

ILGA-Europe's submission to the European Commission's 2010 Progress Report on FYR Macedonia

Brussels, May 31, 2010

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.</p> <p>These rights are not always respected by the authorities, particularly in relation to LGBT people. In October 2007, the city major of Skopje denied LGBT groups their right to freely assemble in Skopje's main square on the ground that it was 'morally unsuitable'¹</p> <p>In March 2009 a group of about 100 protestors were not able to hold their peaceful demonstration against the construction of an Orthodox church in Skopje's main square due the failure of the police to protect them from groups of several thousand angry counter-protestors who verbally and physically assaulted the participants of the protest. Hate speech and derogatory language was used against LGBT people participating in the protest.²</p> <p>There is no registered LGBT organization in fyr Macedonia but there are some organizations that address LGBT issues. After the closure of Macedonian Association for Free Sexual Orientations (MASSO) in 2008 some individual LGBT activists joined in a coalition of NGOs called Macedonia without Discrimination.</p>
Homophobic and transphobic violence/hate crime and hate speech	<p>The law on domestic violence as well as the laws governing hate speech in fyr Macedonia exclude LGBT people. Furthermore, the Criminal Code of Macedonia does not contain any general provisions that expressly enable homophobic motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing.³</p>

¹ Report on Former Yugoslav Republic of Macedonia –Universal Periodic Review – December 2008 - Coalition Macedonia Without Discrimination

² US State Department 2009 Human Rights Report: Macedonia. <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136044.htm>

³ <http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>

	<p>There are documented cases of hate speech in media. The national TV channel SITEL and the daily newspaper VECER (both pro-government) are the most homophobic ones⁴. The United States Department of State 2008 report on Macedonia has also confirmed that ‘The press carried antigay articles and television stories’⁵.</p> <p>Most cases of violence against LGBT persons 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.</p> <p>There are documented cases of discrimination, arbitrariness, maltreatment of LGBT people and other marginalized groups by the police.⁶</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, regrettably, does not include sexual orientation among the exhaustive list of protected grounds.⁷</p> <p>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 deleted sexual orientation from the list of 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</p>

⁴ LGBT people and policy of the Government in the Republic of Macedonia- Centre for Human Rights and Conflict Resolution-May 2009, Skopje

⁵ <http://www.unhcr.org/refworld/country,,,MKD,,49a8f174b9,0.html>

⁶ Ibid

⁷ <http://www.balkaninsight.com/en/main/news/27198/>

parliamentarians to amend the law and include sexual orientation in order to meet the EU accession criteria.⁸

ILGA-Europe also addressed letters to the legislative and executive branches of the government of Macedonia⁹ as well as to relevant EU officials, including to Commissioner Füle.

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, 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 organization after the president of the organization 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'.¹⁰

According to the United States Department of State 2009 report on Macedonia 'Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.'

By removing sexual orientation from the list of protected grounds in the law the government of FYR Macedonia exposed its lack of commitment to the principles of non-discrimination and equality for all Macedonian citizens and, subsequently, to its European integration.

⁸ 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

⁹ http://www.ilga-europe.org/europe/guide/country_by_country/fyr_macedonia/ilga_europe_s_letter_to_the_government_of_macedonia_english

¹⁰ 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