

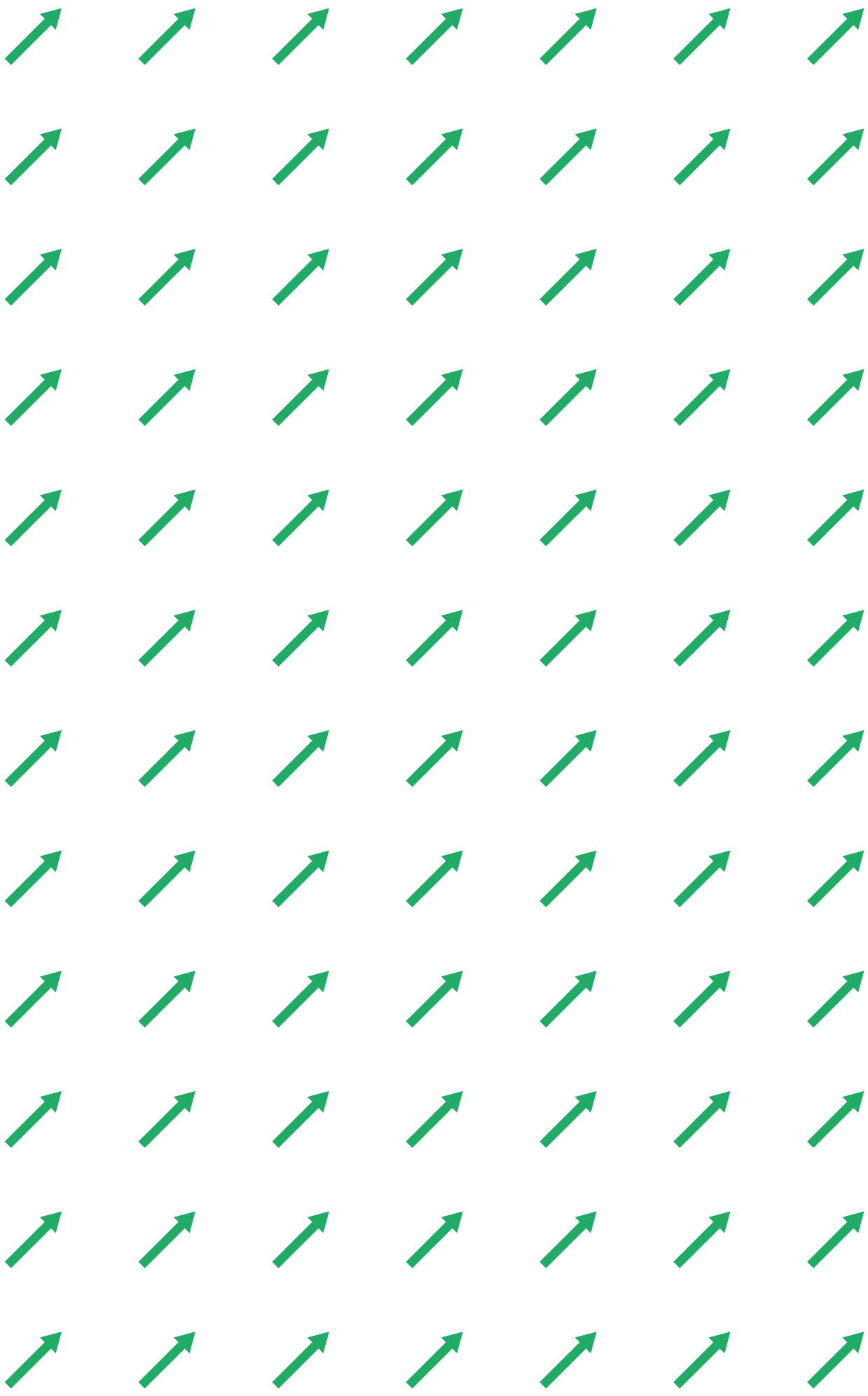
Sexual & Health Rights

of

**MARGINALIZED
COMMUNITIES**

Coalition
SEXUAL AND
HEALTH RIGHTS
OF MARGINALIZED
COMMUNITIES
Skopje, 2015

LGBTI DRUG USERS SEX WORKERS PEOPLE LIVING WITH HIV



Annual Report

2014

S E X U A L A N D
H E A L T H R I G H T S
O F M A R G I N A L I Z E D
C O M M U N I T I E S

Coalition

SEXUAL AND HEALTH RIGHTS OF
MARGINALIZED COMMUNITIES

Skopje

2015

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Summary

The negative trend of not prosecuting the physical assaults and psychological violence (hate speech) on the basis of sexual orientation and gender identity (the case "Damar") continued in 2014 as well. LGBTI activists continued in a more organized manner with their fight against physical assaults, hate speech and structural violence, which culminated with several public protests in front of the Public Prosecutor's Office organized by the National Network against Homophobia and Transphobia (NNHT). Unfortunately, with most of homophobic violence cases "the investigation is still on-going," while the homophobic attackers of Damar and the LGBTI Support Centre have still not been found and taken to court.

On 24.04.2014, the Commission for Protection against Discrimination issued an opinion determining "disturbance on the ground of sexual orientation" and issued a suggestion to the Rector of the University and the textbook authors "to remove and omit from practice the indicated sections of the textbook in which the authors themselves admit to have made errors."

The Commission for Protection against Discrimination did not determine discrimination in the Psychology homophobic textbooks even though the disputed textbooks list homosexual relations among "incest" and "sodomy, pedophilia," and state that homosexuality is a "stagnation of the psycho-sexual development on a lower level," that "heterosexuality is healthier for the individual," that "the human being was created for heterosexual intimate relations" and that "homosexuality destroys the natural family, because it contradicts sexual dimorphism among people."

After two years of omission, the Commission for Protection against Discrimination determined discrimination in TV's Sitel media article (from 17.05.2012) where they claimed that "homosexuals are in need of professional and medical help, instead of legal help." The Commission explicitly determined that the phrases "homosexuals are in need of professional and medical help, instead of legal help" are flagrant and express unwarranted

hate speech” and that the article “causes prejudices and disturbs the dignity of people on the basis of sexual orientation”. After two years of omission, the Commission determined discrimination in four journalists’ articles published in the newspaper Vecer in the period from 13-17.10.2012.

On 25.07.2014, the Government submitted to the Assembly the text of the draft-Amendments to the Constitution of the Republic of Macedonia. The first Amendment XXXIII foresaw a definition not only to marriage (as “a life union solely of one woman and one man”), but also to the “registered extramarital union, or any other registered form of a life partnership.”

The Coalition, joined by other organizations held a public debate on 17.09.2014 and pointed that Amendment XXXIII is contrary to the spirit in which the Constitution was written and its adoption would mean violation of several constitutional and internationally guaranteed rights, particularly the right to privacy, family life and protection against discrimination. During the debate it was pointed to the negative effects the Amendment XXXIII has on LGBTI people. As part of the campaign “Not on my behalf,” the Coalition pointed that the constitutional changes will increase discrimination, violence and hate speech towards the LGBTI community.

After the amendments to the constitutional provision (which prescribes for two-thirds majority votes for a law that regulates the legal relations in marriage, family and extramarital union), the Coalition warned against constitutional confirmation of the discrimination arising from the existing Law on Family and a violation of Article 8 of the European Convention on Human Rights, which protects equality of couples and same-sex and different-sex unions. The Coalition demanded that Amendment XXXIII be repealed and instead adopt a legislative which shall provide equality of couples and same-sex and different-sex unions.

Transgender people are completely excluded from the national legislation. No law prohibits discrimination on the basis of gender identity. These circumstances place trans people in a state of uncertainty regarding their legal status and without proper protection against discrimination and other violations of their rights.

In 2014, the Coalition conducted the first part of a research (with focus groups in six municipalities in the Republic of Macedonia) in order to identify the main problems drug users face when in contact with the police. Part of the research results were presented at the First National Conference on Drug Policy, organized by HOPS. The most significant conclusion made at the Conference was that repressive policies are inhuman, have no impact on the reduction of drugs and don't give results.

At the conference were presented numerous examples of human rights violations of drug users when in contact with the police: violation of the right to personal dignity and discrimination; violation of the health rights; infringements of the rights during deprivation of freedom; humiliating body searches in public places; illegal searches of their homes; endangering the personal safety and violating the physical integrity; indications of torture and inhuman and degrading treatment.

Furthermore, there were examples of ungrounded deprivation of freedom and criminalization of drug users, even an example of a criminal sentence for a person who was in possession of 0.2 grams of marijuana! The misdemeanour sentences for "resorting to use of narcotic drugs" on the basis of urine tests were also pointed as problematic.

Individuals with drug dependency are also facing obstructed access to health care. There is lack of care and treatment programs for children using drugs as well. Drug users are also prevented to have access to treatment for Hepatitis C. There are no relevant statistical data on death cases related to drugs. Stigmatization of drug users in the legislation and the Assembly continues while drug users are also facing serious obstacles in their attempts to apply their right to protection against discrimination.

Regarding the rights of people living with HIV, we reported on a death case of an HIV positive person during imprisonment and discrimination on many occasions against a patient in Ohrid, discrimination ignored by the health inspectorate. The Commission for Protection against Discrimination failed to determine discrimination in the case of the Media sensation for "the alarming

spread of HIV." The negative and sensationalistic media presentation of people living with HIV continues, and so does the fight against discrimination.

There is a notable improvement in the presentation of sex workers in the media. There is less sensationalism and more focus on the messages to address the problem of violence against sex workers.

The report affirms the latest recommendation of the World Health Organization for prevention of HIV in sex workers, "Countries should work toward developing policies and laws that decriminalize injection and other use of drugs and, thereby, reduce incarceration." During 2014 continued the civil procedure for determining violation of the personal rights and awarding fair compensation to the sex workers who were victims in the Street Prostitution case. Regarding the procedure for protection of the right to privacy which was violated by the media during the police action, the state does not provide proper protection in all court instances. Sex workers realize their rights in front of the regional and international bodies for protection of human rights.



LGBTI

Human Rights

1.

VIOLENCE ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

The negative trend of not prosecuting physical and psychological violence (hate speech) on the basis of sexual orientation and gender identity continued in 2014 as well. In 2014, LGBTI people were also victims of the structural violence of the state institutions manifested in the omission of relevant and efficient measures to identify and prosecute the perpetrators of hate crimes in 2012, 2013 and 2014.

In 2014, the LGBTI activists continued, in a more organized manner, their struggle against physical violence, hate speech and structural violence, which culminated with several public protests in front of the Public Prosecutor's Office organized by the National Network against Homophobia and Transphobia (NNHT).

An organized attack on LGBTI activists in a coffee bar

On 23.10.2014, at 9:30 pm, an organized group of approximately thirty masked attackers stoned the Coffee Bar Damar in the

Old Bazaar where the LGBTI Support Centre and the Helsinki Committee for Human Rights were celebrating their two-year anniversary. The victims' testimony indicated that the attack was motivated by hate on the basis of sexual orientation. They stated that the attackers shouted (in Albanian) that there is no place for "fagots" in the Old Bazaar. A girl and a boy were assaulted with glass bottles and suffered minor injuries to their bodies and heads, while some of the patrons in the bar sustained cuts from the shattered glass.

In the short press release, the Ministry of Interior reduced the attack to violence carried out "by several unidentified individuals," without stating that the victims of the attack were human rights LGBTI activists and that the attack was hate motivated on the basis of sexual orientation.¹

Provoking speech before and after the violence in the Coffee Bar Damar

The attack on the LGBTI activists in the Coffee Bar Damar was preceded by a provoking speech in "scandalous" articles² which described the events organized by associations advocating for "human rights of homosexuals" in the Old Bazaar as "degenerate events."³ Even after the homophobic violence on 23.10.2014,

1 "On 23.10.2014, around 10 p.m. in Skopje, in the Old Bazaar, more precisely the Coffee Bar Damar, several unidentified individuals carried out violence by throwing stones and breaking the windows of the premises. During this event, the individuals K.D. (26) and E.L. (18) sustained bodily injuries. A team from the Sector of Interior Skopje conducted an investigation on the scene. Measures to identify the perpetrators are being undertaken." (<http://www.mvr.gov.mk/>)

2 The article „SKANDAL: Homoseksualët nesër do të festojnë në Çarshinë e Vjetër, mediat heshtin!“ (“SCANDAL: Homosexuals are celebrating tomorrow in the Old Bazaar, the media are silent,” 22.10.2014), published in Vilajeti, and re-published on the web portal Ilirida.

3 Although the anonymous journalist admits “it is a matter of a very discrete event,” he still discloses information about its location and time. Furthermore, he describes “such an event in the heart of Skopje, i.e. the Old Bazaar” as a “direct insult on the Capital, particularly the local population consisting of Albanian Muslims who do not have such degenerative traditions.”

the media inciting ethnic, religious and homophobic prejudices published articles that justify the violence.⁴

Hate speech calling to violence was mostly manifested on the social network Facebook, in comments on the profiles of certain media and journalists.⁵ The Facebook profile of the journalist Milenko Nedelkovski was an instrument for publishing insulting and provoking contents and comments calling to violence on the basis of sexual orientation ("heads will roll"). The Facebook profile of the journalist Janko Ilkovski also published comments with hate speech which justified the attackers as a "group of wonderful individuals brought up in the spirit of Christianity..."

