



**Coalition Margins, LGBTI Support Centre, Subversive Front and ERA – LGBTI
Equal Rights Association for Western Balkans and Turkey**

**Spotlight Report on the position of LGBTI persons
in the
REPUBLIC OF NORTH MACEDONIA**

CIVIL SOCIETY SUBMISSION UNDER THE PARAGRAPH 89 OF THE 2030 AGENDA (A/RES/70/1)

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Statement of Interest

1. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey in close partnership with its member organisations from North Macedonia: Coalition Margins, LGBTI Support Centre and Subversive Front; is submitting this report under the paragraph 89 of the 2030 Agenda, which focuses on the analysis of the position of LGBTI persons in the country in line with Sustainable Development Goals (hereinafter: SDGs) No. 1, 3, 4, 5, 10, 11, 16 and 17, as well as the current situation on COVID-19 crisis.
2. **ERA – LGBTI Equal Rights Association for Western Balkans and Turkey**¹(hereinafter: ERA) is an umbrella regional association operating in 9 countries (Albania, Bosnia & Herzegovina, Croatia, North Macedonia, Kosovo, Montenegro, Serbia, Slovenia and Turkey) with a current membership of 66 LGBTI organisations and objectives to strengthen capacities of LGBTI organisations in the region, lobby and advocate nationally, regionally and internationally for LGBTI rights and strengthen and improve the visibility of LGBTI movement and communities.
3. Coalition Margins² is **The Coalition Sexual and Health Rights of Marginalized Communities MARGINS** was founded in 2007 as a non-formal, joint platform and the result of the joint efforts of several organizations. Since 2011, the Coalition has been registered as an individual legal entity, i.e. as an NGO whose founders include: HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica, EGAL and STAR-STAR and Stronger Together. Since then, MARGINI has been working on

¹ For more information about ERA, please visit the website: <http://www.lgbti-era.org>

² For more information about Coalition Margins, please visit the website: <http://coalition.org.mk>

equal access and enjoyment of human rights of marginalized communities (sex workers, people living with HIV, people who use drugs, marginalized women and LGBT people) and better life quality in different social spheres. Since 2017 MARGINS jointly with Association for Emancipation, Solidarity and Equality of Women – ESE Skopje and with support of Foundation Open Society Macedonia takes concrete action to monitor the implementation of the SDG 16.3.

4. **The LGBTI Support Centre**³ was established in October 2012 as a subsidiary of the Helsinki Committee for Human Rights Skopje. The vision of the LGBTI Support Centre is a society free from discrimination, in which all people enjoy universal human rights and freedoms, regardless of their sexual orientation, gender identity or any other trait. The mission is strengthening the LGBTI community for self-advocacy, as well as changing the social and legal status of LGBTI people in North Macedonia. The LGBTI Support Centre has three separate programs, community program, advocacy program and shelter program. The Support Centre focuses on issues with discrimination in all areas, hate speech and hate crimes against LGBTI, providing free legal aid and monitoring of cases, as well as reporting and conducting evidence-based advocacy for legislation and practice changes. The issue with housing and support of LGBTI people at risk of homelessness is also in the focus through the provided shelter in the Safe house for these people. Improvement and advancement of the human rights of LGBTI people in general intertwines in all programs of the Centre, with the usage of different tools and strategies. Other issues the Centre is focused on include education, health, social protection, protection from violence, culture.
5. **The Sexual and Gender Minorities Association SUBVERSIVE FRONT** Skopje⁴ (hereinafter: SUBVERSIVE FRONT), established in June 2013, is a community-engaged organization that aims to promote justice, freedom and equality for the members of the sexual and gender minorities in North Macedonia through the principles of accountability, solidarity and inclusivity. Our **Strategic Areas** include: Advocacy and policy influence on the rights and status of sexual and gender minorities; Development of the sexual and gender minorities community, and Research and evidence production of the issues and needs of the sexual and gender minorities community. We believe that in order for the members of the sexual and gender minorities to live freely, openly, and authentically, we must develop evidence-based policies, programmes and services that support the self-identified needs of our community. We build cooperation, partnerships and alliances with civil society organisations, ministries, local self-government units, state agencies, bureaux, and other state authorities, trade unions, health-care institutions, educational institutions, social work centres, youth organisations, youth workers, media, family members, supporters and allies. researchers and research institutes and agencies, international organizations and institutions, and other stakeholders in order to advance the status and the human rights of sexual and gender minorities in the country and beyond.

³ For more information about LGBTI Support Centre, please visit the website: <http://lgbti.mk>

⁴ For more information about Subversive Front, please visit the website: <http://s-front.org.mk/en/>

Overview

In the last five years, to which this report is referring, the social and political context regarding LGBTI people and their rights was dynamic and shifting. In the period up to 2016, the state was led by a Demo-Christian political party that has started a state-produced homophobic and transphobic campaign in 2012. The homo/transphobic campaign included dissemination of hateful content on the cover of printed newspapers, lack of prosecution and condemnation of hate crimes against LGBTI Support Centre and LGBTI people, and culminated with an attempt to amend the constitution of the country to recognise marriage and civil union as unions solely between one (cis-)man and one (cis-)woman.⁵ After two-year-long protests, the Government changed, and from 2016, the Social-Democrats hold the Government. Since then, key governmental representatives have publicly stated their support towards the LGBTI community, the Istanbul Convention has been ratified, and the Criminal Code has been amended to recognise sexual orientation and gender identity as protected grounds of hate crimes. In this period, the Ministry of Labour and Social Policy in Cooperation with Council of Europe, ERA and national LGBTI organisations, for the first time since the independence of the country, hosted a regional conference on advancing the rights of LGBTI people. The Minister herself, in addition, took over the role of a Chair to the first of its kind, Inter-governmental regional group for advancing the rights of LGBTI people in the Western Balkans and Turkey. Compared to the period of state produced homo/transphobia, this shift in the political and social context slightly steered the processes in the country towards the premises “no one to be left behind.”

One of the key legislations regarding the LGBTI people in the country is the Law on Protection and Prevention of Discrimination. The working group that included representatives of different interested parties prepared one of the best draft laws in the broader region. The draft law recognised both sexual orientation and gender identity as protected grounds of discrimination, included intersectional and multilevel discrimination, and envisioned professionalisation of the Commission for Protection and Prevention of Discrimination, as essential advancement compared to the Law from 2010. On 16 May 2019, the Parliament adopted the Law with a simple majority. However, since this Law was returned in the Parliament by the now former President of Country (from the Demo-Christian political party), according to the Constitution of the country it was supposed to be adopted by an absolute majority. This gave an opening to those opposing the Law, to appeal in front of the Constitutional Court and to win the case in May 2020. With the decision of the Constitutional Court, the Law that was celebrated and marked as progressive was repealed and the one from 2010 returned into force. That brought significant regress in the achievement of the rights and by high certainty left the LGBTI people behind.

