



Coalition 'Sexual and Health Rights of Marginalized Communities'

Narrative Report for the project

Promotion and Protection of Sexual and Health Rights of Marginalized Communities

For the period

01.01. 2012 – 31.12.2012

Realization of the project: Coalition "Sexual and Health Rights of Marginalized Communities"

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Narrative Report:

The Coalition "Sexual and Health Rights of Marginalized Communities" has existed as independent entity since January 2010. During 2012 The Coalition "Sexual and Health Rights of Marginalized Communities" continued working in the field of promotion and protection of sexual and health rights of four target groups: LGBT, sex workers, drug users and people living with HIV.

In accordance with the three-year-strategic plan developed previously by the Coalition in the first year of our work we developed advocacy plan in which we considered the strategic goals and key activities for the period 2011-2013.

The Coalition "Sexual and Health Rights of Marginalized Communities" continued with its activities from the previous years: sustaining and maintaining the web page of the Coalition, documenting cases of violation of sexual and health rights of marginalized communities, strategic litigation in cases of violation of human rights of marginalized communities, media monitoring and press clipping, writing and promotion annual report on sexual and health rights of marginalized communities etc.

The annual report for 2011 was produced by Zarko Trajanoski. This annual report was promoted on 19. 04. 2012 on a press-conference on which journalists both from print and electronic media were invited and attended. On this promotion speakers were Zarko Trajanoski- the author of the report, Slavco Dimitrov- executive director of the Coalition "Sexual and Health Rights of Marginalized Communities" and Irena Cvetkovic- project coordinator of the Coalition "Sexual and Health Rights of Marginalized Communities". The annual report notes the activities of the state institutions and public policies that affect our target groups, concluding that in 2011 have been monitored and documented regressive trends concerning sexual and health rights of marginalized communities. On the pres-conference we presented to the media part of the documented cases of violation of the rights of marginalized communities. The annual report was promoted in the Media, but with less interest in comparison with last years' promotion which is to be strongly determined by the high politicization of the pro-governmental Media, as well as the closing of the oppositional and previously supportive Media.

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The public events that include movie screening and debate continued in 2012. This year our event was on 17th of May (IDAHO day) and included screening of the movie Bent and discussion on the topic: Nationalism, Biopolitics and Homosexuality on which our speakers were: Artan Sadiku, prof. Ljubomir Frckovski and Slavco Dimitrov was facilitator of the discussion. The IDAHO day was also marked with public debate in the Parliament on the topic: Treatment of the marginalized communities in public communication. This public hearing was part of the initiative of the Coalition "Sexual and Health Rights of Marginalized Communities" for lobbying for adopting Declaration for condemnation of hate-speech against lgbt, sex workers, drug users and people living with HIV. This initiative was supported and realized in cooperation with the National Democratic Institute.

After series of consultations and meetings with representatives from the National Democratic Institute we decided to advocate in the Parliament adoption of The Declaration for condemnation of hate-speech against LGBT, sex workers, drug users and people living with HIV. In 2011 representatives from the Coalition carried out series of meetings with coordinators of the parliamentary groups, members of relevant parliamentary commissions and selected MPs. The Members of the Parliament didn't demonstrate resistance during these meetings, however there was no motivation for supporting this initiative or considering it in the Parliament either. The MP Liljana Popovska was the only to express interest for starting this initiative and helping in the adoption of the Declaration. Still, the MP Popovska stressed that her agenda will be related to lobbying with the party with parliament majority, which was the ruling party VMRO-DPMNE. We encountered the first obstacle at these very meetings, since the MPs of the ruling party refused to recognize the groups (LGBT, sex workers and drug users) and to acknowledge sexual orientation and gender identity as a ground for discrimination or hate speech. The Coalition "Sexual and Health Rights of Marginalized Communities" did not accept a change in the Declaration, which was to erase any mentioning of the target groups. At a joint meeting of the Coalition with the MP Popovska and the MP Spasenovski from VMRO-DPMNE it was agreed that a public debate in the Parliament Committee on Equal Opportunities for Women and Men shall be initiated on the International Day against Homophobia and Transphobia regarding these questions and the adoption of the Declaration shall be proposed, after which the MPs will have the opportunity to express their opinion. Unfortunately, an insignificant number of MPs attended the parliamentary debate, while the majority of the present belonged to the NGO sector. One of the key recommendations of the Coalition within the public debate was the adoption of parliamentary Declaration for condemnation of hate speech and non-tolerance towards marginalized communities, with explicit mentioning of LGBT, sex workers, drug users and people living with HIV. Although during the committee debate we gave numerous examples of hate speech and calls for violence towards marginalized groups, in the draft-conclusions there was absence of political will for adoption of a parliamentary Declaration that explicitly condemns hate speech and non-tolerance towards LGBT, sex workers, drug users and people living with HIV. The absence of political will to name the groups that are most exposed to hate speech and discrimination is an expression of not-recognizing the existence and the fight for equality of LGBT, sex workers, drug users and people living with HIV. Consequently, the silence regarding the hate speech and the discrimination is also silence regarding the main reasons for violence and social exclusion of these groups. The absence of political will to recognize, respect and protect the rights of the LGBT community is one of the main reasons why Macedonia is on the bottom among the European countries on the ILGA-Europe map. Macedonia received a lower grade from last year (from minus two, to minus four), while the other countries from the