Press Conference held by the National Network against Homophobia and Transphobia (NNHT) and other reactions

On 24.10.2014, the NNHT held a press conference and demanded that the Prime minister and the Minister of Interior publicly condemn the homophobic hate violence against LGBTI people, a quick resolution of the case, identification of the perpetrators and an efficient court procedure.⁶ NNHT demanded a criminal investigation regarding the hate speech unleashed on the social networks after the attack and the provocation of hate, discord or intolerance on the basis of national, religious, racial

4 The article „Demolohet kafeneja Damar në Çarshinë e Shkupit“ (“The Coffee Bar Damar in the Old Bazaar demolished”) taken from „Vilajeti,“ emphasizes the following justification of the attackers’ rage: “This is the result of these boys’ anger that such a historical place has a bar where dilebri (homosexuals) gather, and this offends specifically the Muslim population, stated an old man while drinking tea and watching the match between Partizan and Besiktas.”

5 For instance, the Facebook profile of “Vecer” allowed the comment “gas chamber for fagots,” published under the link entitled “A girl injured: 30 masked individuals demolished a bar during an LGBTI celebration.” This profile published a comment openly calling to violence against LGBT individuals (“cutting fagots’ heads”) under the link entitled “The police still looking for the attackers of Damar.”

6 They also demanded clarification, identification and prosecution of the perpetrators of the previous five attacks against LGBTI Support Centre in the Old Bazaar.

and other discriminatory basis against the media which published articles with hate speech contents against LGBTI people before the event.⁷

The attack of the Coffee Bar Damar was publically condemned by several political parties (including the ruling party VMRO-DPMNE),⁸ but not by the Prime Minister and the Minister of Interior, even though they were publically called to do so in the release of the European Commission.⁹

Other international human rights organization also reacted, demanding „Public condemnation by the Prime Minister, the Minister of Interior and the Minister of Justice of hate violence against LGBTI people“ and a „Quick resolution of the case, identification of the perpetrators and an efficient prosecution...“¹⁰

Protests in front of the Public Prosecutor’s Office

On 06.11.2014, the NNHT organized a protest in front of the Public Prosecutor's Office because of its omission to undertake relevant measures to identify and prosecute the attackers in all

7 The article “The institutions accomplices in the attack on the LGBTI people” offered the most comprehensive coverage of the NNHT’s press conference. It highlighted the following message: “The system’s institutions encourage and are accomplices in the violence against the LGBTI Support Centre by tendentiously not punishing the perpetrators of such vile acts.”

8 <http://www.mkd.mk/makedonija/partii/i-vmro-dpmne-i-sdsm-gosudija-incidentot-vo-kafuleto-damar>

9 “The Commission expresses concern regarding the incident in Skopje and empathizes with the injured girl and the damages to the property. We were informed that the authorities are conducting an investigation. The Commission supports the efforts for the enforcement of the rule of law and the respect of the principle of non-discrimination. The Commission calls the political factors and the civil society to take a stand and condemn such incidents (<http://prizma.birn.eu.com/>)

10 The Norwegian Helsinki Committee (NHC), The Norwegian LGBT Organization (LLH) and Amnesty International Norway, Letter to Prime Minister Nikola Gruevski, <http://nhc.no/filestore/Brev/2014/OfficeofthePrimeMinister.pdf>

previous cases. The Public Prosecutor stated for the media that he wasn't informed about the previous attacks (?!).¹¹

Another protest took place on 13.11.2014, during which the protesters blocked the entrance to the Public Prosecutor's Office.¹² Some of the policemen attempted to stop the protest, however they failed to do so.¹³ The protest was held at the same location again because we received information that the police had submitted reports to the Public Prosecutor's Office regarding the previous cases of violence.¹⁴ After the protest, the Public Prosecutor's Office released a statement for the activities undertaken regarding the case "Damar"¹⁵ and the previous cases.¹⁶

11 "It seems exaggerated to state that nothing is being done about something that has been going on for years, and expecting to identify the perpetrators in just one month is too optimistic. The services are working and as soon as we receive information we will act upon it. I am not informed about the attacks and their number. Actions have been undertaken pursuant to the Law, but I cannot give you more information at this moment, stated Zvrlevski." "Zvrlevski: I am not informed as to the number of attacks against the LGBTI and the exact time they happened," <http://novatv.mk/index.php?navig=8&cat=2&vest=17893>

12 "With bodies lying on the ground like corpses" in front of the Public Prosecutor's Office, LGBTI activists and their supporters protested for the second time against the institutions' negligence to identify the attackers who demolished the Coffee Bar Damar." (LGBTI community once again in front of the Public Defender's Office, Radio Free Europe - 13.11.2014)

13 "By verbally disputing and calling the protestors to leave the entrance of the Public Prosecutor's Office, the police today tried to stop the LGBTI activists who had been blocking the premises for half an hour." ("The police attempted to stop the activists protesting in front of the Public Prosecutor's Office," <http://novatv.mk/index.php?navig=8&cat=18&vest=18061>)

14 "We focused on the Public Prosecutor's Office because we received information that the police submitted reports to the Public Prosecutor's Office, and we also heard the Public Prosecutor's statement, Zvrlevski, which only goes to prove that the institutions fail to do their job, stated the executive director of the Helsinki Committee – Uranija Pirovska." ("The police attempted to stop the activists protesting in front of the Public Prosecutor's Office," <http://novatv.mk/index.php?navig=8&cat=18&vest=18061>)

15 "The Public Prosecutor's Office immediately issued an Order for procuring recordings, as well as for additional operative examinations in order to identify the perpetrators. Witnesses were called to give statements and several persons previously pointed by the damaged party are being identified as part of the investigation."

16 "The Public Prosecutor's Office issued an order to the Ministry of Interior to carry out specific investigation with the purpose to identify the perpetrators regarding the previous attacks against the LGBTI community."

In the meantime, the U.S.A. Ambassador in Macedonia also reacted regarding the case “Damar”.¹⁷

A third protest was held under the motto “The investigation is ongoing. How long?” during which the protesters played recordings from glasses and windows being broken to capture the atmosphere that had occurred a few weeks before in the Coffee Bar Damar.¹⁸ NNHT activists and citizens supporting them, on 27.11.2014, reminded this institution for the fourth time to do its job. This time during the protest there were bodies lying on the ground like corpses in front of the Public Prosecutor’s Office, while others were holding signs saying “The investigation is ongoing... how long? and playing horrible sounds of breaking and demolishing.”¹⁹ The last protest held in front of the Public Prosecutor’s Office on 22.01.2015 also failed to give results towards identifying the attackers of the Coffee Bar Damar or the attackers from the previous cases.²⁰ “The investigation is ongoing,” and the homophobic attackers of the Coffee Bar Damar and the LGBTI Support Centre had still not been identified and taken to court until the finalization of this reports.

17 “Few weeks ago the supporters of the LGBTI Centre in Skopje were attacked. We encourage the authorities to conduct a research and identify and bring to justice the perpetrators. We should send a clear signal that violence is never a way to deal with differences” – stated Paul Waters in his speech at the Holocaust Memorial Centre in Skopje.”

18 <http://novatv.mk/index.php?navig=8&cat=2&vest=18217>

19 “How long do we have to protest, how many times do we have to remind the Public Prosecutor’s Office to do their job. It is not just the attack on Damar from a month ago, five attacks in the last two years have still not been resolved and not even one of the perpetrators has been caught, said Koco Andonovski, the Program Director of the LGBTI Centre.”

20 “While on 20.01.2015 the Assembly was discussing the package of constitutional amendments in which was the exclusive definition of marriage (Amendment XXXIII), the NNHT pointed to the real problems such as violence and discrimination against LGBTI” community and the even more real silence from the institutions. (NNHT: Violence against LGBTI is more than real, marriage isn’t under threat, <http://libertas.mk>, 22-01-2015)

Criminal charges for hate speech

The Coalition Sex and Health Rights of Marginalized Communities, the Helsinki Committee for Human Rights in the Republic of Macedonia and the LGBTI Support Centre filled criminal charges against two journalists: a) the first one justified the violence and disseminated hate speech against the LGBTI community with his statement on his website;²¹ b) both of them allowed and failed to delete the comments disseminating hate speech and calling to violence and other criminal acts on their Facebook profiles.

The first journalist on 31.10.2014 and 07.11.2014, in his show "Milenko Nedelkovski Show"²² on Channel 5 TV, continued justifying the violence against LGBTI people, causing hatred and discrimination.²³

The host read his Facebook status "Fagots' Affairs" (24.10.2014), in which he accuses the victims who suffered violence in the Coffee Bar Damar of provoking the violence themselves: "They provoked intentionally and caused a reaction" and asked "Where is the hate speech here?" On few occasions in the show there were conspiracy theories and insinuations that the recent violence was "staged" by supporters of the LGBTI community in order to get the public's attention. The Public Prosecutor's Office rejected the criminal charges with the explanation that the charges are not prosecuted ex officio. The Public Prosecutor's

21 The many changes in the Criminal Code in 2014 practically allow for initiating criminal procedures for hate speech on the basis of sexual orientation, although "sexual orientation" is not explicitly listed among the discrimination bases prescribed by the Law for Protection against Discrimination.

22 For instance, on few occasions in the second show announced as a "debate" (with all the participants being men) LGBT people and activists were accused of stigmatizing, spreading ideas of superiority, using hate speech and provoking violence themselves.

23 Some of the participants promoted the prejudice in the form of a thesis that "homosexuality" is an occurrence against nature, "abnormal" and an illness: "The statement LGBTI representatives and supporters offer, at least here in Macedonia, that homosexuality is not an illness is false" (0:46:22.). "T. feels the same way I do, that it is a disease" (1:00:10.). One of the participants managed to "reveal" the ultimate goal of the "gay lobby:" "...a lobby with an ultimate goal, which in my opinion is to destroy the human kind" (0:53:40.).

Office indicated that the owners of the Facebook profile cannot be held responsible for the comments their fans post.

The Coalition Sex and Health Rights of Marginalized Communities, the Helsinki Committee for Human Rights of the Republic of Macedonia and the LGBTI Support Centre filed an appeal to the Higher Public Prosecutor, indicating that the legislator failed to provide prosecution upon a private accusation for all of the criminal charges. Furthermore, they pointed to the court practice of the European Court of Human Rights, which has already deliberated on cases establishing liability of fan pages owners.²⁴

24 In the case DELFI AS v. ESTONIA (app. no. 64569/09) the Court holds that blog-owners, fan pages, internet portals and similar are liable for the comments left by their fans and users and they cannot allow hate speech on their sites. The Court holds that blog-owners are liable for the comments published by their fans and users and they are held liable to recognize and determine the effect of these people's publications.

2.

DISCRIMINATION AND HATE SPEECH ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

Omission by the Commission for Protection against Discrimination

On 11.09.2014, the Network against Discrimination submitted a petition to the Ombudsman against the Commission for Protection against Discrimination for failing to act in timely manner upon the submitted petitions, i.e., exceeding the 90 days period for 14 from 24 petitions (6 of the petitions are of special interest for the Coalition).

On 10.10.2014, the Ombudsman informed us that he requested from the Commission for Protection against Discrimination “an explanation as to the reasons why they have failed to deliver opinions on the submitted petitions.” In December the Commission delivered several opinions.

2.1 Textbook discrimination

2.1.1 Medical textbooks disturbing on the basis of sexual orientation

The Commission's recommendation still remained to be carried out at the time this report was completed, while the aforementioned textbooks are still available for purchase in bookshops in Skopje.

The Coalition asked the Rector and the textbooks authors in writing to carry out the Commission's recommendation in the shortest possible time. Furthermore it asked that the Commission initiate a procedure to determine the responsibility for not acting pursuant the recommendation.

On 23.10.2013, the Coalition Sexual and Health Rights of Marginalized Communities joined by other organizations submitted a petition to the Commission for Protection against Discrimination against the Rector of the St. Cyril and Methodius University in Skopje and the authors of the textbooks Medical Psychology, Psychiatry, volume 1, Psychiatry, volume 2, for discriminating contents on the basis of sexual orientation.

In the textbook Medical Psychiatry the authors talk of "...disorders where sexuality is directed towards persons from the same sex" and incorrectly criminalize homosexuality: "Illegal intercourse between two male persons is still present in the Criminal Code of Macedonia and is punishable."

The Psychiatry, volume 1 textbook pathologizes homosexuality. Homosexuality is listed in the section of symptoms and syndromes deriving from disorders of the sexual urges, but also in the section "Classification of Mental Disorders."