In North Macedonia, there is no comprehensive mechanism for tackling poverty. The National Strategy on Decreasing of Poverty and Social Inclusion was adopted in 2010 for the period between 2010 and 2020. This document does not recognise LGBTI people as a vulnerable group to poverty. Furthermore, the LGBTI people reported discrimination in their access to housing (16%).⁶ The situation is even less favourable for

⁵ Helsinki Committee for Human Rights of the Republic of Macedonia (2015). Annual Report, 2014. [Online] Available at: <https://mhc.org.mk/reports/godishen-izvestaj-za-chovekovite-prava-vo-republika-makedonija-2014>

⁶ <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

transgender and intersex people who due to lack of legal gender recognition in the country, they cannot access economic and social services, including access to housing and inheritance.

Even though The Law on Protection of Patients and the Law on Public Health include sexual orientation as protected ground of discrimination, the Law on Health Protection fails to do as. All of these laws fail to recognise gender identity and expression and sex characteristics leaving transgender, gender non-binary and intersex people behind. Moreover, gender confirmation treatments for transgender people are still not part of the public health insurance plan.

The country is still lacking comprehensive sexual education. The textbooks are full of homophobic and transphobic, discriminatory and a language based on gender biases. The reactions by the CSOs at best were met with the removal of the homo/transphobic text without replacing it with accurate and timely information on sexuality, gender identity and expression, and sex characteristics. However, multiple textbooks that promote pathologisation and discrimination of sexual and gender minorities are still in use.

Transgender people cannot easily access legal gender recognition due to the lack of adequate legislation. Those transgender people that want to change their documents need to use four different laws that do not provide clear procedures. In most of the cases, the decisions are made arbitrary by the public officers based on their understandings. In that limiting setting in North Macedonia, only three people managed to change their documents for personal identification to reflect their true gender.

Even though the expression and peaceful assembly are allowed in the country, the state failed to address homophobic and transphobic hate crimes in the country adequately. Lack of access to legal remedies creates insecurity for the victims and contributes to the increase in violence and harassment. The Criminal Code was amended in December 2018 to include both sexual orientation and gender identity to the protected grounds of hate crimes. However, the state still fails to develop and maintain a system for registering hate crimes and hate speech.

The LGBTI organisations from the country believe that, even though there is minor progress, the state is failing to include LGBTI people in their implementation of Agenda 2030 and efforts towards achievement of sustainable development. The considerations of the rights and needs of those most marginalised, those with intersectional identities and multiple levels of oppression are essential for the state to reach the premise of “no one to be left behind.”

Therefore, the LGBTI organisations from the country, in cooperation with ERA, prepared this report to inform the High-Level Political Forum 2020 on the state of LGBTI people in North Macedonia what has been achieved and how these communities have been left behind. Moreover, in line with this year’s topic, *“Accelerated action and transformative pathways: realising the decade of action and delivery for sustainable development,”* for each of the relevant SDGs that are covered in this report, LGBTI organisations propose recommendations that our Government should follow to create transformative agenda for sustainable development that leaves no one behind.

List of Recommendations

In order to secure the achievement of the targets set within SDGs and in line with the *leave no one behind* principle, we propose the following list of recommendations to be considered when reflecting the position of LGBTI persons in North Macedonia:

SDG 1 – No Poverty

- Amending the Law on Housing as to include anti-discrimination provisions protecting the rights of LGBTI people in access to housing.
- The Ministry of Labour and Social Policy should introduce measures that would ensure that the relevant social services are provided in a non-discriminatory and respectful manner to the LGBTI people.
- The Ministry of Labour and Social Policy should introduce mandatory training for sensitizing the social workers for work in a respectful manner to the sexual and gender minorities.
- Urgent re-adoption of the Law on Protection and Prevention of Discrimination that is recognizing sexual orientation, gender identity and expression, and sexual characteristics as protected grounds.
- Adoption of a new National Strategy on Equality and Non-discrimination 2021 - 2025, that will provide for a more integrated, systematic approach to promotion, respect, and protection of the human rights of the LGBTI persons, including adoption of a National Action Plan for the advancement of the human rights of the LGBTI persons in North Macedonia, as part of the new Strategy.

SDG 3 – Good Health and Well-Being

- Including gender affirmation procedures in the DRG - system (diagnosis related group) as to be financially covered by the State Health Insurance.
- The Ministry of Health should prepare and adopt a Protocol for the health protection of the transgender people who are in medically transitioning/undergoing gender affirming procedures.
- Including sexual orientation, gender identity and expression, and sex characteristics as protected grounds of discrimination in the Law on Health Protection.
- Including gender identity and expression and sex characteristics as protected grounds of discrimination in the Law on Protection of the Rights of the Patients.
- Developing a set of measures to address the effect of stigma against LGBTI on their mental health, and to adequately enable access to mental health services.

SDG 4 – Quality Education

- In the process of revision of textbooks, particular attention should be paid to gender equality, gender stereotypes, representation of marginalized communities, particularly LGBTI people and people who use drugs.

- In order to correctly inform pupils and promote equality and human rights, textbooks should have contemporary and relevant contents towards promotion of human rights of all citizens regardless of sexual orientation, gender identity, health and social status.
- The Ministry of Education and Science should include LGBTI civil society organizations in the revision of the textbooks in order to ensure absence of incorrect information, stigma and discrimination against marginalized communities.
- The universities across the country should review its textbooks in order to remove discriminatory textbooks and replace them with new, scientifically based contents. In that sense, the university autonomy can in no case be interpreted as permission for insults, hate speech, discrimination and violation of the dignity of entire groups of citizens.
- The Ombudsman and the Commission for Protection from Discrimination, as equality bodies for equal protection of all citizens' rights, including LGBTI people, people living with HIV, sex workers and people who use drugs, should immediately strengthen their capacities towards recognition and protection from discrimination, by studying the laws on human rights and the practice of international bodies for the protection of human rights.
- The Macedonian Parliament should undertake all measures for monitoring the activities of the independent human rights bodies in the form of parliamentary questions and oversight hearings, and in cases of unprofessional and biased actions of the appointed office holders, dismiss and replace them with professional and independent experts pursuant to the law.

SDG 5 – Gender Equality and Empowerment of all Women and Girls

- Adopt a Law on legal gender recognition that would provide quick, transparent, easy and accessible administrative procedure on the basis of self-determination.
- Amend the curricula at the Academy for Judges and Prosecutors to incorporate mandatory antidiscrimination training regarding sexual orientation, gender identity and expression, and sex characteristics.