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Western Balkan received much higher grades (for instance, Albania and Serbia received 6, Bosnia and Herzegovina 5, Monte Negro 8, and Croatia 10).

After the public debate we continued advocating among members of the Parliament and finally one member- Ivon Velickovski, from the Liberal Party of Macedonia submitted in the Parliament the Declaration. The submission of the Declaration was promoted on a pres-conference. The public debate in the Parliament on the Declaration submitted is expected in this period.

In 2012 The Coalition continued its work on the project Community Monitoring that is in partnership with HOPS. Until now the two phases of the project are finished. These two phases included: Analysis of the international and national documents in relation to the right of treatment, monitoring of the quality of the treatment programs, developing the final report. After finishing and publishing of the final report the results were shared within the community and the experts/ professionals from the Centers for treatment of drug addiction.

At the beginning of 2012 The Coalition together with HOPS applied on the call for research projects from the RPPP (Regional Research Promotion Program). On this call we were rejected.

In February the Coalition organized an event that included an exhibition and a two-day conference on the subject "Un/Visible: Political and Sexual Regimes of the Archive. The exhibition *Article 1* is a touring LGBT exhibition from some of the most eminent Swedish museums, with accounts of the history and the contemporary life of LGBT people, initiated in Stockholm at Europride, in the summer of 2008.

The exhibition consisted of several smaller exhibition parts, some of them produced by different museums. Each part tells a different story but with one common subject – LGBT history. The participating museums are the Nobel Museum, Swedish Police Museum, the National Museum of Science and Technology, the Swedish Army Museum, the National Museum of Antiquities and the National Museum of Sports.

The Swedish exhibition was accompanied by a local contribution consisting of two parts: "The Sexuality of Archive" and "The Emotional Archive of the Unstraight Experiences in Macedonia", for which the unstraight community in Macedonia was invited to participate by a public call for donating personal objects with emotional value and stories. The exhibition opening was visited by more than 400 visitors, while in the course of the month when the exhibition was opened, more than additional 400 visitors appeared, which significantly demonstrates just how successful the event was.

The exhibition was also followed by a two-day international conference on the subject: "Political and Sexual Regimes of the Archive". The first day, February 23rd the focus was on subjects related to "Museums and Human Rights. The Role and Responsibilities of Public Institutions Today", while the second part, on February 25th opened the issues of "Nationalism, Culture, History and Sexuality". The Conference during those two days was held in Cifte Amam. During the two days the Conference was visited by approximately 100 people.

Local partners in the organization of the event were: Coalition "Sexual and Health Rights of Marginalized Communities", the Institute "Euro-Balkan", Cifte Amam – National Gallery of Macedonia, the Swedish Embassy in Skopje and the Swedish Embassy in Belgrade.

In the field of protecting sexual and health rights of the members of marginalized communities the Coalition continued organizing trainings of new people who will be directly included in the process of

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documenting cases of violence and violation of human rights of members of marginalized communities. Trainings were organized for members of the new grass-root organization LGBT United Macedonia.

From the cases that were part of the legal aid project in 2012 we continued working on the cases that we litigated.

Case Number 1

The first case started after few drug users reported unlawful DNA sample taking. From the four individual cases only two client remain motivated to pursue the case on national level.