The authors of the Psychiatry, volume 2 textbook also without exceptions list homosexuality as a dysfunction, deviation or disorder.

After the Coalition filed an intervention for omission, on 24.04.2014 the Commission for Protection against Discrimination determined "disturbance on the ground of sexual orientation" and made a proposal to the Rector of the University and the textbook authors "to remove and omit from practice the indicated sections of the textbook in which the authors themselves admit to have made errors." In the explanation, the Commission pointed that professor Georgi Chadlovski asked "for understanding regarding the time necessary to accept certain findings as scientific," while part of the collaborators apologized for "the mistakes in the text indicated."

2.1.2 The Commission did not determine discrimination in the homophobic textbooks in psychology

The Coalition is displeased with the double standards and the Commission's disrespect of its own practice, particularly when it had already established discrimination in cases with similar contents (case Pedagogy) that provoke discrimination under the mask of "scientific truth" and academic freedom. The Coalition will continue to dispute homophobic textbooks, despite the Commission's negative opinion.

On 24.10.2013, the Coalition Sexual and Health Rights of Marginalized Communities joined by other organizations submitted a petition to the Commission for Protection against Discrimination against the Rector of the St. Cyril and Methodius University in Skopje and Olga Murgeva Shkaric –author of psychology textbooks, on the ground of discriminatory and offensive contents against homosexuals.

For instance, the disputed textbooks list homosexual relations among "incest" and "sodomy, pedophilia," and state that homosexuality is a "stagnation of the psycho-sexual development on a lower level," that "heterosexuality is healthier for the individual," that "the human being was created for heterosexual intimate relations" and that "homosexuality destroys the natural family, because it contradicts sexual dimorphism among people." The textbooks' author promotes the Christian dogma (Biblical stories) as scientific truth and lists as reference the publications of the National Association for Research and Therapy of Homosexuality (NARTH), which promotes the use of reparative therapy for homosexuals.

On 20.11.2014, the Commission sent a letter claiming that the disputed textbooks do not promote discrimination and explaining that "the author offers her personal scientific interpretation of a given social and psychological occurrence, without implicitly or explicitly calling for or causing hate." The Commission pointed that the publication of contents is guaranteed with the freedom of academic writing and pluralism in scientific views.²⁵

²⁵ "Pluralism in academic opinions and arguments is typical for the academic community and the Commission for Protection against Discrimination treats the aforementioned textbooks as part of that plurality. The author's opinion might be different from the opinions of other's authors or the readers of the textbook, however it does not disturb, humiliate or places anyone in a subordinate position."

2.2 Discrimination in the media

2.2.1 Hate speech on TV Sitel

The Commission commends the Commission's general recommendation to all media protagonists to refrain from discriminatory opinions and making unjustified differences of a person or a group of people on the basis of the personal status.

The Coalition is displeased that the Commission failed to determine discrimination and that the recommendation did not follow immediately after the discriminatory article was broadcasted in 2012 which might have prevented the discriminatory campaigns succeeding in the following months.

Acting pursuant the petition from 22.05.2012, on 18.12.2014 (after two and a half years of omission), the Commission for Protection against Discrimination determined discrimination in TV's Sitel media article (from 17.05.2012) where they claimed that "homosexuals are in need of professional and medical help, instead of legal help." The Commission determined that the phrases "homosexuality is an illness" as well as the aforementioned disputed expressions are ungrounded and "misinform the public" and they "might help create a perception that these people (the homosexuals) are not good, can cause misunderstanding, rejection or even hatred towards them."

The Commission explicitly determined that the phrases "homosexuals are in need of professional and medical help instead of legal help" are too "flagrant and use unjustifiable hate speech" and that the media article "causes prejudices and violates the dignity on the basis of sexual orientation." The Commission determined that "discrimination, i.e. adverse actions, establishing differences, exclusion or limitation on the basis of sexual orientation."

2.2.2 Hate speech in Vecer's discriminatory campaign

Acting upon the petition from 26.11.2012, on 27.11.2014 (after two years of omission), the Commission for Protection against Discrimination determined discrimination in four articles published in the daily newspaper Vecer in the period from 13-17.10.2012.

For instance, the Commission determined that the text entitled "There won't be gay marriages" (13-14.10.2012) "contains published statements against the LGBT population." The text "Girls with condoms" (15.10.2012) contains "opinions supporting deeply rooted negative stereotypes towards people with homo-

sexual orientation” and “identifies homosexual communities in the Western world with polygamous communities, east-west trafficking of minor girls, as well as pedophilia.”

According to the Commission, the discriminatory actions in Vecer’s articles were “more than obvious.”²⁶ The Commission particularly emphasizes “the awareness level of the chief editor” Ivona Talevska,²⁷ who allowed in the texts and the statements, “distress, humiliation and violation of the dignity of a group of people on discriminatory basis.” According to the Commission, the goal and the effect of the four articles were “to violate the dignity or create a threatening, hostile, humiliating or fear-provoking environment, approach and practice towards that group of people.”

The Coalition commends the Commission’s call for “greater respect towards the differences in the Macedonian society,” and the necessity that “journalists and editors recognize their significant role in the creation of public awareness.”²⁸

The Coalition commends the Commission’s act to offer their assistance to the journalists “to increase their capacities and promote their skills and knowledge against discrimination.”

The Coalition publically expresses dissatisfaction: a) because the Commission” for two years failed to act against the editor Ivona Talevska and Vecer, despite the fact that the continuous discrimination was “more than obvious”; b) because the negative responses on the petition against Spiro Ristovski and Dragan Pavlovic Latas from 2013 were not delivered to the Coalition on time.

26 “It is more than obvious that the photographs and texts published in the mentioned issues of the daily newspaper Vecer serve to the continuous and multiple distress of an entire group of people.”

27 “Even more concerning is the awareness level of the chief and executive editor for having continually allowed distress on few occasions.”

28 According to the Commission, journalists and editors “should be able to recognize discrimination, discriminatory practices, as well as distance themselves and harshly condemn hate speech.”

3.

CONSTITUTIONAL AMENDMENTS TO DEFINE MARRIAGE, REGISTERED PARTNERSHIPS AND EXTRAMARITAL UNIONS

In June 2014, the Government initiated a procedure²⁹ for constitutional amendments, to “define marriage as a union solely of one woman and one man,” among other points.

An MP of the ruling party claimed in the Assembly that “marriage is a condition for a functional, traditional family in which children are raised and brought up” and that the constitutional definition “is in the direction of stopping the attempts of some NGOs to redefine and de-institutionalize marriage.”³⁰

29 On 27.06.2014, the Government adopted “a proposition to commence changes in the Constitution of the Republic of Macedonia suggesting amendments to the Constitution of the Republic of Macedonia.” In the explanation, without offering any analysis, the Government claims that “Marriage as a union solely of one woman and one man is written in human history, and is a constant, century-old tradition on this territory.”

30 MP d-r Andon Chibishiev, Report from Session no.1 of the Commission for Constitutional Changes, held on 15.07.2014

At the Assembly session during which the decision for amending the Constitution was made with two-thirds majority votes,³¹ the MPs of the ruling party claimed there is a broad consensus³² and that “marriage should be defined by the Constitution so that 42 MPs from a future parliamentary majority cannot change the centuries-old definition of marriage.”³³

Then, on 25.07.2014, the Government submitted to the Assembly the text of the draft-Amendments to the Constitution of the Republic of Macedonia. First was Amendment XXXIII foreseeing a definition not only to marriage (as “a life union solely of one woman and one man”), but also to the “registered extramarital union, or any other registered form of a life partnership.” Although the Amendment suffered essential changes,³⁴ the Assembly adopted the draft without the two-third majority votes (with 65 votes in favour, 1 abstained from voting and 2 against).

Reactions of the Coalition Sexual and Health Rights of Marginalized Communities and the NGO sector

The Coalition, joined by other organizations held a public debate on 17.09.2014 and pointed that Amendment XXXIII is contrary to

31 The Assembly of the Republic of Macedonia, during the session held on 16.07.2014, adopted a Decision to commence changes to the Constitution of the Republic of Macedonia, with 82 votes for, 1 abstained and 6 against.

32 “... at present there is a broad consensus in society, secondly, there is a broad political consensus and thirdly, there is a broad consensus among the Macedonian citizens of over 90. 95% that marriage should be a union solely of one woman and one man... We all equally share that opinion, which is part of the tradition we have and we should nurture and cherish. (Ilija Dimoski, Session transcript no. 9 Assembly of the Republic of Macedonia held on 16.07.2014)

33 Vladimir Gjorchev, Session transcript no. 9 of the Assembly of the Republic of Macedonia held on 16.07.2014

34 “The Amendment suffered essential changes in the summer period. The definition of extramarital union and partnership was added, thus defining the form they must take. The addition made the amendment problematic and unacceptable. Namely, the private sphere of the citizens was violated, which is unacceptable according to all international conventions protecting the human rights and freedoms. How can the state intervene in people’s private life and invade their homes. The LGBT people aren’t the only injured party, but also other citizens who have formed a front from different reasons.” (Liljana Popovska, „ Session transcript no.12 Assembly of the Republic of Macedonia“ held on 27.08.2014)

the spirit in which the Constitution was written and its adoption would mean violation of several constitutional and internationally guaranteed rights, particularly the right to privacy, family life and protection against discrimination. Furthermore, it was publically pointed that the Government proposed the second paragraph from the draft-Amendment, which defines registered extramarital unions, without respecting the procedure for commencing constitutional changes and it was demanded that it be withdrawn.³⁵ During the public debate we also pointed to the negative effects against the LGBTI people Amendment XXXIII will cause.³⁶ As part of the campaign “Not on my behalf,” the Coalition pointed that the constitutional changes will increase discrimination, violence and hate speech towards the LGBTI community.³⁷

The draft-Amendment XXXIII was publically criticized by other organizations as well. The Institute for Human Rights stated “The extramarital union, as regulated in the draft-Amendment, brings into question the constitutionally guaranteed right to form a union, and is contrary to the tendencies and standards accepted by the practice of the European Convention on Human Rights and other countries.”³⁸ The Macedonian-Canadian Lawyers pointed that “there is no rational-legal justification for this amendment” which is a “constitutional discrimination of their own people” and motivation for homophobic attackers and supporters “who consider the LGBT members and their community are somehow lesser members of society because of their sexual orientation,

35 “The Assembly also failed to respect the prescribed procedure and agreed on a draft-Amendment to define extramarital unions, without previously informing nor explaining of this step nor providing the two-thirds majority votes from the MPs. On the ground of these reasons, the proposer must repeal the draft-Amendment, and if this fails to happen the Assembly must not act upon the discussed draft-Amendment.” <http://okno.mk/node/41262>

36 “The only real effect these changes will have is to strengthen the negative social stigma against LGBTI people, and to additionally marginalize and unnecessarily burden the everyday life of LGBTI people in the Republic of Macedonia.” ENFORCED CONSTITUTION, GENERAL OBSERVATIONS OF DRAFT-AMENDMENTS XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII AND XXXIX TO THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA.

37 Homophobic constitutional changes in Macedonia, 03/10/2014, <http://coalition.org.mk/2014/10/homophobic-constitutional-changes-in-macedonia/>

38 <http://www.ihr.org.mk/mk/pocetna/224-2014-10-14-21-18-28.html>

which would only fuel more homophobic hate violence in this country.”³⁹

Opinion of the Venice Commission on the change to Amendment XXXIII

The Venice Commission also criticized the content of Amendment XXXIII. Regarding the constitutional definition of marriage, the Venice Commission pointed that “elevation of this definition to the rank of constitutional principles does not seem necessary from the legal point of view.”⁴⁰

Regarding the attempt to define other forms of personal unions (other forms of personal unions - defined as “registered cohabitation, or any other registered form of life partnership”), the Venice Commission referred to the jurisprudence of the European Court of Human Rights, specifically the judgment of the Grand Chamber in the case against Greece (Vallianatos and Others): “The rule formulated by the Grand Chamber in this case may be stated as follows: where the State gives legal recognition to an “intermediate” form of personal union (i.e. a status falling short of marriage), it needs very serious reasons not to give same-sex couples access to such a status.”

The Venice Commission pointed that the second Article of Amendment XXXIII is problematic, stressing that “this amendment cannot be understood as banning de facto same-sex unions which are protected by Article 8 of the European Convention.”⁴¹

39 “Macedonian-Canadian Lawyers: the Government to repeal Amendment XXXIII,” from NOVA | published on: 16-12-2014 13:23:53

40 [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)026-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)026-e)

41 Adopted by the Venice Commission at its 100th Plenary Session (Rome, 10-11 October 2014) [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)026-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)026-e)

The Government makes changes to Amendment XXXIII

On 16.10.2014, the Minister of Justice emphasized that they accept the suggestions of the Venice Commission regarding extramarital unions and partnerships:

"We are aware of the sensitivity of the subject matter and our solutions contained in the draft-Amendments will be in the direction that the legal relations in marriage, family and extramarital unions are regulated by a law adopted with two-thirds majority votes of the MPs, added Jashari."⁴²

On 24.10.2014, Human Rights Watch sent a letter to the Minister of Justice, requesting "to repeal amendment XXXIII to the Constitution and to grant equal rights to same sex couples in relationship legislation".⁴³ The letter refers to the criticism of the Venice Commission that "...insofar as the Amendment speaks of other forms of partnerships, it should not exclude providing to same-sex couples the same level of legal recognition as it provides to different-sex couples." Human Rights Watch reminded the Minister of Justice that he agreed to adhere to the opinion of the Commission.