SDG 10 – Reduced Inequalities

- To return the Parliament procedure and adopt the Law on Prevention and Protection against Discrimination that recognizes the recognizes sexual orientation, gender identity and sex characteristics as protected grounds of discrimination, to recognize intersectional and discrimination on multiple grounds and professionalization of the Commission for Protection against Discrimination and foresees strict criteria for selection of Commissioners.
- To adequately utilize the anti-discriminatory provisions in all relevant laws to recognize the grounds of sexual orientation and gender identity.
- The state should expedite the investigation and prosecution of hate crimes and hate speech based on sexual orientation or gender identity, and should make sure that victims of these crimes will receive appropriate remedies.
- To adjust the terminology in the Law on Labour Relations and replacing the term 'sex inclination' with 'sexual orientation', and adding 'gender identity', 'gender expression' and 'sex characteristics' as bases for discrimination.

SDG 11 – Sustainable Cities and Communities

- Improvement of state response to hate speech related to LGBTI visibility events and processing of reported cases of hate speech and accountability of perpetrators is needed.
- It is crucial that the central and the local government continue providing the support of organising the next Skopje Pride events, as it has positively affected the public opinion on LGBTI, and has positively contributed among LGBTI community members regarding their self- acceptance, self-confidence, and feeling of belonging to a community.
- Local municipalities should undertake more actions on promoting equality and non-discrimination in their annual plans and programmes, including budgets, along with gender-responsive budgeting policies introduction and implementation.
- Develop local action plans addressing the issues related to protection of safety of LGBTI persons in public spaces.
- To apply an intersectional approach in creating and implementing policies regarding LGBTI rights and status so as vulnerable subgroups within the LGBTI group are not left behind.

SDG 16 – Peace, Justice and Strong Institutions

- After the next parliamentary elections and the election of the new parliamentary members, regardless which coalition shall constitute the parliamentary majority, the Law on Prevention and Protection against Discrimination should be urgently adopted.
- Hate crime and hate speech should be properly addressed by law enforcement through adequate implementation of the existing legal provisions, namely by conducting effective investigation and prosecution.
- The State has to ensure full enjoyment of freedom of assembly and expression to LGBTI communities.

SDG 17 – Partnership for the Goals

- Cooperation between LGBTI CSOs and state institutions should be further improved in all of decision making processes affecting the position of LGBTI persons in the country.
- LGBTI CSOs should be recognized as partners in provision of human rights oriented capacity building for public administration and state institutions in general.
- LGBTI CSOs should be included in the work of National Council for Sustainable Development as inter-sectoral bodies and recognised as partners in achieving SDGs.

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SDG 1 – No Poverty



- Target 1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.
- Target 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

WHAT WAS ACHIEVED

One of the key achievements under the SDG1 is the adoption of the National Strategy for Equality and Non-discrimination 2016-2020⁷ by the Ministry of Labour and Social Policy (hereinafter: MLSP). The Strategy promotes effective protection against discrimination against LGBTI persons, and undertakes prevention measures against hate speech, violence, and other types of discrimination against LGBTI persons. The Strategy provided favourable environment for adoption of the long due Law on Protection and Prevention of Discrimination that lists both sexual orientation and gender identity as protected grounds of discrimination as well as intersectional discrimination. The Law was adopted in May 2019, but due to technical irregularity in the voting, was annulled by the Constitutional Court in May 2020 (during the preparation of this report). With this decision of the Court, the Law on Protection and Prevention of Discrimination from 2010⁸ comes back into force. Unfortunately, under this Law, the LGBTI people are not protected.

The state failed to provide Shelter for LGBTI people under risk of homelessness. Therefore, in the spring of 2017, LGBTI Support Centre opened a shelter as a direct service for LGBTI people under risk. The shelter provides assistance in situations of crisis and acute violence, it provides longer-term assistance and protection, programs for reintegration and resocialization and other support. With a capacity of 7 people for a long stay, this is the only shelter for LGBTI people in the country. The shelter is accredited by the MLSP for fulfilling the necessary criteria. Moreover, in June 2019 with an Agreement of Cooperation, MLSP agreed to finance 33% of all costs of the Shelter for LGBTI people. This is a significant progress, however,

⁷ National Strategy for Equality and Non-discrimination available at this link: [Влада на Република Македонија Министерство за труд и социјална полит](#)

⁸ Official Gazette of the Republic of Macedonia no. 50/2010, 44/2014, 150/2015 and 31/2016. Law on Prevention and Protection against Discrimination.

the MLSP failed to ensure sustainability of that decision and in the current political setting, with state of emergency due to COVID-19 and having technical government to organise next election much longer than anticipated, the LGBTI people in risk are yet again facing insecurities.

Within the scope of the National Strategy for Equality and Non-discrimination 2016 - 2020, the MLSP has implemented a set of trainings on discrimination and hate speech for their employees and other state authorities. Since the MLSP does not have allocated budget on this, the trainings are implemented in partnership with Subversive Front, and representatives from the other organisations, members of the National Coordination Body for Monitoring of the Situation with Non-discrimination and the Implementation of the Laws, Bylaws, and Strategic documents. The LGBTI organisations are advocating for trainings to remain part of the next National Strategy for Equality and Non-discrimination for the period 2021 – 2025, and to expand the mandate of the current equal opportunities coordinators within each local municipality administration to also cover tasks on addressing, preventing of, and protecting against discrimination and hate speech.

LGBTIQ PEOPLE LEFT BEHIND

In North Macedonia, there is no one comprehensive mechanism for tackling poverty. The National Strategy on Decreasing of Poverty and Social Inclusion was adopted in 2010 for the period between 2010 and 2020. This document does not recognize LGBTI people as a vulnerable group to poverty.

Additionally, as mentioned above, the Constitutional Court annulled the progressive Law on Protection and Prevention of Discrimination due to technical error and with that, the Law from 2010, that does not recognize sexual orientation and gender identity, returned back in force. The Law on Prevention and Protection against Discrimination (2010) prohibits discrimination in access to housing, but failing to include sexual orientation and gender identity and expression as protected grounds, it does not guarantee protection of the LGBTI people in access to housing. Moreover, the Law on Housing does not include specific provisions to address the rights and the needs of LGBTI people.