On few occasions the client reported harassment by the police on account of the reported case for illegally taking DNA sample and the initiated procedure in the Administrative Court. This was the reason why he wasn't motivated to continue further with the procedure and asked that the Administrative Court's verdict not be appealed. Regarding the authorization violation by the police, the client was advised to report the case to Sector for Internal Control and the Ombudsman. However, the client considers that it will be better not to take any actions against the competent officials. In 2012 we are still waiting for the final decision from the Higher Administrative Court for the two cases.

Case Number 2

This case is about a transgender person who is in a phase of sex-change from male to female and is under hormonal therapy because of which her sex change in partly finished.

In the period of 2012, considering this case, criminal charges for bodily injury were pressed to the Basic Court Tetovo, and the client was represented in the procedure in which she was held guilty. The client received legal assistance regarding the procedures against the Hospital in Tetovo and the Social Security Center.

An appeal against the verdict that sentences the client for the criminal act indecent exposure has been filed. The case is being reviewed again.

Via the Coalition a petition was filed to the Commission for Protection against Discrimination regarding the prohibition of the client to enter a restaurant to visit her daughter. The Coalition will represent the client in this case.

Case Number 3

This case refers to illegal taking information from people on methadone therapy in the Methadone Center in Strumica.

The case is at a halt on account of the clients' lack of motivation to appear at the hearing in order for the case to continue. They are under pressure from the hospital where they take their therapy and this is influencing their retreat from the procedure. In the following period a meeting is planned with them with the purpose to decide the direction of the procedure.

In 2012 there was no decision by the first instance decision. ▲

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Case Number 4

This case involves a procedure for determining violation of the right to treatment and a request for compensation for damages done by the health institutions against a drug user.

After three preparatory court appearances the court concluded the first instance procedure. The court refused the proposal for medical expertise and to examine the client and the witnesses in the procedure. The procedure is underway.

In 2012 the first instance court dismissed the case and this decision was appealed before the Appellate court. ▲

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Case Number 5

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The daily newspaper VEST on September 23rd, 2010 published an article informing the public that there is an HIV positive person in the prison.

In the procedure, the Court asks to review the case of the Basic Court 1 Skopje for termination of serving the sentence. The next hearing is scheduled for 19.09.2012.

In the meantime the termination in serving the sentence of the client has been cancelled, upon which an appeal was submitted. The appeal was rejected, however a new request for termination of serving the sentence was submitted, which was approved.

In 2012 the first instance court did not decide on the case.

Case Number 6

A transgender person who has changed the name and surname in the registry wishes to have a sex change in the registry as well, however the first instance body has refused the request.

In 2012 in cooperation with Interights from London in the past period we prepared and submitted an application to the European Court of Human Rights in the name of the client who wasn't allowed a sex change in the birth certificate/the registry. For the requirements of the application, we performed an analysis of the state with transgender people in Macedonia in the legal regulation. We have had meetings with experts from the field of administrative law and administrative procedures in order to better argument the efficiency of the Administrative Court in making the decision-

The application to the ECHR was communicated in June 2012. The ECHR found the application inadmissible because we have not exhausted all domestic remedies. Although we have argued that the Administrative court is not an effective remedy for such cases and we need urgent treatment and protection, the ECHR referred us to exhaust the remedies and apply again.

During 2012 the case was still pending before the Administrative Court.

Case Number 7

On 17.11.2012, in celebrating the International Tolerance Day, on the main city square of Skopje, two LGBT activists were attacked. The physical attack was perpetrated by masked person who initially addressed with life treats. The victims needed urgent medical intervention and after that the case was reported to the police. The Coalition provided free legal aid to both activists victims of the attack and they were accompanied in the police station. After that, we have filed criminal charge against the perpetrator to the public prosecutor. The charge was for three crimes: violence, violation of equality and inhibition of right to assembly.

Other procedures initiated by the Coalition

The Coalition has prepared petition to the Commission on antidiscrimination on the statement given by the minister of labor and social policy. The case is pending before the Commission.

The Coalition has submitted two criminal charges for incitement of hatred against a public figure which loudly supports the Government and promotes the hate speech against LGBT. His statements in public and on social media incite discrimination and hatred against LGBT people that sometimes escalates in physical violence.