However, on 25.12.2014, the President of the Government of the Republic of Macedonia sent the text of the draft-Amendments to the Assembly, whereupon the text of AMENDMENT XXXIII estab-

42 The Venice Commission invites all political forces on a dialogue regarding the constitutional changes, http://www.pravda.gov.mk/novost_detail.asp?lang=mak&id=1182

43 Letter to the Minister of Justice of Macedonia, <http://www.hrw.org/news/2014/10/24/letter-minister-justice-macedonia>

lished an additional constitutional obstacle in the introduction of legal equality of marriage, family and extramarital unions.⁴⁴

The Assembly approved the text of the draft-Amendment XXXIII

On 20.01.2015, the Assembly agreed on the Draft-Amendment XXXIII with 72 votes in favour and 4 against.⁴⁵ Although the adoption of the Amendments and their proclamation was scheduled for the same session, the session was still not finished until March 2015 because there was no two-third majority of the MPs.

Still, the adoption of such an Amendment caused serious reactions. Amnesty International warned that the vote in the Assembly “is another addition to discrimination, violence and intolerance on the basis of sexual orientation or gender identity in Macedonia.”⁴⁶ Amnesty International reminded that „same-

44 Content of the revised Amendment XXXIII: “1. Marriage is a life union solely of one woman and one man.”

2. The legal relations in the marriage, family and the extramarital union are regulated by Law adopted with two-thirds majority votes of the total number of MPs.”

In the explanation, the proposer referred to the Venice Commission according to which “the European Court of Human Rights consistently held that Article 12 of the European Convention on Human Rights (“Right to marry”), leaves such issues to the regulation of the national law of the member States:”...The Government claims that the new solution “follows the international standards in this area, the decisions of the European Court on Human Rights and the comments of the Venice Commission.”

45 The MP from the Green Party, Liljana Popovska also voted in favour of the Amendment, despite her being aware the level on which this Amendment is exclusive “... a small group of our citizens – LGBT people – may feel excluded with the adoption of the Amendment. In my opinion this can be surpassed if the words sexual orientation and gender identity are added to the Law on Non-discrimination as a basis for discrimination... I will wait a while for the Government to propose these changes, if it doesn’t then I will make an attempt to do this with my proposal.” (SHORTHAND NOTES from the 30th Session of the Assembly of the Republic of Macedonia, held on 20.01. 2015)

46 Gauri van Gulik, Deputy Director for Europe at Amnesty International, „Macedonia: Same-sex marriage ban will entrench discrimination“, <https://www.amnesty.org/en/articles/news/2015/01/macedonia-same-sex-marriage-ban-will-entrench-discrimination/>

sex partnerships cannot be registered under current Macedonian law" and asked from the authorities "to repeal discriminatory laws and guarantee that people living in same-sex partnerships are able to enjoy their human rights without discrimination." The Vice President of the European Parliament Intergroup on LGBTI Rights, Tanja Fajon also reacted: "Instead of taking the Opinion of the Venice Commission seriously, and guaranteeing equal rights for all couples, the government, supported by parliament, decided to create a constitutional obstacle to even create possible legislation on this issue in the future."⁴⁷

The Coalition would like to remind that the current Law on Family contains discriminatory provisions not only in the definition of the marriage, but also in the definition of the extramarital unions⁴⁸ and "close personal relations."⁴⁹ Consequently, the constitutional definition of marriage, as well as the constitutional provision requiring two-third majority votes on a law regulating the legal relations in marriage, family and extramarital unions are a constitutional confirmation of the discrimination arising from the existing Law on Family and a violation of Article 8 of the European Convention on Human Rights, which protects equality of couples and same-sex and different-sex unions.

Therefore, the Coalition demands that Amendment XXXIII is repealed and instead a legislative is adopted which shall provide equality of couples and same-sex and different-sex unions.

47 FYRMacedonia votes to ban same-sex marriage and create constitutional obstacle future civil unions, 21 January 2015, <http://www.lgbt-ep.eu/press-releases/fyr-macedonia-bans-same-sex-marriage-and-creates-constitutional-obstacle-future-civil-unions/>

48 "A life union of one man and one woman not in accordance with the provisions of the Law (extramarital union), which lasted for at least one year, is equated with the marriage union regarding the right to the mutual care and the property acquired in that union." (Article 13 from the LAW ON FAMILY (CONSOLIDATED TEXT) Official Gazette of the Republic of Macedonia, no.153 from 20.10.2014)

49 "The Law defines close personal relations as personal relations between people from different sex who are or were in a partnership, not living in an extramarital union." (Article 94 b, LAW ON FAMILY (CONSOLIDATED TEXT) Official Gazette of the Republic of Macedonia, no.153 from 20.10.2014)

4.

HUMAN RIGHTS OF TRANSGENDER PEOPLE

4.1 Transgender people remain invisible in laws and institutions

Transgender people are completely excluded from the national legislation. No law prohibits discrimination on the basis of gender identity. These circumstances place trans people in a state of uncertainty regarding their legal status and without proper protection against discrimination and other violations of their rights.

Although the state has an obligation to legally recognize gender reassignment, the institutions continued to violate the rights of trans people in 2014. In the past year, the Coalition Sexual and Health Rights of Marginalized Communities documented three cases where the Office for management of births, marriages and deaths, a second-instance administrative authority competent for the personal identification registry of the citizens, violated rights. Some of these cases have been active since 2011 and have passed through all instances of administrative and court proceedings, however, trans people are still not issued docu-

On the ground of the aforementioned, the Coalition calls all institutions to consistently apply the law, their own legal practice and the legal practice of the ECHR regarding the rights of trans people.

The Coalition also calls the competent institutions to initiate a process for drafting a law pursuant to the international standards to regulate the rights of trans people and provide an easy, quick and transparent procedure in the legal recognition of gender.

ments confirming their gender identity. In the procedure for changing the sex denotation in the personal identification registry, the institutions completely disregard the positive obligation under the European Convention on Human Rights to provide legal recognition of the gender of people who have undergone gender reassignment surgery. Namely, the Office for management of births, marriages and deaths has an established legal practice for changing the sex denotation in the personal identification registry, but in subsequent cases does not allow it and makes arbitrary decisions that violate the right to a private life of trans people.

The lack of legal framework cannot be a reason to reject the requests for changing the sex denotation, quite contrary, the state additionally violates the right to a private life of trans people. In the absence of a national law, the institutions have the obligation to apply the legal practice of the European Court of Human Rights pursuant to which trans people have the right to legal recognition of the aforementioned change. In order to improve the application of the international standards for protection against discrimination on the basis of sexual orientation and gender identity, the Coalition Sexual and Health Rights of Marginalized Communities prepared Guidelines with the most significant documents signed and ratified by the Republic of Macedonia, as well as the legal practice of international and regional bodies for protection of human rights. The Guidelines contains cases from the practice of ECHR regulating the obligations that states, including Macedonia, have to undertake in order to provide full application of the rights of trans people, firstly by legally recognizing gender reassignment.

4.2 Health rights of transsexual people

The Coalition issued a request for free access to information to the Health Insurance Fund of Macedonia regarding the application of the Guidelines for practicing evidence based-medicine in treatment of transsexualism (Official Gazette of RM, no. 50, 17.03.2014).

The Coalition would like to point that the Law on Prevention and Protection against Discrimination needs to be amended with the introduction of discrimination on the basis of gender identity.

The Coalition calls the Ministry of Health to adopt a medical pathway for the introduction of medical services necessary for diagnosis, therapy and surgical interventions in the transition process of transsexual persons.

Bearing in mind that the Guidelines provides a list of interventions for treatment of transsexualism, we asked whether the health intervention provided by the Guidelines are covered by the Fund, whether all interventions are covered or not, and if not, which interventions are covered.

The Health Insurance Fund responded that according to the Guidelines, "diagnosis and treatment for sex reassignment includes: hormone replacement therapy, reconstructive breast surgery, voice surgery, body, hair and face surgery, genital reconstruction and psychological support." Furthermore, we were answered that "the abovementioned services are not covered by the Health Insurance Fund."

Transsexual people do not have access to the required services – psychiatric consent, hormone replacement therapy under medical supervision or surgery. These procedures are considered to be medically essential treatment and the only solution for the condition of these people in the world.

5.

ACTIVITIES ON INCREASING AWARENESS

5.1 Campaigns to increase awareness organized by the National Network against Homophobia and Transphobia (NNHT)

NNHT organized the campaign “Say No to homophobia and transphobia” (January-May) on billboards, posters, internet, flyers, social media stickers, a debate (on the topic “Fight against Violence towards LGBTI people”), a round table (on the topic “Legal Change of Sex”) and a public debate (flash mob “You are not alone,” as a symbol of solidarity in the fight for the rights of LGBTI people).

NNHT’s second campaign was part of the initiative “Article 3” for introducing sexual orientation and gender identity in the Law for Prevention and Protection against Discrimination. The campaign included broadcasting audio messages for solidarity on several radio stations, broadcasting video clips on the video beam located on the Square Macedonia (including a video of the president of the Commission for Protection against Discrimination), as well as a public event on the International

Day against Homophobia and Transphobia." At the public event (a DJ set in the Skopje city park) the guests had the opportunity to fill in a card with contents calling for amendments to the Law on Prevention and Protection against Discrimination and address it to an MP in the Assembly. Around 700 cards along with a resume of the draft-amendments to the Law were delivered to all Members of Parliament.

5.2 A second Pride Week in Skopje

Organized by the Coalition for Sexual and Health Rights of Marginalized Communities and the National Network against Homophobia and Transphobia, Skopje hosted the second Pride Week, from 20.06 to 29.06, to increase the visibility of the LGBTI community and to alarm the public and the institutions of the violence and discrimination problems on the basis of sexual orientation and gender identity. The Pride Week offered exhibitions, film projections, debates, workshops, parties and discussions on topics related to the rights of LGBTI community, gender and sexuality, feminism, sexual education, the rights of sexual workers and people living with HIV. The exhibition "Language, ideology and violence," presented photographs of lexical entries (selection from Macedonian dictionaries and encyclopedias) discriminating on the basis of sexuality and gender.

The public debate "Pride: Provocation or a Necessity" raised the question of a Pride Parade in Macedonia. Although journalists known among the public for their homophobic views were invited to participate in the debate, they refused to with the excuse of having a busy agenda.⁵⁰

At the closing ceremony in the Francophone Park, the visitors had the opportunity to browse through the archive of LGBTI activism in Macedonia, which was specifically compiled for the Pride Week.

50 See Drndarevska: We invited the pro-governmental journalists for a discussion on the debate for LGBTI rights, but they did not have the time to attend," <http://a1on.mk/wordpress/archives/347557>

6.

ATTACHMENTS ON MEDIA PRESENTATION

6.1 Why do journalists ignore systematic discrimination?

“Gays, lesbians, bisexual and transgender people have the right to unbiased, precise and inclusive reporting of their life stories and preoccupations. As with other members of the society, media should fairly treat LGBT people with integrity and respect.” (Guidelines to LGBT reporting, National Journalist’s Syndicate)

In the last year analysis we pointed to the media's disrespect of the difference among marriages, partnerships and unions. The media suddenly became aware of some of these differences in their reports on the proposed draft-Amendments when they were delivered to the Assembly by the Government (the extramarital union shall also be defined as a union of one man and one woman). Previously, the public was informed that one of the Amendments referred only to the definition of marriage: “Namely, the constitutional amendments in this part were introduced as defining marriage as a union of one man and one woman.” (The extramarital union shall be defined as a union between a man and a woman).

Missed opportunities for analytical reporting

What did the journalist missed once it became clear that the Government doesn't intend to constitutionally define only marriage?

First, they missed the opportunity to correctly inform the public regarding the unannounced changes. Even the media that emphasized the change failed to quote the controversial paragraph 2 of Amendment XXXIII: "A registered extramarital union, or any other form of partnership, is a life union solely of one woman and one man."

Second, the journalists failed to prove their capacity for critical follow up of political processes. They did not request an answer to the following questions: Did the Government violate the constitutional procedures by arbitrarily changing the Amendment, even though during the vote (with two-thirds majority votes) the constitutional definition of "a registered extramarital union, or any other registered form of a partnership" was not mentioned? Did the public and the MPs who only voted for constitutional definition of marriage feel manipulated afterwards? Is manipulation with the two-thirds majority voting possible again in future during amendments to the Constitution in such a manner that the proposer arbitrarily changes the scope of the proposed draft-Amendments (whose adoption does not require two-thirds majority votes)?