According to the MLSP,⁹ the state does not provide special measures to decrease the risk of homelessness faced by LGBTI people. Also, they stated that “for many years now, the budget for non-discrimination training courses has not been approved.” However, MLSP stated that in the following period they will implement training courses for social welfare workers in cooperation with LGBTI organizations. Even though, the MLSP in cooperation with local LGBTI organisations, such as Subversive Front, is organizing trainings for their employees to better understand and tackle discrimination and hate speech, the analyses still show high level of experienced discrimination in the social welfare centres (hereinafter: SWC) that operate under integration of this ministry. According to the last survey conducted by the European Union Agency for Fundamental Rights¹⁰, 18% of LGBTI people have been discriminated against in their access to social services. The percentage, expectedly, is higher for transgender people (21%). Another

⁹ [Monitoring of the Implementation of the Recommendation CM/Rec \(2010\)5 of the Committee of Ministers to member states on measures](#)

¹⁰ <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

analysis, conducted by the LGBTI Support Centre¹¹ shows that 39% of LGBTI people have experienced discrimination in access to social services. Out of those, only 17% reported the case to SWC, while 75% did not report the case to any institution or organization. The main reason for not reporting the cases of discrimination in access to social services is the lack of trust in the institution (45%), while other reasons include fear of harmful consequences (34%), discomfort to talk about own sexual orientation and/or gender identity and other reasons (4%). This analysis confirms the high level of distrust the LGBTI community has in the institutions, but it also shows the urgent need of introducing measures that would ensure that the relevant social services are provided in a non-discriminatory and respectful manner to the LGBTI people.

Transgender and intersex people do not have access to legal gender recognition, therefore without proper documents for personal identification they cannot access economic and social services, including access to housing and inheritance. Based on the FRA survey¹² findings, 26% of transgender people experience discrimination while accessing housing due to their gender identity, which is quite higher than the overall percentage of all LGBTI people (16%).

CASE STUDY

Homelessness experienced after participating at the first Skopje Pride 2019¹³

T.M. comes from a highly religious Muslim family. Of all his siblings, his oldest sister is the only one accepting of him, while his brother has repeatedly beaten him for being gay. He was being beaten by his father, his brother and his cousins, on a daily basis, just for being gay. He never reported these situations to the police.

The situation especially escalated after T.M. went to the first Skopje Pride, and his family saw him on TV. When he returned home, his mother told him to lock himself in his room, because his father was furious. Shortly afterwards, his father broke the door and started beating him more severely than ever. When he tried to escape, his brother found him in the family yard and continued beating him in front of their whole neighbourhood.

He was sheltered in the LGBT Safe House in Skopje for 6 months, and now is on the streets. Having no future in North Macedonia, he approached SUBVERSIVE FRONT in May 2020 with a request to seek asylum abroad.

¹¹ Andonovski Kocho, Bojanovska Doriana, Bogoevski Pavle, Gelevska Andrijana. "Analysis of the problems and needs of LGBTI people in the Republic of Macedonia (in the area of social protection, legal services and policing)". 2016. LGBTI Support Centre.

¹² <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

¹³ Case study documented by Subversive Front

RECOMMENDATIONS

- Amending the Law on Housing as to include anti-discrimination provisions protecting the rights of LGBTI people in access to housing.
- The Ministry of Labour and Social Policy should introduce measures that would ensure that the relevant social services are provided in a non-discriminatory and respectful manner to the LGBTI people.
- The Ministry of Labour and Social Policy should introduce mandatory training for sensitizing the social workers for work in a respectful manner to the sexual and gender minorities.
- Urgent re-adoption of the Law on Protection and Prevention of Discrimination that is recognizing sexual orientation, gender identity and expression, and sexual characteristics as protected grounds.
- Adoption of a new National Strategy on Equality and Non-discrimination 2021 - 2025, that will provide for a more integrated, systematic approach to promotion, respect, and protection of the human rights of the LGBTI persons, including adoption of a National Action Plan for the advancement of the human rights of the LGBTI persons in North Macedonia, as part of the new Strategy.

SDG 3 – Good Health and Well-Being



- *Target 3.3 By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.*
- *Target 3.7 By 2030, ensure universal access to sexual and reproductive health-care services including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.*
- *Target 3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.*

WHAT WAS ACHIEVED

Both the Law on Protection of the Rights of the Patients and the Law on Public Health recognize sexual orientation as protected ground of discrimination.

In early 2019, the new Law on termination of pregnancy was adopted which provided significant departure from the Law adopted in 2013 that almost fully limited the access to legal abortion. The Law of

2019 terminated the administrative barriers imposed earlier and restored the right of safe termination of pregnancy.

LGBTIQ PEOPLE LEFT BEHIND

According to the Law on Protection of the Rights of the Patients (Article 5),¹⁴ *“The patient has the right to exercise the rights prescribed by this Law, without any discrimination based on gender, race, skin colour, language, religion, political or another opinion, national or social origin, national minority, material status, origin by birth, sexual orientation or any other status”*. The legislator failed to include gender identity and expression, and sex characteristics in the lists of grounds for discrimination, leaving transgender people even more marginalized and invisible. The Law on Health Protection,¹⁵ in the non-discrimination provisions (Article 9) does not recognize SOGIES as a basis for discrimination. Moreover, the Ministry of Health failed to establish functional mechanisms foreseen in the law to promote and protect patient’s rights.¹⁶

The Ministry of Health took over the financing of the HIV program from the Global Fund starting from 2017¹⁷. However, the CSOs working in the field have reported that the allocated budget for this program is not enough for effective development of new services and introduction of PEP and PrEP. Moreover, the funding model does not ensure timely funds transfer, so in practice, the Ministry always supplies the funds late to the CSOs, which results in a deterioration of HIV services.¹⁸ Additionally, the state failed to ensure the sustainability of the programme by adopting adequate laws and policies that will guarantee that.

In the period leading to 2015, the government of the time conducted anti-abortion campaigns, which had the effect of stigmatizing those who undergo abortions and may prompt some women to seek to undergo clandestine abortions that are unsafe, putting their lives and health at risk.¹⁹ The campaign started in 2008 and resulted in adoption of the law on termination of pregnancy in 2013. The Law (of 2013) almost fully limited the access to legal abortion, it was retrograde and harmful to the health of women.²⁰ It introduced severe penalties to be imposed on medical practitioners who perform emergency abortions which had a chilling effect on medical practitioners and thus lead to unsafe abortions being practised in emergency situations. The Committee on Economic Social and Cultural rights have recommended the state to review restrictive laws.²¹

¹⁴ Official Gazette of the Republic of Macedonia no. 82/2008, 12/2009 and 53/2011. Law on Protection of the Rights of the Patients.

¹⁵ Official Gazette of the Republic of Macedonia no. 43/2012, 145/2012, 87/2013, 164/2013, 39/2014, 43/2014, 132/2014, 188/2014, 10/2015, 61/2015, 154/2015, 192/2015, 17/2016 and 37/2016. Law on Health Protection.

¹⁶ Ginova, B., 2018. Report on the implementation of the Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity in the Republic of Macedonia. Helsinki Committee for Human Rights of the Republic of Macedonia.

¹⁷ [ПРАВИЛНИК ЗА ИЗМЕНУВАЊЕ И ДОПОЛНУВАЊЕ НА ПРАВИЛНИКОТ ЗА НАЧИНОТ НА КО](#)

¹⁸ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.26,27

¹⁹ [Treaty bodies Download](#)

²⁰ [Treaty bodies Download](#)

²¹ [Treaty bodies Download](#)

The CSO's are reporting on the significant shortage of gynaecologists particularly in the rural areas and areas with predominantly Roma people.²² Thus, the state has failed to ensure access to proper health services for the groups that are already marginalized and with limited access to services.