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Other activities:

The Coalition is part of the network established by Foundation Open Society Macedonia, a network of organizations that advocate cases of discrimination in front of the Commission for protection against discrimination. In 2012 The Coalition submitted petition to the the Commission on a text-book that includes transphobic content. Our application was rejected with statement that transphobic discourses were not found in the text-book and that scientific discourses should include different views. Another petition was submitted to the Commission that was about homophobic content on one TV station in Macedonia- TV Sitel. We are still waiting for response from the Commission.

We submitted 3 petitions to the Broadcasting Council about discriminatory content that was used against drug users and LGBT. In two of them the Broadcasting Council replied positively which is to say on behalf of our petitions, declaring public warning for the perpetrators of discrimination, including the national TV station Sitel.

In the previous months the Coalition finalized one video for the purposes of video advocacy, on the topic of Homophobia in Education. Two more videos are in the process of finalization, one of them dealing with stigma and needs of transgender persons, and the other with the right to access to therapy of drug users. The screenplays for the other two videos have also been prepared and starting from September the team will proceed with the recording and editing of these two videos as well.

We are currently being involved in negotiations with the Broadcasting Council for the purpose of jointly preparing the Media guides for sensitized reporting on topics related to marginalized communities. The media guides is preparing by Zarko Trajanoski from the Coalition, Roberto Belicanec from the center for media development and Tamara Causidis from the Independent Union of journalists. The media guide will be finished and promoted by the end of December.

In the previous months the Coalition has been actively working on the preparations for the big archive exhibition on the Nazi persecution of homosexuals. We established agreement with the Memorial Center for the Holocaust of the Jews being the main partner for the exhibition and providing the Museum space for the setting of the exhibition. The exhibition was opened on the 10th of September and was followed by an international conference on the same topic on the 12th of September.

So far we have engaged two experts for writing columns in daily newspaper, and two more columns are prepared and we are negotiating on newspapers space for publishing.

In relation to the analysis of the Law on patients rights we collected all the relevant informations from the Health Institutions. We formed a team of experts that works on the analysis of the law and its implementation. The analysis is made in partnership with the organization ESE. The team from ESE works on the part of the analysis that is related with the control of the quality of health services, and the Coalition on the part that is related to the mechanisms of protection of the rights of patients. The analysis was finalized in December and the working team for advocating for legal changes on the law on patient rights will be formed and start working in January 2013.

In October and November 2012 a homophobic campaign was initiated in Macedonia by the Government, media and part of the civil society. This homophobic campaign was maybe strongest

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homophobic campaign initiated by the conservative and non-democratic political and public forces.

On the 12th of October, in the frames of a public presentation related to the International Day of the Female Child, organized in collaboration with UNICEF, the Minister of labor and social policy Spiro Ristovski stated the following:

“I do not even wish to discuss the issue of allowing homosexual couples to adopt children, because I believe that a child should be brought up correctly, to grow and develop in a marriage with a mother and a father in a true and biological sense of the word.”

Immediately after the statement was published by Media, the Coalition ‘Sexual and Health Rights of Marginalized Communities’ and the Network for Protection from Discrimination issued a public reaction stating the following:

This statement of the Minister Spiro Ristovski is entirely opposite to the real situation of thousands of children, i.e. different types of families which provide care and attention in bringing up children. A number of sociological and anthropological studies by prominent scientists are proof of this.

Specifically, the statement of the Minister is an act of total exclusion, de-legitimization and dehumanization of all types and communities and families, as well as children within those families, which do not correspond to the biologically reproductive and binary family model, i.e. marriage, on which basis the Minister has given his statement.

With this statement, the Minister discriminates all children and forms of families in which children receive necessary care, love and attention, such as children brought up by single mothers, children growing up with relatives, children without parents, adopted children, children taken care of by larger groups of women (frequently during migration), children brought up by same-sex couples and communities, children from different cultures in which the principle of marriage and the biological couple are not crucial to the process of upbringing and caring for children, etc.

What is especially upsetting in this statement of the Minister is that it is reminiscent to advocacy of some of the primitive forms of family, and even more disturbing, to the horrifying model of family and reproduction in the service of a racially clean nation. There are testimonies of this in the dark archives of European civilization.

We publicly address the Commission for protection against discrimination to react to and condemn the statement of the Minister, especially due to the fact that this statement is given by a Minister whose duty is to protect against discrimination and social exclusion.