Third, the journalists did not ask or provide an answer as to why the Government proposed specific constitutional amendments which were not voted as necessary, but simply forwarded the statement of the Minister for Labour and Social Politics that "after the adoptions of the amendments to the Constitution there will be corresponding amendments to the Law on Family..." Instead of an explanation from the proposer, Dnevnik stood behind the nebulous statement given by the Assembly's President with the subheading: "Marriage goes hand in hand with extramarital union":

"It was clear that such a change would follow since whenever marriage is regulated, extramarital unions are regulated as well, since there is a tendency to equate these two categories."

With the failure to broadcast the statement in a criticizing manner, the journalists did not raise the question whether the new Amendment refers only to "registered extramarital unions" and "other registered form of partnerships" or any extramarital union, regardless whether it is registered or not.

Fourth, in their reports, the journalists failed to provide "the other side", i.e. they did not offer the concerned parties, such as people living in extramarital unions, their children, same-sex partnerships, etc. the opportunity to state their views.

Fifth, the journalists failed to do any research, or provide experts' opinions on whether the content of the controversial Amendment is pursuant the existing human rights standards, as practiced by the European Court on Human Rights in Strasbourg.

The media ignoring

"Be informed on the story you report! Research, read, find information about the subject of your reports."

(Guidelines on Ethical Journalisms)

The obligation journalists and media have to protect individuals and groups from injustice and discrimination by anyone, demands research and invoking certain judgments held by the Court in Strasbourg which refer to the regulation of marriage, extramarital unions, registered partnerships, civil unions etc.

For instance, in a recent verdict from 16.06.2014 (on which our media failed to report), the Grand Chamber of the European Court on Human Rights in Strasbourg repeated the opinion that the European Convention does not impose an obligation on the contracting States to grant access to marriage to same-sex couples.

However, the Court also stated that Article 8 of the Convention “also protects family life of same sex partners and their children:”

“It does not therefore matter, from the point of view of protection afforded to the family, whether the applicant’s relationship with her family is based on marriage or a registered partnership.”

In a judgment from 2.03.2010, the Court pointed that, in order to provide the respect of family life, the state must necessarily consider “the fact that there is more than only one manner or one choice in the sphere of having a family or living a private life.” The Court restated the opinion from 2003 that it would be discriminatory to exclude or take away the rights of people living in a homosexual relationship.

In our context, it is of particular importance to bear in mind the judgment held by the Grand Chamber from 7.11.2013 against Greece and its discriminatory law on “civil unions” (“an agreement between two adults of different sex on their life as a couple”). In its judgment, the Grand Chamber held that exclusion of same-sex couples from the Law’s scope constitutes different treatment on the basis of sexual orientation and that the Greek government failed to offer convincing reasons for the exclusion. Furthermore, it is highly important that the Court explicitly emphasized that “same-sex couples who spend their lives together have the same needs in the sense of mutual support and help as do couples from different sex.” In addition, the Court pointed that Greece is an exemption from the European trend for introducing “a new system of registered partnerships as an alternative to marriage for unmarried couples, which in its scope includes same-sex couples.”

Journalist (ir)responsibility in the role of transmitters of systematic discrimination

“The journalist also bears responsibility for what is stated by the interviewees, since through him these statements become public, and so he/she is obliged to paraphrase them or prevent offensive speech, promotion of stereotypes or discrimination.”(Guidelines on Ethical Journalisms)

Journalists bear responsibility to prevent promotion of stereotypes and discrimination even in cases when such promotion of stereotypes or discrimination comes from the Government or MPs.

Unfortunately, very few media reported that several female MPs protested against the discriminatory constitutional Amendment. Also very few media attempted to provide arguments invoking the European Convention on Human Rights. (the Constitution will not control only the bedroom, but the entire family life).

Similar to ignoring the unpunished violence against LGBT people, most of the journalists once again failed to defend the rights of the victims of systematic discrimination.

6.2 Media Euro Vision transformation: Conchita

The media transformed Conchita into a transsexual person

Part of the media made ungrounded comparisons between Dana International and Conchita before the start of the Eurovision. For instance, in the article "Weirdoes on Eurovision: Eccentricity attracts attention, but the song is decisive", the transvestite Dana is linguistically equated with the transvestite Conchita Wurst. The condemning title "Something is rotten in the state of Denmark" makes an ungrounded comparison: "Israel won first place at the manifestation in the past, and their representative Dana was also a transvestite." The article "Conchita is getting married!" sensationally explores the private life of the "transsexual person from Austria, Conchita Wurst."

However, in an interview, Conchita explicitly mentioned the ungrounded comparisons with Dana International as a transgendered person that the journalists made. Contrary to Dana, which she considers to be a transgender artist, Conchita consid-

ers herself a drag artist, describing her image as „fun.“ However, according to Conchita cross-dressing on scene is a response to homophobic attacks. The message her image conveys is that if you want to be a bearded woman, you have the right to, without any discrimination.

Therefore, instead of the improper description of Conchita Wurst as a “transsexual person,” it would be more appropriate to use the term “an artistic character,” an artistic creation of Tom Neuwirth (who has a degree in fashion), created as a response to the discrimination in his teenage years. According to Tom, “the intention with the creation of Conchita’s character is to show to the world that you can achieve anything, as long as it doesn’t harm anyone: “It’s about human rights. You can do whatever you want with your life, in the end, we all have just the one.”” (The bearded Conchita won the European crown)

Media, homophobia and transphobia

“However, androgyny (“nor male nor female,” or both in one) is not just an old phenomenon but also one of the most ancient principles present in the mythology of many people, even – as strange as it might sound- of the Macedonians.” (CONCHITA AND THE CONTROVERSY OF THE FEMALE BEARD)

Conchita’s performance and her victory on Eurovision caused a storm of negative reactions in the media and social networks. Many journalists manifested their disrespect to difference and contributed to strengthening gender and sexual stereotypes. Many journalists wrote about Conchita’s character on the basis of their personal negative stereotypes and prejudice. Even though it is the ethical duty of a journalist not to provoke discrimination on any basis, some of them in a sensational way provoked discrimination on the basis of sex, gender and gender expression due to appearance and sexual orientation.

It is a journalist’s ethical duty not to publish materials that aim towards spreading hostility and hatred, however, many world media published materials that spread hatred on the basis of

gender and sexual orientation. Some Macedonian media went as far as to present Conchita's performance as an "attack of the sodomites lobby" (making reference of unidentified "many experts"): "Many experts are convinced that the Europeans became victims of a mass informative attack of the sodomites lobby in an attempt to enforce its view of the world to the majority."⁵¹

Many in Austria, before her performance, contested the selection process and protested, demanding that her performance be cancelled on the social networks. However, numerous journalists and public persons supported Conchita, and indicated that such demands are a result of homophobic, transphobic and sexist prejudices. It is the journalists' ethical duty to question rather than strengthen negative prejudice towards certain individuals and groups on the basis of them being different. The media phenomenon Conchita can serve not only as a motive to learn and recognize cultural and other differences, rather transform the journalists from passive followers into active supporters against discrimination on the basis of sex, gender and gender expression, appearance and sexual orientation.

51 „The Russian Church: Eurosong 2014 – one more step towards rejecting the Christian identity” Republika, <http://republika.mk/?p=249743>.



Health and Human Rights of Members of Marginalized Communities

1.

HEALTH AND HUMAN RIGHTS OF DRUG USERS

The documentation of human rights violations in the War against Drugs⁵² is vital not only for the victims and for prevention of future violations, but also for the public articulation of the major problems and challenges. As a result, in 2014 the Coalition for Sexual and Health Rights of Marginalized Communities conducted the first part of a research (with focus groups in six municipalities in the Republic of Macedonia) in order to identify the main problems drug users face when in contact with the police.⁵³ Part of the research results were presented at the First National Conference on Drug Policy, organized by HOPS.⁵⁴ The most significant conclusion made at the Conference was that

52 “The War against drugs is fought at the expense of people who use drugs... From October 2009 to December 2013, around 600 people in Skopje were incarcerated for possession of drugs, pursuant Article 215 or 216 [of the Criminal Code], while a misdemeanor procedure for disturbing the public order and peace was initiated or finalized against only 9 individuals. We can conclude that there are more “dealers” than people using drugs in Skopje.” (Natasha Boshkova, at the First National Conference on Drug Policy, organized by HOPS on 30.09.2014)

53 The Research was carried out with 6 focus groups in the municipalities Kumanovo, Shtip, Ohrid, Centre, Chair and Shuto Orizari, with the participation of around 50 drug users.

54 First National Conference on Drug Policy. 30.09.2014, <http://www.hops.org.mk/>.

repressive policies are inhuman, have no impact on the reduction of drugs and do not give results. Additionally it was concluded that the provisions of the Criminal Code should be specified (in order to distinguish “a person possessing drugs for distribution from a person possessing and producing drugs for personal use”) as well as “distinction by law as to which drug use shall be considered a violation, and which one shall be included in the criminal act facilitating the use of drugs.”

1.1 Main human rights violations against people who use drugs when in contact with the police

1.1.1 Violation of the right to personal dignity and discrimination

The largest percentage of people who use drugs included in the Coalition's research indicated to inhuman and humiliating treatment and violation of the personal dignity by police officers: offenses, curses, use of stigmatizing terms (mostly the term “junkie” (“narkoman”)), etc. Most of the people who use drugs who are on substitution treatment complained of unequal treatment and discrimination on the basis of their health status, however, there were complaints for discrimination on other basis as well (ethnicity and sex).

1.1.2 Health rights violations of people who use drugs

People who use drugs pointed to numerous violations of their health rights when in contact with police officers. The comments mostly referred to violation of the right to treatment: illegal confiscation and/or spilling methadone therapy; confiscating needles and syringes, infringing the right to medical care when an individual is deprived of his/her freedom, or is in withdrawal , etc. The participants in the focus group confirmed the police

practice of spilling the therapy (without asking for a document confirming the right to its possession) and assaulting them afterwards. For instance, one of the participants indicated to a situation when his therapy was confiscated. In another situation, the police attempted to extort information for other criminal offences from a drug dependent person during a withdrawal by threatening to confiscate his therapy. In another example given by the interviewees, a group of police officers arrived in front of the Substitution treatment centre, confiscated all the therapy and refused to return it. In one case during a search, the police found only unused syringes, which were confiscated without issuing any documentation, and in another situation after having taken needles from the Harm Reduction Centre, the police officers stopped the individuals who use drugs, confiscated their needles and continued to humiliate them.

Some of the people who use drugs indicated that, in practice, police officers fail to undertake specific actions to offer help and protection to the citizens, for instance, in cases of opioid overdose, which can lead to death. The people who use drugs pointed to numerous examples which led to a justified conclusion - fear that a drug user who dares to take a person overdosed on opioids to the emergency room shall be criminalized. This is yet another obstacle which prevents the access to health services of overdosed individuals. In each focus group, people who use drugs spoke of cases of opioid overdose in which they did not call an ambulance (fearing that the medical team will call the police) or when a criminal procedure for enabling use of narcotics was instigated against the people who brought an overdosed person to the emergency room.

1.1.3 Infringement of the rights of individuals deprived from freedom

Most of the people who use drugs who have been deprived of freedom pointed to violation of due process rights: not being informed on the reasons for their deprivation; pressures or threats against them to sign statements; infringement of the right to an attorney, infringement of the right to have a family member notified; infringement of the right to proper medical

care; being in police custody for longer than 24 hours without notifying the competent court.

1.1.4 Humiliating body search in public places

Most of the people who use drugs indicated that the police conduct humiliating strip searches in public places, without informing on the reasons for the search.

1.1.5 Illegal searches of homes

Most of the people who use drugs shared experiences when the police searched their homes without a court order, without witnesses, without issuing a report on the seized objects and without informing on the right to an attorney during the search.

1.1.6 Endangering the personal safety and violating the physical integrity

Some of the people who use drugs indicated to specific cases when their personal security was endangered by police officers, mostly with threats⁵⁵ and extortion. Police officers threatened a female drug user to sexually assault her if she does not frame the other drug users she was arrested with, while in another situation a police officer threatened a female drug user with the words: "If you don't sleep with me, I will tell your parents that you are taking drugs." Some of the people who use drugs indicated to many cases of violation of their physical integrity by police officers. For instance, a drug user told us that in the police station, the officers showed him two police buttons, a larger and a smaller one, asking him: "Which lawyer do you want? The one with higher education or the other one?" Then they started hitting him on the kidneys with the narrow part of the button. Another

⁵⁵ Police officers threatened a drug user that they will take him to a bridge known as a site for suicides: "We will beat you and throw you over, you know they don't perform autopsy on junkies."