When it comes to achieving **target 3.8**, and **target 3C**, it is important to state that medical services for trans people are almost completely unavailable. Access to both general and trans-specific health care for transgender people is limited. The Ministry of Health does not provide training courses for the medical professionals in regard to the health of transgender people.²³ According to a recent analysis, medical professionals in Macedonia do not have the knowledge or the skills for working with transgender people, and they are not sensitive nor aware of the health needs of transgender people. Some of the medical services for gender confirmation (prescription of hormonal therapy and psychiatric diagnoses) can be available if a trans person visits the doctors with a referral from a CSO. There are no accessible mental health services for trans persons in order to have a smooth social transition and cope with psychological processes they are facing. For the other services, trans people usually need to go to Belgrade, Serbia. The health services for transgender people are not included in the public health insurance fund. One private hospital performed the first medical gender confirmation surgery in the capital of Skopje, and now they are offering the service in North Macedonia, but the cost is almost the same as in Belgrade. Trans individuals often face stigma and discrimination by health professionals, in particular trans women who identify as Roma.²⁴ The Minister of Health announced in a conference that surgeries for trans people will be covered by the public health insurance fund. His statement caused a wave of transphobia with a snowball effect on media and social media, including transphobic statements from politicians from the Conservatives and Social Democrats. Due to social pressure, by the end of the day the Minister announced that he will withdraw this decision.²⁵ By this, he created additional legal insecurity and deeper marginalization for transgender people in the country. In 2019 the Ministry of Health established a working group for preparation of protocol for treatment of trans people with respect to medical confirmation of gender. Unfortunately the schedule of the elections in February 2020 and the current situation with COVID-19 postponed the activities of the working group and changed the priorities of the ministry of health.

According to the Law on Biomedical Assisted Fertilization²⁶ single women, women in marriage or women in non-marital cohabitation (defined by the Law on Family as a community between a man and a woman) have right to access biomedical assisted fertilization if they fulfil the conditions defined by the Law which are defined as an exception in Article 9 including infertility or related illnesses. Nevertheless, the law fails to include an anti-discriminatory provision and explicitly recognize "sexual orientation" as a prohibited ground for discrimination, thus, in practise this Law is still favourable only for married couples and people

²² [Карта со оценка од заедницата #6 – ХЕРА – Асоцијација за здравствена едукација и истражување](#)

²³ Ginova, B., 2018. *Report on the implementation of the Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity in the Republic of Macedonia*. Helsinki Committee for Human Rights of the Republic of Macedonia. <http://lgbti.mk/wp-content/uploads/2018/09/Report-on-the-implemantaion-of-the-Recommendation.pdf>

²⁴ [Written Contribution to the REPORT ON LEGAL GENDER RECOGNITION Of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity](#) submitted by ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (ERA), PINK Embassy Albania, Streha LGBT (Shelter), Pro LGBT, CEL Kosova, Subversive Front, The Coalition Margins, Association Spectra, Egal, Gayten – LGBT, Legebitra, TransAkcija Institute, Pembe Hayat and SPoD on 19 June 2018, p.12-13

²⁵ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.26

²⁶ *Official Gazette of the Republic of Macedonia* no. 37/2008, 164/2013, 149/2014, 192/2015, 37/2016.

Law on biomedical assisted fertilization.

in heterosexual cohabitation. Additionally, even if a woman manages to access assisted fertilization, her same sex partner will not have any legal rights concerning the parenthood of the child, which also constitutes violation of reproductive rights.

CASE STUDY (IF APPLICABLE)

Gay man fired because of his HIV status²⁷

In March 2019, a 24-year-old gay man from Skopje, who lives with HIV, was dismissed by his employer. The dismissal notice titled "Decision to dismiss the employment contract due to health illness" explicitly stated that the person's HIV status is a threat to the workplace conditions, and the health of his colleagues with the following text:

"... after a regular health check of the employee, a health illness was found – HIV diagnosis which constitutes a threat to the workplace and having fear of transmitting the virus to the remaining staff members, in accordance with Article 28 paragraph 1 item 3 of the Law on Labour Relations – a health status threat, his employment contract shall be terminated without notice period. "

The employer also stated in the decision that it was not possible to appeal the decision, thus violating the employee's right to legal remedy:

"Legal instruction: The employee has no right to object the decision even after any legal complaint after the receipt of this decision submitted to the manager of the Company. The submitted complaint does not deter the execution of the decision."

The person reported this case to SUBVERSIVE FRONT which offered him free legal aid and counselling services, explained the violations of his human rights, the stipulated legal sanctions for such violations, and the details of the legal procedure, in case he decides to initiate proceedings against the employer. SUBVERSIVE FRONT also provided free psychological counselling services to the person. However, the person finally decided to seek asylum in another country, based on this, as well as other violations of basic human rights that he has suffered in the past. One of the main reasons for the decision to seek asylum, instead of seeking justice in the Republic of North Macedonia, was the distrust to the relevant state authorities that they would do something in his favour (this perception of the person was supported by previous personal experience with state authorities in similar situations). In addition, the person feared that taking any steps in front of the state authorities, his health status could be disclosed in environments, where it is not necessary, which would further jeopardize his privacy.

RECOMMENDATIONS

- Including gender affirmation procedures in the DRG - system (diagnosis related group) as to be financially covered by the State Health Insurance.
- The Ministry of Health should prepare and adopt a Protocol for the health protection of the transgender people who are in medically transitioning/undergoing gender affirming procedures.

²⁷ Case study documented by Subversive Front.

- Including sexual orientation, gender identity and expression, and sex characteristics as protected grounds of discrimination in the Law on Health Protection.
- Including gender identity and expression and sex characteristics as protected grounds of discrimination in the Law on Protection of the Rights of the Patients.
- Developing a set of measures to address the effect of stigma against LGBTI on their mental health, and to adequately enable access to mental health services.

SDG 4 – Quality Education



- *Target 4.5, by 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations;*
- *Target 4.7, by 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence;*

WHAT WAS ACHIEVED

In terms of achieving **target 4.5**, a new Law on elementary education that includes SOGI and prohibited discriminatory grounds was adopted. Provisions for prevention and protection from violence are included and schools are obliged to report violence. The forms of violence and the procedure will be defined in a by-law. Measures for prevention and protection from homophobic and transphobic bullying are still not implemented.²⁸

In terms of achieving **target 4.7**, in 2017, the court procedures initiated for discriminatory content in the Civil Education for 8th grade and Society for 4th grade textbooks came to a conclusion.