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Based on the competences of the Commission for protection against discrimination, as well as the previous practice when the Commission reacted to discriminatory statements of politicians, we most urgently demand that the Commission publicly states its position and condemn the statement of the Minister Spiro Ristovski, which represents discrimination on the grounds of family and marital standing.”

The Minister, right after our reaction was published, the same day issued a counter-reaction on his facebook fan page, stating:

Where did you notice promotion of a “racially clean nation”? I expressed promotion of a healthy nation, because I, as well as the party I belong to, make efforts for a healthy nation! In fact, statistics show a decrease in the birth rate, and how otherwise shall we increase it, if not by births of healthy children in a healthy natural environment!

Considering that you are trying to coarsely manipulate my statement and blame me for something that I neither think, nor make efforts for, I publicly inform you that you as a Coalition of "Sexual and health rights of the marginalized communities" and "Network for protection against discrimination" shall have to give proof of your accusations of "racial cleaning discrimination" before the relevant institutions!

The same night on the 12th, in the top news term, the Minister was guest on the national TV station SITEL, well known for its pro-governmental position and explicit homophobic views. His statement was reaffirmed and supported by the journalist who aligned homosexuality with pedophilia, incest, zoophilia etc., while presenting it as a threat to the nation and the civilization, they started the homophobic campaign.

On Sunday, the 14th, the Coalition, together with the Foundation Opens Society Macedonia, the Macedonian Helsinki Committee, LGBT United Macedonia and HOPS-Healthy Options Project Skopje, held a press conference in front the Ministry. Although a great number of media showed up at the conference, the news on the conference did completely misinterpret and turned upside down the entire reaction. Namely, the civil organizations were presented in almost all Media as demanding same-sex marriages and children adoption, as infatuating heterosexual marriage as primitive form, threatening the family values etc. Statements from the press conference were almost not covered at all, or those that were presented were completely take out of their context. Please find annexed the entire press release of the NGOs for clarifications.

The following days were marked by an increased homophobic campaign comprising:

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- Four front pages in four subsequent days on the pro-governmental homophobic newspaper 'Vecer'. The first published an image from a gay porn movie titled with "There will be No Homosexual Marriages in Macedonia". The second front page had a picture from a transgender person titled as "Chicks with Condoms", the third a grandfather with his nephew and caption "We want nephews, not faggotry", and last one "Researchers prove that children of homosexual couples are victims of pedophilia", accompanied by an image of a gay male couple with their child.
- The same newspaper in each of these issues published highly imbued articles with homophobic and discriminatory contents inciting hate speech in the commentaries in the internet editions and the internet forums and social networks.
- Other internet media close to the Government publish several homophobic articles, and all of them fabricated the story of the alleged demand of LGBT community and activists of homosexual marriages and adoption.
- The same day when we held the press conference, the 14th of October, the Association of Social Workers held counter press conference warning the public on the dangerous implications same-sex unions would have for children raised in same-sex environment, while stating that they are explicitly standing against such possibility
- Coordinated homophobic action of suspicious newly formed so called citizens associations, the Syndicate for Education, Science and Sport, Sports Association, religious representatives etc.
- Publicly announced submission of Petition in front of the Commission for Protection from Discrimination against the Coalition and the partnering organizations for alleged discriminatory harassment against heterosexual marriages;
- Protest against LGBT organizations;
- Continuous homophobic Media campaign on daily basis;
- Public threats directed towards human rights activists on social networks and profiles of some of the homophobic pro-governmental journalists and spokesmen. Thus, Milenko Nedelkovski, one of the well proclaimed homophobic journalists supporter of the conservative wrote on his fan page (with more than 4000 fans):
"The faggots had a very active day yesterday!?"
Some of them protested, others 'died', and others broke up...!!!
LGBT extra active.
- *But, let a representative of the "primitive form of family" tell you something. Wherever I find you, I will give you a boot and slap in the face. And, also something for the media: Since when 5-6 people gathering in front a door is a news?..Yesterday a living human being jumped from the edge of the universe, but the news for Zarko Trajanoski holding the faggots flag is more important. SHAME ON YOU...";*
- Horrifying homophobic comments on the e-versions of the newspapers etc.