The Coalition plans to continue with the research in 2015 in five more towns in Macedonia, and publish the results along with recommendations to the competent institutions. In order to increase awareness on the human rights of people who use drugs, the Coalition issued a pocket Guidebook for people who use drugs when in contact with the police.

drug user, from a different town, was offered the choice to be beaten with a button or a baseball bat.

1.1.7 Indications of torture and inhuman and degrading treatment

During the research, drug users pointed to many examples of extorting confessions while being in withdrawal⁵⁶ and abuse of their vulnerability in imprisonment, not providing or depriving them from medical care,⁵⁷ medical testing without consent, compulsory treatment⁵⁸, humiliating treatment in imprisonment⁵⁹ etc.

1.2 Illegal deprivation of liberty and criminalization of people who use drugs

The police continue to treat people who use drugs as criminals instead of offenders.⁶⁰ Contrary to the recommendations of the

56 Drug users stated that when in detention, the police abused their abstinence crisis to exert information and frame someone. For instance, a drug user stated that the police waited until he was in a crisis to exert a confection: "You will take your therapy when you tell us everything."

57 "...if withdrawal symptoms are used for any of the purposes cited in the definition of torture enshrined in Article 1 of the Convention against Torture, this might amount to torture." See, "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development", Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Human Rights Council, 14 January 2009, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.44AEV.pdf>

58 Compulsory treatment or testing without consent, may constitute a violation of the right to physical integrity. If the compulsory testing has discriminatory basis, it can constitute a degrading treatment, particularly in detention.

59 A drug user statement: "You will be forced to piss and shit there, you won't go to the toilet and you will sleep on the floor."

60 Most of the drug users remarked that police officers treat them as criminals, instead of offenders. Patients on methadone therapy also stated that the police treat them as criminals, instead of patients in need of medical help.

World Health Organization, the Republic of Macedonia still conducts policies that criminalize injection and other use of drugs.⁶¹

The most numerous victims of the War against Drugs in Macedonia are people who use marihuana .

The largest number of detainees were “detained for possession of opioid drugs” even though “possession of opioid drugs” for personal use is not defined as a misdemeanour, nor a criminal offense. In 2014, in the Skopje region, in the jurisdiction of the police unit Alphas, 731 individuals were detained, 600 of which were detained for possession of herbaceous substance!⁶² Although a large number of individuals are detained for “possession of herbaceous substances,” according to the information of the Ministry of Interior in the period from January to September 2014, only three requests for initiating a misdemeanour procedure were submitted for “use of narcotic drugs and psychotropic substances” in the jurisdiction of SIO Skopje.⁶³ In the same period, most of the requests for instigating misdemeanour procedures for “use of narcotic drugs and psychotropic substances” were submitted in Shtip (98), Kumanovo (64) and Bitola (62). Most of the detainees in whose possession was found small quantity of drugs for personal use were not informed

61 The WHO recommends: Countries should work toward developing policies and laws that decriminalize injection and other use of drugs and, thereby, reduce incarceration. - “Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations, July 2014, World Health Organization 2014”), http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1).

62 The Activities of the Unit for First Response and Intervention for 2014: “Last year the Alphas detained 3,696 individuals on different grounds.” <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=14276&mid=1367&tabId=358&tabindex=0> Compared to 2013, when the number of “detainees for possession of opioid drugs” was 608, and 2012, when 460 individuals were detained, this is an increase.

63 For the same period, for “possession of opioid drugs”, the Unit Alpha (with jurisdiction on the territory of Skopje mainly) detained 530 individuals in total, 432 of whom were detained for possession of “grass-like substance”! In Skopje, only 5 misdemeanor charges were instigated in 2013 and 4 in 2012 for the „use of narcotic drugs and psychotropic substances” pursuant Article 20 from the Law on Misdemeanors against the Public Order and Peace.

that the reason for their detainment is reasonable doubt for having committed a misdemeanour or a criminal offence. People who use drug detained with an insignificant quantity of drugs were often threatened with criminal charges for "release for trade" or "enabling use," on the ground of a forced confession from other drug users. Although the Supreme Court has held that possession of drugs for personal use is not a criminal offense, in many cases this decision is disregarded.⁶⁴

1.2.1 An individual sentenced for possession of 0.2 grams of marihuana!

In June 2014, the Court of Appeals in Skopje confirmed the sentence against an accused person from Kumanovo convicted to a year of imprisonment for "...illegal possession of narcotic drugs for sale – marihuana in the quantity of 0.2 grams, narcotic drugs of smaller quantity..." – a quantity found during a body search. The sentence was confirmed although the Higher Public Prosecutor proposed that the appeal of the accused be accepted.

The Coalition indicates that the false interpretation of the Criminal Code practically stigmatizes (as "narco addicts") and criminalizes cannabis users (as drug "dealers" even when in possession of insignificant quantities of substances,⁶⁵ which were not released for trade).

The scandalous application of the Criminal Code violates the human rights of people who use drugs in possession of insignificant quantities of drugs for personal use, since it equates them with individuals who release for trade large quantities of drugs.

⁶⁴ "The Court disregards the description of the criminal offence in the Criminal Code and the Supreme Court verdict that possession of drugs for personal use does not constitute a criminal offence." (Natasha Boshkova, Sentencing drug-related offenders, legislative policy and judicial practice, Drugs – Policies and Practices, no.3, 2015)

⁶⁵ In comparison, if we consider that a cigarette contains one gram of tobacco in average, the individual was sentenced to one year incarceration for possession of only one-fifth of a cannabis cigarette!

The Coalition demands that the Public Prosecutor's Office prepares a new compulsory guidebook which shall instruct all prosecuting instances not to press charges pursuant Article 215 for insignificant confiscated quantities of marihuana.

The Coalition demands that all criminal procedures for possession of drugs for personal use be dismissed and that the energy and means spent on the War against Drugs be redirected towards treatment and drug use harm reduction programmes.⁶⁶

Even though in his defence the accused claimed that he is a user and the 0.2 grams of marihuana in his possession were "for personal use," in addition to the laboratory results showing presence of the psychoactive substance THC – component of the plant cannabis, the Court of Appeals in Skopje confirmed the decision of the first instance court: "...at the time of the arrest, the drug in question found in his possession was ready for sale to narco addicts, thereby the accused complies with the main characteristics assigned to the criminal offence he was found guilty of."

1.3 Misdemeanor sentences for “resorting to use of narcotic drugs” on the basis of urine tests

Most of the people who use drugs pointed to the police practice of misdemeanour sentencing for “resorting to use of narcotic

⁶⁶ The WHO points Portugal as a good example for decriminalization. It changed its legislation in 2001 to turn possession of controlled drugs into an “administrative offence”, with those caught with drugs for personal use being sent to a “dissuasion board,” rather than face prosecution and possible jailing.” (Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations, July 2014, World Health Organization 2014, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1, p. 92)

The Coalition indicated that such police practice is against the Law on Misdemeanours against the Public Order and Peace and that using marihuana in a non-public place is not included in the definition “misdemeanours against the public order and peace.”

The Coalition demands that MOI stop the practice of urine tests for suspects not caught while using narcotic drugs in public.

The Coalition indicates that the rights of the suspected drug users were hardly respected in the police procedure “we prosecute and sentence.” Namely, MOI is the prosecutor, conducts the criminal investigation, upon which, prosecutes and issues misdemeanour sentences in the role of a judge (via MOI’s Misdemeanour Commissions) to individuals who were not caught using drugs in public space.

drugs,” of individuals not caught using drugs in public space.⁶⁷ The suspects were sentenced for “resorting to the use of narcotic drugs” solely on the basis of urine tests.

The Coalition has documented a case which indicates that this practice continued in 2014 as well. An individual was deprived of freedom (without a court order) by the police in the garden of a private home on the ground of suspicion for having committed a criminal offence (Article 215 from the Criminal Code) and “resorting to narcotic drugs.” A urine sample was taken from the individual and the laboratory results from the forensic department detected metabolites of THV, contained in the cannabis plant. The suspect was given the Report on the established violation (with a pay order for a 200 Euro fine) solely on the basis of the forensic results, and no other evidence that the individual “resorted to the use of narcotic drugs” and violated the Law on Misdemeanours against the Public Order and Peace.

1.4 Access to health care for patients treated from drug dependence

The Republic of Macedonia failed to abide by the minimum standards for dependence treatments in 2014 as well,⁶⁸ in other words provision of methadone and buprenorphine for all individuals in need of dependence treatment.⁶⁹ Still, a large number

67 The Law on Misdemeanors against the Public Order and Peace (Article 20) prescribes a misdemeanor sentence for resorting to the use of narcotic drugs: “resorting to the use of narcotic drugs, psychotropic substances and precursors shall be fined from 200 up to 500 Euros.”; <http://www.mvr.gov.mk/Uploads/zakon%20za%20prekrsocite%20protiv%20javen%20red%20i%20mir.pdf>

68 According to WHO recommendations, “All people from key populations who are dependent on opioids should be offered and have access to opioid substitution therapy.”

69 The insufficiency of treatment programmes is the highest in Skopje, where over 50% of all drug users are concentrated. According to the estimation of the Institute for Public Health approximately 3,600 individuals injecting drugs live in Skopje, while “over 3,000 individuals do not receive treatment and have no opportunity to do so.” (Natasha Boshkova, “Availability of drug dependence treatments,” Drugs – Policies and Practices, no.1, 2013)

The Coalition appeals to the Ministry of Health to commit itself to opening new centres for treating drug dependency where necessary, and to the local self-government units (particularly to the Skopje municipalities where there are no treatment centres) to support the process for opening new programmes for drug dependence treatment in their municipalities.

of drug dependents⁷⁰ cannot realize one of their basic human rights – the right to treatment. In 2014 there were no new treatment programmes, and the scope of individuals on treatment with methadone and buprenorphine did not increase. According to the information the Coalition asked for and received regarding individuals on a free state programme, “the number of individuals on methadone treatment longer than 6 months for drug dependence, for the period from July to December was 1,345 individuals,” while “the number of drug dependents on buprenorphine treatment at the Clinic for toxicology and urgent medicine is 238 (an information from 05.01.2015).”⁷¹ According to the survey of the Institute for Public Health in our country there are around 10,300 – 10,900 individuals with problematic use of drugs, most of them inject drugs.⁷²

In the “Programme for Health Care of Persons with Substance Use Disorders in the Republic of Macedonia for 2015,” the section with information on the number of individuals in the free state programmes in 2014 is literally duplicated from the last year’s programme.⁷³ The 2015 Programme also “prescribes finances for providing methadone to over 1,200 persons and buprenorphine for 230 individuals with substance use disorders.”

70 “According to the available sources and information, the total number of people using drugs in Macedonia is believed to be 20,000 – 30,000 individuals, 6,000 – 8,000 of whom are dependent on heroin with serious health and social problems.” (“Programme for Health Care of Persons with Substance Use Disorders in the Republic of Macedonia for 2015,” Official Gazette of Republic of Macedonia, no. 196 from 26.12.2014)

71 Data from PHI Psychiatric Hospital Skopje – Skopje, which includes people on prison sentences (excluding the prison Skopje in Skopje and the prison in Bitola). According to the data received from the Ministry of Justice (Department for Execution of Criminal Sanctions) there were 567 prosecuted individuals in treatment in all penitentiary and correction institutions (31.12.2013), most of who were on methadone substitution therapy, while a certain number were on buprenorphine substitution therapy.

72 “Around 1,500 or 15 % are on treatment, which is a very low percentage of coverage. According to the European standards, the state has good policy when at least 60% of the population of users is in contact with a certain treatment programme.” (“HOPS Press conference for the campaign “DON’T PUNISH – SUPPORT!”)

73 “During 2014, over 1,200 patients in the state free programme were treated with methadone substitution therapy in these institutions. (...) In 2014, the University Clinic of Toxicology – Skopje treated 230 individuals on opioid dependence with the substance with generic name buprenorphine, financed with the Programme of the Ministry of Health.”

Medical experts who work with patients continually indicate to the necessity of increasing the resources for opioid substitution treatment.⁷⁴

1.5 Insufficient relevant statistical data for drug-related death cases

On 26.06.2014, several activists for the rights of the people who use drugs went out publically in the Macedonian media to support the global campaign "Support. Don't Punish" in which they condemn the policies of prosecuting individuals using drugs and expressed condolences for the deceased drug users. The Coalition asked information from all competent institutions regarding "How many persons for 2014 were deceased from opioid overdose," but we received no statistical data.⁷⁵ The last available information for drug-related death cases is from 2011-2012⁷⁶ and points to an increase in the death cases from 2006 (8) to 2012 (18), as well as an increase in the death cases from methadone intoxication (mostly mixed with benzodiazepine).⁷⁷

74 For instance, Liljana Ignjatova, Chief of the Centre for prevention and treatment of drug abuse and abuse of other psychoactive substances at the PHI Psychiatric Hospital Skopje – Skopje, stated that they are in need of more resources for treatment of adults, and that the existing staff is not able to respond to the present demand and it is utterly exhausted. ("Treatment of children using drugs in Macedonia, https://www.youtube.com/watch?v=zjv_YnLyN9Y&feature=youtu.be)

75 The only answer we received was that "there is no evidence of persons deceased from opioid overdose at the Psychiatric Hospital Skopje."