In the textbook 4th grade Society, the Ombudsman determined discrimination on the basis of marital and family status and religion in contents favouring the traditional family, which is portrayed as the only desired and normal model. The Ombudsman found that such content violates the right to education and domestic laws and international standards in education. The Ministry of Education and Science reached a decision to form a Commission responsible for proposing removal of an approved textbook. Contrary to the Ombudsman, it remains unclear whether the State Education Inspectorate acted upon the petition against the textbook. The only information we received from this institution was that in order for a textbook to be removed, the Ministry of Education and Science has to form a commission. Despite the requests for clarification and expeditious response, the State Inspectorate failed to reply and act pursuant the petition, although, pursuant the Law on Textbooks for Primary and Secondary Education²⁹ it is obliged to monitor the implementation of the law.

²⁸ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.27

²⁹ Law on Textbooks for Primary and Secondary Education, CONSOLIDATED TEXT (Official Gazette of RM no. 98/2008, 99/2009, 83/2010, 36/2011, 135/2011, 46/2012, 24/2013, 120/2013, 29/2014, 146/2015, 217/2015 and 30/2016).

Regarding the textbook 8th grade Civil Education, which claimed that “only respected women and healthy mothers can provide healthy families, from which depends the future development of society” and contained chauvinistic Bible texts presented as facts, the Ombudsman determined discrimination on the basis of gender, health condition and religion. At the Ombudsman’s recommendation, the Ministry of Education and Science reached a Decision to remove the textbook from further use. A petition regarding the textbook was submitted also to the Commission for Protection from Discrimination, however the Commission reached a decision, with a two-month delay from the legally prescribed deadline, according to which “it won’t act pursuant the petition due to a change in circumstances according to which the violation of the right claimed by the submitter has been removed.” The Commission’s practice not to act in such cases is in itself disputable, considering the fact that discrimination had occurred, which can be established with the fact that the textbook has been removed due to the Commission’s failure to act promptly. In addition, the Commission’s argument that “prompt reports of discriminatory cases and practices are crucial for changing the situation on the field,” is nebulous since it is the Commission that acted upon the petition with delay, not the submitter.

Discriminatory and misleading content on drugs and people who use drugs were also detected in the textbook Biology for 1st year of Reformed Gymnasium Education. The authors did not refrain from insults, fatalism and reproduction of stereotypes against people who use drugs, portraying them as light-headed, thieves, aggressive etc. The Ombudsman determined direct discrimination and harassment on the basis of health state condition and social status, which violates the right to education, whereupon the students are offered prejudice-based personal views instead of contemporary scientific facts. Contrary to the case the Civil Education and Society textbooks, the Ministry of Education and Science did not remove the textbook from use, but rather informed the Ombudsman and the public³⁰ on a new revision process of the Teaching plans and programs in order to “surpass past faults in textbooks and adopt new contents corresponding to current lifestyles.” The Commission for Protection from Discrimination, which received the petition on the same day as the Ombudsman, (31.7.2017), has still not reached a decision, despite the fact that the legally prescribed deadline expired on 31.10.2017.

LGBTIQ PEOPLE LEFT BEHIND

In terms of further achievement of **target 4.7**, homophobic and transphobic content in some textbooks is still not removed. This EU Commission in its progress report for North Macedonia dating back to 2011 emphasized that university and high school text books treat homosexuality as a disease³¹. Since then there is no significant progress in this respect. Coalition MARGINS more than ten years advocates for revision of textbooks in all levels of education. There are more than 20 textbooks identified that consist homophobic and transphobic content published even recently and this content is part of a curricula in the police education, medical sector, psychologist etc.

The change of government brought hope that the discriminatory contents in primary and secondary education might be removed and replaced with new, contemporary towards human rights respect and promotion of equality. Unfortunately, higher education cannot boast with such changes, particularly universities and faculties.

³⁰ NOVA TV: Deskoska: Revision of all textbooks encouraging discriminations, 22.6.2017.

³¹ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf

University professors, authors of discriminatory contents in textbooks used at different faculties, supported by rectors and deans, still refuse to withdraw textbooks which are insulting to entire groups of citizens. The common argument of university professors and their supporters conveys complete misunderstanding of the university autonomy and freedom of expression, which in this case can be qualified as pretentious, taking into account the presumption that university professors should be aware of the basic concepts on freedom of expression as opposed to hate speech.

The Coalition Margins, for an entire decade now, has been appealing for removal of discriminatory texts in higher education textbooks with different methods and strategies, such as analyses of textbook contents, sending requests to competent institutions and the authors for removing the contents, conferences, constant reports on the situation to domestic and international bodies, attempts for cooperation with competent institutions and universities, as well as employing existing mechanisms for protection from discrimination, such as the Ombudsman and the Commission for Protection from Discrimination.

The results of the procedures initiated in front of the Ombudsman and the Commission for Protection from Discrimination are with limited effects, i.e. only six³² textbooks with homophobic contents were removed from the reading lists, as a result of the petitions but also the authors' willingness to recognize their error and withdraw the questionable contents. Nine³³ more petitions have been submitted to date on higher education textbooks with discriminatory texts against LGBTI people, people living with HIV and people who use drugs. In five cases, the Ombudsman determined discrimination, in two the procedure was disputed and no discrimination was determined, and we are still expecting the decision on two more. However, the five textbooks in which discrimination was determined are still not withdrawn and are used in higher education. Consequently, it can be concluded that the Commission for Protection from Discrimination and the Ombudsman are not sufficiently efficient and effective mechanisms for the removal of discriminatory contents in textbooks. On the one hand, the Ombudsman and the Commission for Protection from Discrimination reach decisions and make recommendations, however, whether these are adhered to greatly depends on the willingness of the institutions, despite the mechanisms prescribed by the relevant laws at the disposal of the institutions in cases when their decisions are ignored. On the other hand, the problem is also in the lack of willingness among the institutions to advocate more seriously for removal of discriminatory contents. The Ombudsman and the Commission for Protection from Discrimination fail to conform to their own practice, i.e. reach different decisions on textbooks with similar contents.³⁴ The Ombudsman, even in cases of established discrimination, fails to give clear recommendations on how to remove the questionable contents, but rather recommends amendments in Rulebooks on university publishing activities with anti-discriminatory clauses.³⁵ Of course, introducing anti-discriminatory clauses in university rulebooks is a good recommendation that might have a positive effect in practice, however, universities accept to introduce anti-discriminatory clauses but not to

³² The textbooks *Psychiatry*, volume 1 and 2 and the textbook *Medical Psychiatry* by Georgi Chadlovski were removed from use pursuant the petition submitted by the Coalition Margins to the Commission for Protection from Discrimination. Two textbooks (*Psychology for Children and Youth*, and *Medical Psychology*) by Gordana Stankovska used at the State University Tetovo were removed from use pursuant the petition submitted by the Coalition Margins to the Ombudsman, while the *Psychiatry* textbook was removed from use by the author after the Coalition's reaction.

