submission to the European Commission's 2012 Progress Report on FYR Macedonia

Brussels, May 11, 2012

## Political criteria

Human rights and the protection of minorities	
<b>Freedom of assembly and association</b>	<p>Freedom of assembly and association is guaranteed by the Constitution. However, the climate of intolerance in FYR Macedonia forces LGBTI people remain invisible and unaware of their rights.</p> <p>There is no LGBTI organisation in FYR Macedonia. There are some informal groups of LGBT people but the level of organising is very low. There has been no organised protest or gathering of LGBTI people during the reporting period.</p>
<b>Hate crimes and hate speech</b>	<p>There are no hate speech or hate crime provisions in the Criminal Code and it doesn't treat homophobic motives of the offenders as an aggravating circumstance.</p> <p>In January 2011, the Archbishop and another bishop of the Orthodox Church made homophobic remarks during the celebration of the Orthodox Christmas, suggesting that allowing same-sex couples to marry would lead to the end of mankind, and equating such marriages to marriages between animals. The Coalition of NGOs for the Protection of Rights of Marginalised Communities intended to sue the Church for slander and hate speech. However, no court case had been brought during the reporting period.</p> <p>Increasingly noticeable is the hate speech in media. Some journalists continually publish bias articles with discriminatory content on LGBTI people and other marginalized groups. Daily newspaper "Večer"<sup>1</sup> published a number of such articles causing a range of adverse reactions. Negative stereotyping of LGBTI people is also present in local TV shows. Calls for violence against LGBTI individuals are continuously posted in social media, particularly on Facebook.</p> <p>Most cases of hate crimes against LGBTI people remain unreported due to the lack of trust in</p>

<sup>1</sup> <http://vecer.mk/?ItemID=29C118A673A3F34CADE9C45972B8B9A2>

	<p>police and fear of being victimized. Many police officers in FYR Macedonia have homophobic attitudes and are often themselves responsible for violations of the rights of LGBTI people and other vulnerable groups.</p>
<p><b>Equality and non-discrimination</b></p>	<p>Sexual orientation is not amongst the 19 protected grounds in comprehensive anti-discrimination law of FYR Macedonia. The national strategy on equality and non discrimination promoted in November 2011 does not foresee any actions to tackle discrimination on the grounds of sexual orientation and gender identity. The main focus of that strategy is discrimination on the grounds of ethnicity, age, mental and physical disability and gender.</p> <p>The Commission for protection against discrimination identified 3 priority areas in their work given their limited resources and exhaustive list of grounds in the law. LGBTI was not amongst those priority areas despite the evident need for awareness raising amongst general public and LGBTI community about the protections provided by the law. The Commission has started to act on the complaints. In 2011 it received 60 complaints of which 5 were on the grounds of sexual orientation<sup>1</sup>. One of the cases submitted to the Commission in April 2011 relates to the secondary school textbook on pedagogy where homosexuality is described as a disease. The textbook calls being LGBT as “wickedness”, and refers to LGBT people as “persons with mental health difficulties and obstacles” with “neurotic and psychotic personalities”, who are “participants in such perverted, unnatural, and [...] abnormal sexual life”. In May 2011, the Commission requested that the Ministry of Education reviews the textbook and changes the homophobic content. However, no actions were taken by the Ministry in this regard during the reporting period.</p> <p>While there is no progress regarding the protection of the rights of LGBTI people in FYR Macedonia, they continue to suffer discrimination and social exclusion in all areas of their lives.</p> <p>Trans people are particularly vulnerable due to the fact that there are no legal/administrative procedure to allow them to change their name and legal gender in official documents to match their gender identity.</p>

<sup>1</sup> This information was obtained during the meeting with the Commission on 26 April, 2012 in Brussels.