76 „In 2011 there were 14 drug-related deaths (including 1 female), and in 2012 there were 18 (5 females). In 2011 the youngest person to die from overdose was 18 years old, while the oldest was 40. In 2012 the youngest person was 17, and the oldest was 41.“

77 In 2012 the majority of DRDs (55.5 %) were related to intoxication with methadone and benzodiazepines (10 cases), four death were due to intoxication with methadone and two were linked to intoxication with opiates, while two deaths were linked to amphetamine intoxication. (Country overview: The former Yugoslav Republic of Macedonia, <http://www.emcdda.europa.eu/publications/country-overviews/mk#drd>)

According to the last report from the European Monitoring Centre for Drugs and Drug Addiction - EMCDDA, “data on drug-related deaths is incomplete, or of questionable reliability, probably underestimating the numbers of such deaths”.⁷⁸

Concerned with the increase in the death cases, the NGO's in Macedonia appealed for broader availability of the medicine naloxone,⁷⁹ which can reduce opioid overdose mortality,⁸⁰ i.e. we ask that its administration is possible even by non-medical persons, trained for this.⁸¹

The Coalition asks that all relevant institutions gather and publish information on drug-related deaths, so that a timely response with appropriate measures can follow. In accordance with the WHO recommendation,⁸² the Coalition asks that the Ministry of Health, Ministry of Justice and the Ministry of

78 “Drug use and its consequences in the Western Balkans 2006–14”, p. 20.

79 “We appeal to all NGO's working with addicts to store the medicine, because only seconds can save a human life. However, obstacles to exist because therapy administered with vials can only be given by a doctor... All health and rehabilitation institutions must have the medicine. This is a non-prescription medicine, and it is supplied by order, hence pharmacies do not store it” (Hristijan Jankulovski, CEO of the NGO HOPS, “An apparatus for overdose salvation is received with a prescription from a doctor,” <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=4914818448&id=12&setIzdanie=23147>)

80 “Greater availability of naloxone through community-based distribution could help reduce the high rates of opioid overdose, particularly where access to essential health services is limited for people who inject drugs.” (“Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations,” July 2014, World Health Organization 2014, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1, p. 39)

81 In a state in India, “Ethical concerns about non-medical staff dispensing a medication to people who inject drugs have been overcome through the demonstration of the life-saving nature of overdose management.” So, „Between 2004 and 2012 more than 450 overdoses were managed at five centres, and over 90% of those lives were saved.“ (“Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations”, July 2014, World Health Organization 2014, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1, p. 116)

82 “Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations”, July 2014, World Health Organization 2014, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1, p. XVIII, “People likely to witness an opioid overdose should have access to naloxone and be instructed in its use for emergency management of suspected opioid overdose.”)

Interior provide access to the medicine naloxone to officials who might witness opioid overdose and train them regarding its administration in emergency cases of opioid overdose.

1.6 Insufficient programmes for treatment and care of children who use drugs

The Coalition supports HOPS's assessment that the inability to treat and socialize is a type of punishment, and publically appeals to all competent institutions and decision-makers to undertake all necessary measures as soon as possible and create opportunities for new programmes for treatment, care and socialization of children who use or are dependent on drugs.

In June 2014, a Conference for treatment of young people who use drugs took place in Skopje during which were presented information from research and the experience of institutions and associations regarding the current situation with the problem of drug use by children.⁸³

During the Conference it was announced that according to the information received from the Centres for support and treatment of people who use drugs, in the last three years no children under the age of 18 have been treated with methadone or buprenorphine.

HOPS appealed publically⁸⁴ to the competent institutions, mostly the Ministry of Health and the Ministry of Labour and Social Politics, to jointly open programmes for treatment and care of children who use drugs, since they are non-existent in Macedonia at present.⁸⁵

83 According to information presented by HOPS, in the past years they have contacted 55 children who use drugs, among whom an 8 year old child who injects drugs and a 3 year old who inhales glue. Three of the 55 children died in 2011 and 2012.

84 "The most important thing is to open medical and social programmes, to register the medicine for the lowest possible age and for the programmes to provide separation between the children and adults." (Vlatko Dekov, HOPS, in Kristina Ozimec, "The state replied "find your own solutions" to minor drug dependents," <http://inbox7.mk/archives/282>)

85 The Guidebook for practicing evidence-based medicine when treating substance abuse in adults was published in 2014 (Official Gazette of RM, no.50 from 17.03.2014), however it is not based on experiences from Macedonia.

1.7 Disabling access to Hepatitis C treatment for active drug users

From 14-16.03.2014, in Ohrid, supported by the Foundation Open Society Macedonia, HOPS organized a conference on the subject "Availability of Hepatitis C treatment to drug users in the Republic of Macedonia – good practices and challenges."⁸⁶

Active drug users do not have access to Hepatitis C therapy,⁸⁷ i.e. there is a precondition which requires users to have abstained from drugs for at least 12 months or to be in an addiction treatment programme.⁸⁸

One of the conclusions at the conference was that the treatment of people who actively use/inject drugs is not only a question of choice and decision of the health institution, but rather a public health issue that needs to be discussed by all concerned parties on which they can reach a common solution.

The Coalition joins HOPS's request for reduction in the price of Hepatitis C treatment in order to provide a broader coverage of people with Hepatitis C and asks that the existing institutional and other obstacles for Hepatitis C treatment of people who use drugs be removed.

86 See "Universal approach for Hep. C treatment, including approach for active drug users," <https://www.youtube.com/watch?v=eyv9hCMzJ08>

87 HOPS has information that, in the Republic of Macedonia, according to behavioral research carried out so far among drug users, around 75% of the tested active drug users who inject drugs are HCV positive.

88 According to HOPS health workers, the main reason for this precondition is the risk of possible re-infection and the wasted treatment finances.

1.8 Stigmatization of people who use drugs in the legislative and the Assembly

Instead of removing the stigmatizing terms “junkies” and “narcomania” from the existing legislative, the Assembly continued with the adoption of stigmatizing laws in 2014 as well. Hence, it adopted the Draft-Law on Misdemeanour at the first reading (15.07.2014), a law which provides the sanction “compulsory treatment of alcoholics and junkies (persons with addiction disorders).”

A month later, when at an Assembly session the term “junkies” was used,⁸⁹ an MP reacted (who voted in favour of the Law which refers to “junkies”) that this word is derogatory,⁹⁰ upon which an apology was issued.

The derogatory words “narcomania” and “junkie” are still present in the Macedonian laws, as well as in the Law for Health Care⁹¹ and the Criminal Code.⁹²

The Coalition appeals to all MPs to stop using the stigmatizing terms “narcomania” and “junkies” and to resort towards amending the existing stigmatizing laws.

89 Solza Grceva: “Why are such stern definitions cosntructed when we know that the number of junkies today is increasing, that they all come from marriages between one man and one woman.” (Transcription notes from the 12th Session of the Assembly of the Republic of Macedonia, held on 27.08.2014)

90 Andon Chibishev: “... before I start, I would like to ask her not to use derogatory terms when discussing my patients, not to call them junkies, because they are not junkies, they are dependent on opioid drugs.” (Transcription notes from the 12th Session of the Assembly of the Republic of Macedonia, held on 27.08.2014)

91 The Law on Health Care (Article 16) mentions “prevention and treatment of quarantine diseases and narcomania” (Law on Health Care – consolidated text, [http://www.fzo.org.mk/WBStorage/Files/3_ZAKON_ZAZDRAVSTVENATA_ZA\[TITA_\(PRE%5EISTEN_TEKST\)_10_od_17.01.2013.pdf](http://www.fzo.org.mk/WBStorage/Files/3_ZAKON_ZAZDRAVSTVENATA_ZA[TITA_(PRE%5EISTEN_TEKST)_10_od_17.01.2013.pdf)).

92 Pursuant to the Criminal Code (Article 61), “compulsory treatment of alcoholics and drug addicts” as a security measure. (Criminal Code – unofficial consolidated text), <http://www.pravda.gov.mk/documents/KRIVICEN%20ZAKONIK%20precisten%20%20tekst.pdf>)

In accordance with the recommendations of WHO that “detention is not treatment”⁹³ and that “countries should ban compulsory treatment for people who use and/or inject drugs,”⁹⁴ the Coalition asks that the measure “compulsory treatment of alcoholics and junkies” be removed from the legislation (as a security measure and sanction, as well as a form of “compulsory treatment”).

1.9 A case of violation of the right to protection against discrimination of a person who uses drugs

HOPS finally received an answer to the petition sent to the Commission against Discrimination of Macedonia against a private health institution in Shuto Orizari – Skopje. The petition was based on prevention from and disabling the right and access to opioid dependence treatment of a person from Skopje, on the basis of unequal treatment in relation to other patients and offensive behaviour from a doctor. Namely, the doctor refused to be selected as a personal physician when informed that the person is dependent on drugs. She then humiliated his dignity, as witnessed by a HOPS's social worker who accompanied the person to ask for medical help.⁹⁵

93 „OST should not be compulsory; patients must give informed consent for treatment“; „WHO and other UN partners do not support these forms of detention and call on Member States to close compulsory drug detention and rehabilitation centres and to implement voluntary, evidence-informed and rights-based health and social services in the community.“

94 “Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations, July 2014, World Health Organization 2014”, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1.

95 When refusing to be selected (which followed after the patient gave the factual information on his health state), the doctor violated the patient's and social worker's dignity with the following statements: “I don't want to deal with junkies, you will come all the time, looking for medicine;” “I don't want the police here;” “I know organizations who work with addicts, they pretend to help them, but in fact, they sell them drugs.”

In the response to the petition (given on 17.09.2013, and delivered as late as 2014), the Commission stated that the procedure shall be ceased "because there is no way for the Commission to obtain more evidence in order to continue the procedure, whereupon it only has the verbal claims of the submitter on the one hand, and the doctor's on the other, furthermore the case was not reported in the Health Insurance Fund in Macedonia as a competent body pursuant the Law on Protection of Patients' Rights, which would have made the procedure possible..."

It is clear that in the procedure for determining discrimination, the Commission addressed only the doctor and the Health Insurance Fund, not HOPS and the social worker who witnessed the event. It seems, the Commission failed to properly establish the factual state because it did not adhere to the Law on Prevention and Protection against Discrimination,⁹⁶ failing to take statements from the petition's submitters (the damaged party and HOPS), or the social worker who witnessed the event.

96 "After admission, the Commission establishes the factual state by inspecting the documents and taking statements from the petition's submitter, the person against whom the petition was submitted, as well as other people." (Article 27, paragraph 1 from the Law on Prevention and Protection against Discrimination, <http://www.kzd.mk/phocadownload/zakon-za-sprecvanje-i-zastita-od-diskriminacija.pdf>).

2.

HUMAN RIGHTS OF PEOPLE LIVING WITH HIV

2.1 A death case of an HIV positive person during his prison sentence

Ever since 2010 the Coalition has been alarming about a case in which the state seriously violated the rights of a person serving a prison sentence. When serving the prison sentence, the person was exposed to inhuman and degrading treatment and violation of his privacy by disclosing personal information regarding the health condition of a person dependent on drugs and living with HIV. In addition, the person was deprived of medical treatment and therapy necessary to maintain the continuity of his treatment.

According to the Special UN Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment “There can be no doubt that withdrawal symptoms can cause severe pain and suffering if not alleviated by appropriate medical treatment, and the withdrawal symptoms in custody situations is

serious torture."⁹⁷ The World Health Organization pointed that withdrawal syndromes in opioid dependence are characterized, among else, by severe diarrhoea, vomiting and restlessness.⁹⁸ The interruption of antiretroviral therapy can result with the patient's resistance to therapy which is dangerous for his life and health: "The common practice of withholding anti-retroviral treatment from HIV-positive people who use drugs, amounts to cruel and inhuman treatment, given the physical and psychological suffering as the disease progresses; it also constitutes abusive treatment based on unjustified discrimination solely related to health status."⁹⁹

Due to his poor health condition, the prison sentence was dismissed and the person was released for treatment. Several procedures were initiated in front of the authorized institutions for the protection of his rights, and the court procedure is still ongoing. In the meantime, the person was hospitalized in the Psychiatric Hospital Skopje, from where he was arrested in order to serve another sentence, although his health condition was severely deteriorated in comparison to the time when his previous sentence had been stopped.

After only a few days in prison, the person passed away, with the reasons for death still unknown to his family, while the Public Prosecutor is still silent about the case. The Ombudsman was also informed on the suspicion regarding violation of the right to life and the prohibition of torture, inhuman and degrading treatment and punishment on the part of the prison Idrizovo.

97 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 14 January 2009, A/HRC/10/44, para. 57.