³³ *Forensic Psychology* by prof. d-r Liljana Batkovska, three psychology textbooks by prof. d-r Olga Murgeva Shkaric, *Social Pathology* by prof. d-r Zoran Sulejmanov and prof. d-r Nelko Stojanovski, *Psychology of the Personality* by prof. d-r Blagoja Janakov, *The Meaning of Marriage* (translated from English, used at the Faculty of Philosophy Skopje), two ethics textbooks by Kiril Temkov.

³⁴ For instance, the Ombudsman did not determine discrimination in the textbook *Psychology of the Personality*, but it did determine discrimination in the psychology textbooks by prof. d-r Murgeva Shkaric, despite the similar content in question; furthermore, the textbook *Psychology of the Personality* contains more explicit homophobia.

³⁵

withdraw from use discriminatory textbooks, which from the very start speaks clearly of their intention to respect the decisions they adopt. The Ombudsman has to explicitly recommend removal of discriminatory contents, in addition to introduction of an anti-discriminatory clause, towards de facto removal of the discrimination in the textbooks. In addition, most of the recommendations for discriminatory contents in textbooks refer to sexual orientation, gender³⁶, gender identity and health condition, hence it would seem quite logical for the Ombudsman to recommend inclusion of these discriminatory bases in the clauses in rulebooks on publishing activities. It remains unclear why the Ombudsman failed to include these discriminatory grounds in his recommendations, which also speaks plenty of this institution's intention to protect LGBTI rights, the rights of people living with HIV and people who use drugs.

CASE STUDY

There are numerous examples of textbooks with homophobic content, including:

- Childhood and Adolescence Psychology, Adult and Aging Psychology and Gender Psychology, by professor Olga Murgeva Shkaric, portraying people with homosexual orientation as sick, perverted, AIDS carriers and harmful for society.
- Social Pathology, by professors Nelko Stojanovski and Zoran Sulejmanov, containing hate speech against LGB people and people who use drugs, i.e. personal scientifically unsupported views of the authors that reflect the stigma and prejudice towards these groups. The Textbook is used at the Faculty of Philosophy at the St. Cyril and Methodius University, Sociology, Family and Other Related Studies.
- The Psychopathology of Children and Young People and Medical Psychology textbooks at the Tetovo State University are used in Psychology, Pedagogy and Related Studies. In the textbooks homosexuality is pathologized and treated as a disorder, homosexuals are presented as main carriers of AIDS, along with "junkies" and "prostitutes," and state nebulousness about transgender people. The Psychiatry textbook by the same author also included homophobic and transphobic contents, for instance claiming that homosexuality is a disorder of the sexual urges. The author was informed regarding the problematic content in the textbook, upon which she responded that the flaws had been established and corrected.
- The Forensic Psychology Textbook at the St. Clement of Ohrid University Bitola contains upsetting, insulting and incorrect contents about transgender people, not evidence-based but rather personal prejudices and lies in which the author believes. Particularly inadmissible is the claim that transvestites behave violently in moments of "uncontrollable urges" to dress in women's clothing, and that transgender violence can be very brutal and aimed towards women, as an act of revenge for being punished by nature and denied a complete female appearance. Concerning is the fact that the textbook is on the reading list of the Security Studies where future law enforcement officers are being educated.
- The Faculty of Philosophy at the St. Cyril and Methodius University, the subject Family Sociology lists as additional literature the textbook The Meaning of Marriage: Family, State, Market and Morals (Robert P. George, Jean Bethke Elshtain), translated from English in 2013. The translation of the book was part of a governmental project, implemented by the Ministry of Education and Science, which involved translation of scientific literature from different fields into Macedonian

³⁶ The draft-article contains sex as a protected characteristic not gender.

language. The book is edited by American conservatives³⁷ specifically engaged in the struggle against marriage equality in the USA, and is the incarnation of the American conservative propaganda against LGBTI rights.

- Personality – a script on the reading list of the St. Cyril and Methodius University is an unpublished working material, which is used for years³⁸ at the Psychology Studies, with certain amendments, by the professor and author Blagoja Janakov. The author considers homosexuality as unnatural, abnormal, “immature and unhealthy sexual intercourse,” “threatening the existence of human kind, humanity, culture and civilization” etc. Furthermore, the author claims that allowing homosexuality implies allowing relationships between a parent and a child, children and adults, humans and animals and “humans and androids, robots, virtual beings, art works, computers, cars, pots...”³⁹

Unscientific contents, abounding in hate speech against LGBTI persons, used in higher education at the top ranked state universities, are a sufficient reason to restrict the right to expression as a necessary measure in democratic societies, towards protection of LGBTI people’s rights and protection of the right to education of all students.

RECOMMENDATIONS

- In the process of revision of textbooks, particular attention should be paid to gender equality, gender stereotypes, representation of marginalized communities, particularly LGBTI people and people who use drugs.
- In order to correctly inform pupils and promote equality and human rights, textbooks should have contemporary and relevant contents towards promotion of human rights of all citizens regardless of sexual orientation, gender identity, health and social status.
- The Ministry of Education and Science should include LGBTI civil society organizations in the revision of the textbooks in order to ensure absence of incorrect information, stigma and discrimination against marginalized communities.
- The universities across the country should review its textbooks in order to remove discriminatory textbooks and replace them with new, scientifically based contents. In that sense, the university autonomy can in no case be interpreted as permission for insults, hate speech, discrimination and violation of the dignity of entire groups of citizens.
- The Ombudsman and the Commission for Protection from Discrimination, as equality bodies for equal protection of all citizens’ rights, including LGBTI people, people living with HIV, sex workers and people who use drugs, should immediately strengthen their capacities towards recognition and protection from discrimination, by studying the laws on human rights and the practice of international bodies for the protection of human rights.
- The Macedonian Parliament should undertake all measures for monitoring the activities of the independent human rights bodies in the form of parliamentary questions and oversight hearings,

³⁷ The book’s editors are American university professors. Robert P. George is a conservative intellectual, law professor, close to the Republican Party and former president of the National Organization for Marriage (an organization advocating against same-sex marriages). Jean Bethke Elshstain is a professor in ethics and political philosophy, known for her public position against same-sex marriage and supporter of the war in Iraq and Afghanistan.

³⁸ This highly homophobic script has been used in lectures for ten years, according to our findings, without being published pursuant the procedure prescribed with the Law on Higher Education, the University Statute and internal rulebooks on publishing activities and teaching literature.

³⁹ Personality: Introduction to Personology, B. Janakov, 2017, p. 36

and in cases of unprofessional and biased actions of the appointed office holders, dismiss and replace them with professional and independent experts pursuant to the law.