On 17.10. 2012, the Coalition 'Sexual and Health Rights of Marginalized Communities' sent a press release demanding from the Government, the pro-governmental media, and from some citizens associations to immediately stop the discriminatory propagandistic campaign directed against LGBT people that tries to disguise itself as a "debate on homosexual marriages and children adoption". In the press release, we informed the public that the Coalition has not

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submitted Parliamentary initiative for legalization of same-sex marriages and children adoption, but has initiated Proposal Declaration for Condemnation of Hate Speech, with the help of a parliamentarian from the Liberal Party. We further condemned the shameless disinformation published by the daily newspaper 'Vecer' and TV Sitel on the alleged statement by the Coalition that "marriage between men and a woman is the most primitive form of family", while apologizing to the public for any misinterpretation the phrase "primitive forms of family" may have caused, being just a synonym for 'elementary forms of family' and said in the context of the minister's exclusory and discriminatory definition of the family.

We would like to also emphasize that this homophobic stroke is taking place just few months before the start of the local elections and the possible new Parliamentary elections in Macedonia. As a reminder, we would note that in 2006, when VMRO-DPMNE won the election the campaign against homosexuals was one of their leading points in the election campaign, being a tool mainly for discrediting the opponents from the Social-Democratic Party. Unlike 2006, when the Social-Democrats included registered same-sex partnerships in their election programme, these days they also publicly stated being against gay marriage and adoption of children by homosexual couples.

By the end of the 2012 the Coalition is preparing series of Petitions addressing homophobic and transphobic discrimination and hate speech (on the basis of sexual orientation, gender identity and marital status) perpetuated by Media and the Minister of Labor and Social Policy to be submitted in front of the relevant bodies for human rights protection in Macedonia.

The Coalition, sent e letter to the international community and relevant organization informing about the homophobic campaign asking our international friends and democratic and human rights advocates make a public address and reaction demanding from Macedonian media, Government and all civil actors to immediately STOP THE DISCRIMINATORY CAMPAIGN AGAINST LGBT PEOPLE AND HUMAN RIGHTS ACTIVISTS.

Amnesty International give public reaction that demands the homophobic campaign. Also, relevant LGBT organization in the region, Belgrade and Zagreb, organized protest in front of the Macedonia Embassy in Belgrade and Zagreb also condemning the homophobic campaign. The Federation of Young European Greens organized protest in front of the Macedonian Embassy in Brussels as a reaction of the homophobic campaign.

At the end of October (23. 10. 2012) the Premier of the Republic of Macedonia, Mr. Nikola Gruevski, on the day of the VMRO give his speech that was, by his words, non-standard, about the recession of the nation. In his speech about the natality of the Macedonian people he accused, as he said "the debates on so called women rights and same-sex marriage" for the recession of the nation. After his speech, and in the period when the Helsinki Comity in Macedonia announced their March for tolerance for LGBT+ people a new coalition is formed

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by part of the civil society organization, social workers organization with support of the Macedonian Orthodox Church, a coalition called Coalition for life that announced March for life/ against the recession of the nation that happened the day after the March for tolerance. On this March for life, statements were made against same-sex marriages and this march was supported by families with their children and babies.

On the March for tolerance for LGBT+ people organized by Helsinki Comity in Macedonia, the Coalition was invited to present their work and materials on lgbt issues on the main square. The march was starting on another place, but few Coalition member including Irena Cvetkovic, the project coordinator of the Coalition, Elena Ristovska volunteer from the Coalition and Marko Kovacevski graphic designer and supporter of the Coalition. Marko Kovacevski was there to help the Coalition staff in preparing the promotional corner of the Coalition since he has experience in advertising and events organizing. During the preparation of the promotional corner a person, men with mask on his face attacked Koco Andonovski (a well known lgbt activist from the Helsinki Comity) and Marko Kovacevski. Before attacking he steted that we should immediately leave the square. Koco Andonovski was with no injuries, but Marko Kovacevski was attacked with kicks in the face and nose and was taken to hospital where he got help and antibiotic therapy. The attacker also ruined the promotional corner of the Coalition. The attacker was caught by the police. The police took statements from all the persons involved, and also from witnesses and they stated that the attacker will be criminally charged. The lawyers from the Helsinki Comity and the Coalition are now working on preparing legal charges against the attacker.

Skopje, 31. 12. 2012

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