98 World Health Organization, Guidelines for the Psychosocially Assisted Pharmacological Treatment of Opioid Dependence (2009).

99 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Mendez, 1 February 2013, A/HRC/22/53, para. 73.

2.2 Multiple discrimination of a patient from Ohrid

In the period from 04-08.08.2014, the medical and technical personnel at the PHI General Hospital Ohrid on multiple occasions and with different actions violated a patient's right to equality. The patient was tested for HIV without previously being informed about it and without his consent. The information of the patient's identity and his positive HIV status was spread not only among the medical personnel, but also outside the hospital to the patient's mother, his friends, neighbours and the immediate family, which led to disturbance, irreparable damages and violation of the patient's personal dignity. The patient was physically isolated¹⁰⁰ and subjected to improper and discriminatory treatment during the hospitalization in the health institution.¹⁰¹ In the four days in the hospital, the patient was continually addressed as "the one with AIDS."

On 16.10.2014, H.E.R.A. – Health Education and Research Association Skopje, the Working Group for the support of people living with HIV – Stronger together Skopje, the Coalition and other organizations submitted a petition against the PHI General Hospital Ohrid – Ohrid for discrimination on the basis of a patient's health condition. The Commission for Protection against Discrimination did not respond within the legally prescribed period of 90 days. The aforementioned organizations made an initiative to the Directorate for Personal Data Protection to establish a violation of the provisions for processing, keeping and secrecy of personal data prescribed by the Law on Personal Data Protection and the Law on Protection of Patients' Rights.

100 The patient was isolated in a separate room, while a notice "No admittance" was taped on the door of the room. The medical and technical personnel in the hospital entered the patient's room with protective suits, masks, gloves and disinfectant, which only indicates to the absence of general and professional awareness regarding the characteristics of the HIV infection.

101 The patient's room was never cleaned by the genitors, they only emptied the trash bin, and changed his hospital clothes once.

Acting upon H.E.R.A.'s petition, the Ombudsman investigated and concluded that in the quoted period "there was discrimination on the basis of health care." The Ombudsman issued a recommendation to the health institution to consistently follow the provisions from the Law on Protection of the Population from Infectious Diseases in future (which prescribe anonymity and use of codes) and to apply the provisions from the Law on Protection of Patients' Rights in the future. On 09.12.2014, the Ombudsman received a response from the health institution that "the institution followed the recommendation and acted upon it in order to prevent discriminatory treatment towards patients with HIV infection..."

As a response to H.E.R.A.'s petition to the State Sanitary and Health Inspectorate (from 31.10.2014), on 09.12.2014 we received an answer that an investigation monitoring had been conducted and that "discrimination was not established." The answer further explains that the actual state is "taking blood samples for analysis and HIV, HbsAg I HVC testing from every patient before a surgical intervention is a standard procedure in this health institution." Further on follows a quote from the surgeon who performed the procedure on the patient: "It was sad that he hid his HIV positive status the entire time and did not inform us, I think it would have been correct if he had informed us..." The State Sanitary and Health Inspectorate held that the patient was legally "obliged to provide true and sufficient information about his health condition, which he failed to do." Such "establishment of the facts" by the State Inspectorate is a clear indicator that the Guidelines for practicing evidence-based medicine in HIV infection, section "the patient has to give his/her consent for an HIV test" is not being applied.¹⁰²

102 "In circumstances when the patient refuses the test, the problems and possible consequences of an untimely diagnosis, for the patient as well as the personnel (because of additional investigations and prolonged treatment period), the possible risk of infection transmission to other people, should be additionally discussed and considered with the patient." (Guidelines on practising evidence-based medicine in HIV infection, Official Gazette of the Republic of Macedonia, 13.03.2014, <http://www.slvesnik.com.mk/Issues/91e1819cbfb54f8a9fc0b5bfceea7ae6.pdf> http://zdravstvo.gov.mk/wp-content/uploads/2014/05/8860-Lektor_HIV-infekcija.pdf)

2.3 Media sensationalism on “the alarming spreading of HIV”

The Coalition appeals to the Commission for Protection against Discrimination to act upon the petition urgently and in cooperation with the Ombudsman to introduce training on the human rights of people with HIV for individuals who monitor the Law on Protection of Patients' Rights within the State Sanitary and Health Inspectorate.

The Coalition demands that the Ministry of Health train all authorized institutions regarding the Guidelines for practicing evidence-based medicine in HIV infection, particularly the section “the patient has to give his/her consent for an HIV test,” and disseminate it.

The article “Alarming spreading of HIV: from 11 cases, 8 are MSM” in the daily newspaper Dnevnik (issued on 18.03.2014) was published on the front page with a photograph of two men holding hands. The word “alarming” is written on a red background, thus creating the impression that there is an HIV epidemics, which on the other hand, misinforms and creates panic among the general population. Such presentation on a front page is disturbing and stigmatizing for gay men and people living with HIV. Emphasizing that HIV is spread “from men who are in a relationship with men” is not only incorrect (because HIV is spread by unprotected sexual intercourse, not by being in a relationship), but it also discriminates against gay men, presenting them as the culprits and main transmitters of the HIV virus.

By presenting the news in this manner, the media contributes to additional stigmatization which might result in hate speech and violence towards the LGBTI community. The information might lead the general population to the impression that people who are not gay men are not exposed to HIV, which makes the situation even more dangerous. Creating such an image negatively influences all efforts towards educating the population on sexually transmitted diseases and HIV.

The NGO H.E.R.A. issued a reaction, contesting the information published in the article. The reaction was published by Dnevnik 6 days later, along with an editor's comment, which is contrary to the Law on Media (Article 27).

H.E.R.A., the Coalition and other organizations submitted a petition to the Commission for Protection against Discrimination for disturbance, violation of the dignity of a group of people (on the basis of sexual orientation and health condition) and for creating a hostile, humiliating and threatening environment towards gay men.

The Commission adopted a negative opinion with the explanation that discrimination and disturbance wasn't established.¹⁰³

2.4 Discriminatory reporting of an HIV “black list” by Chanel 5 TV

On 08.08.2014, Chanel 5 TV broadcasted a content “New HIV cases in Eastern Macedonia” in their news which was discriminatory, stigmatizing and disturbing for LGBTI people and people living with HIV.

The content spreads panic, creating the feeling that there is an HIV epidemics in Eastern Macedonia. On few occasions, the journalist stated that “the east of Macedonia is on the top of the black list,” which is incorrect, since most of the registered cases are in Skopje.

The announcement itself manipulated with the information, since it claimed “New cases of AIDS in Eastern Macedonia,” which is incorrect again. AIDS was not diagnosed among the new cases but an HIV positive status. The news is disturbing for people living with HIV, because nowadays they can have a normal and healthy life with antiretroviral therapy without entering the AIDS stadium at all.

The news broadcast presented the main “culprits” for the HIV transmission to be men who have sex with men, without stating that the programs implemented by NGO's increased the access to testing for “specific risk groups” (men who have sex with men, sexual workers and people who inject drugs), therefore, bearing in mind the methodology it is not unexpected that these groups dominate in the HIV positive results.

103 “The Commission determined that the data used in the text is research-based facts, while the freedom of media includes the manner of reporting, the selection and broadcasting of the information in order to inform the public.”

The journalist and the doctor pointed to homosexuality as the main factor for the occurrence of AIDS.¹⁰⁴ This statement further stigmatizes and marginalizes on the basis of sexual orientation. According to the epidemiologic experiences and HIV prevention, it is well known that there isn't a risky sexual orientation, rather a risky behavior regardless the sexual orientation (not using condoms during intercourse, not using sterile equipment when injecting, etc.).

At the end, the doctor gave quite inappropriate and discriminating advices for prevention, contrary the national policies, whereupon he advised that if gay men wanted to prevent HIV they should change their sexual orientation, and if this is impossible, use a condom instead.¹⁰⁵ Such an advice violates the HIV prevention standards, and stigmatizes and discriminates against gay men by presenting them as the main transmitters of HIV.

Since the Commission failed to respond within the legally prescribed period of 90 days, the Coalition asks that the Commission urgently responds to the petition.

On 25.09.2014, the Coalition, joined by other organizations submitted a petition to the Commission for Protection against Discrimination for direct discrimination of people with non-heterosexual orientation, disturbing and humiliating treatment and violation of the dignity of a larger group of people on discriminatory basis. In the petition we asked the Commission to investigate the case, determine discrimination on the basis of sexual orientation and health condition and issue a recommendation to Chanel 5 TV to publically apologize for discriminating and stigmatizing and warn them against using such rhetoric in future reports on the situation with HIV.

104 “Dejan Efremov: Can we change the awareness so people will abide by the preventive advice, or should the advice be changed when the fact is that homosexuality is one of the main factors for the increase in the number of AIDS infected ? Velik Grkov: Yes, the media campaigns always emphasize that homosexuality is a great risk, that this group of people have the riskiest behaviour for transmitting AIDS.”

105 Dejan Efremov: “In short, what should they do to prevent it? Velik Grkov: First, change the intercourse if they can, however, if they cannot, one weapon at hand is counselling, health counselling, and then use of protection during sexual intercourse.”

2.5 The finances for therapy remain the same, while the patients number increases

The Association “Stronger Together” reported that the therapy finances for 2015 from the general budget of the 2015 Program for HIV/AIDS prevention of the population¹⁰⁶ remain unchanged (16 million MKD), contrary to the fact that the number of newly discovered HIV infected cases has been increasingly growing every year.¹⁰⁷

The Coalition welcomes the introduction of financing citizens’ associations within the program, and asks that the Government increases the finances for citizens’ associations for implementation of HIV prevention activities for people vulnerable to HIV and people living with HIV.

Fortunately, there has been an increase in the finances for the provision of tests for monitoring the HIV infection (from 1.5 millions for 2014 to 2 million MKD for 2015) and the finances for the citizens’ associations that execute the program, i.e. for implementing activities for prevention of HIV. Namely, the program provides accreditation of 14 citizens’ associations that will receive 12,000 MKD (around 200 Euros) for HIV prevention activities among men who have sex with men (MSM), sex workers and people injecting drugs, as well as activities for support and care of people living with HIV.

106 2015 Program for Protection of the population of Macedonia against HIV/AIDS, Official Gazette of RM, no.196 from 26.12.2014, <http://www.fzo.org.mk/WBStorage/Files/Programa%20za%20zastita%20na%20naselenieto%20na%20RM%20od%20HIV-SIDA%20za%202015%20god..pdf>

107 “As an illustration, the number of new cases for 2011 was 9, for 2012 it was 23, in 2013 there were 27 new cases and 42 new cases of HIV/AIDS in 2014. This leads to the conclusion that the percentage of new HIV/AIDS cases has grown 360% for the last 4 years, i.e. 55% in 2014 in comparison to 2013, although the finances for supply of antiretroviral medicine remained unchanged.” (The 2015 program for protection of the population against HIV/AIDS released, in Access to Therapy – Patients’ reports, Stronger Together, no. 7, March 2015)

3.

HUMAN RIGHTS OF SEX WORKERS

3.1 The Red Umbrella March

In 2014, the association STAR-STAR joined the global solidarity action towards sex workers on the International Day to End Violence against Sex Workers on December 17th for the seventh time.

Similar to last year, the presentation of sex workers in the media was mostly correct, with less sensationalism and more focus on the recommendations to address the problem of violence against sex workers.¹⁰⁸

On December 17th, the International Day to End Violence against Sex Workers, Healthy Options Project Skopje released a public call for selecting the best journalist article on the subject: Sex work in Macedonia. The NOVA journalist, Menche Atanasova Tochi received the first prize for the text, "The media with prejudices against sex workers."

108 According to STAR-STAR's assessments, this year there was a decrease in the police violence against sex workers. Only one case of police threat and verbal assault against an outdoors female sex worker was documented, whereupon a procedure was instigated in front of the Sector for Internal Control and Professional Standards and the Ombudsman.

3.2 Register of sensibilized health workers

In 2014, the association STAR-STAR created a register of 8 sensibilized health workers (employed in different clinics for primary and secondary health care) who will work with sex workers, people living with HIV and MSM. For the first time, with the help of the Ministry of Health, 5 sex workers were trained for HIV counsellors.

The Coalition would like to remind that pursuant the latest recommendation of the World Health Organization for HIV prevention of sex workers, "Countries should work toward decriminalization of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers."¹⁰⁹

3.3 Procedures for protection of the rights of sex workers in the case Street Prostitution

The Coalition calls for respect of the rights of sex workers and provision of access to justice in all cases where they have suffered violations of their rights from state institutions and violation from third parties.

In 2014, the civil procedure for determining violation of the personal rights and awarding compensation to the sex workers - victims in the case Street Prostitution continued. Regarding the procedure for protection of the right to privacy violated by the media during the police action, the state did not offer proper protection in all court instances. The sex workers shall exercise their rights in front the regional and international bodies for protection of human rights.

¹⁰⁹ „Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations,” July 2014, World Health Organization 2014, http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1, p. 91.



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