SDG 5 – Gender Equality and Empowerment of all Women and Girls



- Target 5.1 End all forms of discrimination against all women and girls everywhere
- Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- Target 5.C. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

WHAT WAS ACHIEVED

Regarding **targets 5.1** and **5.2**, in December 2017, the Parliament ratified the Convention on prevention and combating violence against women and domestic violence. In September 2018, the Government adopted National Action Plan for implementation of the Convention on prevention and combating violence against women and domestic violence which has three main goals relevant for LGBT people, adoption or amendment of laws in accordance with the Convention; introducing services for victims of gender-based violence tailored to the needs of vulnerable people including the LGBT people and activities for prevention of gender-based violence that include introduction of comprehensive sexual education, promotion and publishing of content that eliminate the division of gender roles, non-violent conflict resolution etc. In December 2018, the Ministry of labour and social policy established working group for drafting a law on prevention and protection of violence against women and domestic violence. The draft law was adopted by the Government and submitted to the Parliament for adoption prior to the Parliament being dismissed for the early elections.

The Ministry of Labour and Social Policy has taken an active role in protecting, promoting and respecting the human rights of the LGBTI persons at national and international level, by organizing the first national conference on advancing the human rights of the LGBTI persons in North Macedonia on 27-28 June 2019⁴⁰.

LGBTIQ PEOPLE LEFT BEHIND

Regarding achievement of **target 5.2**, but also SDG 8, **target 8.8**, it is important to highlight that trans people in North Macedonia, especially trans women sex workers, remain one of the most discriminated

⁴⁰ More information on the conference is available here: <https://www.lgbti-era.org/news/national-conference-skopje-advance-lgbti-rights-and-strengthen-regional-cooperation>

groups in society and are very often victims of hate crimes and harassment, even in public institutions. They are facing verbal, physical, structural and psychological violence in their everyday life.

The legal vacuum on legal gender recognition (**target 5.C**) leads to arbitrary decisions by the authorities that fail to recognize the gender identity of trans people. In some cases the Civil Registry Department imposes sterilization and surgery as a criteria for recognition of gender identity. In lack of clear legal procedure, the transgender people are using existing laws for partial alignment⁴¹ of data in the identification documents with their gender identity: a) The Law on Personal Name⁴² allows transgender people to change their name if they fulfil the conditions applicable for every citizen without exceptions for transgender people; b) The Law on Personal Identification Document⁴³ allows re-issuing of the document with changed information (Article 8) only in case of change of the name or the address of the person. In this Law, there is no clear procedure for change of the gender marker and the unique citizen number (that contains data on the person's gender assigned at birth); c) The Law on Passports⁴⁴ allows re-issuing of a new document with changed information (Article 26-a) in cases of change of the name, date of birth, sex and unique citizens number. However, the Law does not provide a clear procedure for change of the gender marker and the unique citizen number; and d) The Law on Civil Registration⁴⁵ regulates data entry, managing of registrar books, as well as the change or correction of data written in the registrar books. Same as the other aforementioned laws, this Law does not provide a clear procedure for change of the gender mark and the unique citizen number.

Under this limiting legislation, since 2011 only three trans people were able to adjust their documents to reflect their real gender. As result of the arbitrariness of the proceeding, in 2016 one case was communicated before the European Court of Human Rights (hereinafter: ECtHR) and in January 2019 the ECtHR ruled that North Macedonia violated the right to private life of the respondent but also failed to adopt law that will guarantee clear, transparent and accessible procedure for legal gender recognition. The Ministry of justice established a working group for drafting the law on civil registry that in separate chapters should regulate the procedure for legal gender recognition. CSOs are part of the group and had meaningful participation in the drafting of the provisions until June 2019. Since then there is any development in the process. The Government failed to implement the ECtHR decision and person X still has no positive decision on the legal gender recognition case.

CASE STUDY

In 2011, two cases for gender marker change were documented: in one of them, in a smaller town in the country, the officials changed the gender marker in the documents, but in the other case, the transgender person failed to do so. Even though both transgender men were in the same phase of the medical transition (even though that is not a requirement regulated by any law), only the officials in the smaller town followed

⁴¹ Boskova Natasa, Raiden Igor, 2017. "Analysis of positive practice for legal gender recognition". Skopje: Coalition Margins.

⁴² Official Gazette of the Republic of Macedonia No. 8/95 8/1995; 66/2007; 103/2008; 51/2011; 154/2015 and 55/2016. Law on Personal Name.

⁴³ Official Gazette of the Republic of Macedonia No. 8/1995; 38/2002; 16/2004; 12/2005; 19/2007; 10/2010; 51/2011; 13/2012; 166/2012; 154/2015 and 55/2016. Law on Personal Identification Document.

⁴⁴ Official Gazette of the Republic of Macedonia 67/1992; 20/2003; 46/2004; 19/2007; 84/2008; 51/2011; 135/2011; 106/2014; 154/2015 and 55/2016. Law on Passports.

⁴⁵ Official Gazette of the Republic of Macedonia No. 8/1995; 38/2002; 66/2007; 98/2008; 67/2009; 131/2013; 43/2014; 148/2015 and 27/2016. Law on Civil Registration.

the Constitution (Article 8)⁴⁶ and changed the gender marker in all the documents of the trans person. As for the second case, the Administrative Court found irregularities in the procedure in front of the first instance authority and the dispute went back and forth for years (since 2011).⁴⁷ For this case, Coalition Margins prepared and submitted a complaint to the European Court of Human Rights.

This study case shows the inconsistency in the legal practice that creates legal insecurity for transgender people.

RECOMMENDATIONS

- Adopt a Law on legal gender recognition that would provide quick, transparent, easy and accessible administrative procedure on the basis of self-determination.
- Amend the curricula at the Academy for Judges and Prosecutors to incorporate mandatory antidiscrimination training regarding sexual orientation, gender identity and expression, and sex characteristics.

SDG 10 – Reduced Inequalities



- 10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status
- 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

WHAT WAS ACHIEVED

By the time of publishing to this report, the legislation in North Macedonia recognizes discrimination on the ground of sexual orientation in the following laws:

- The Law on Audio and Audio-Visual Media Services;
- The Law on Public Health;
- The Law on Higher Education;
- The Law on Volunteering;
- The Law on Primary Education;
- The Law on Social Protection;
- The Law on Public Prosecutor's Office;

⁴⁶ Article 8 of the Constitution of Republic of Macedonia: "Anything that is not prohibited by the Constitution or by any law is permitted in the Republic of Macedonia."

⁴⁷ As presented in Ginova, B., 2018. *Report on the implementation of the Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity in the Republic of Macedonia*. Helsinki Committee for Human Rights of the Republic of Macedonia.

- The Law on Execution of Sanctions;
- The Law on Employment. It needs to be noted that the legislator used the term “sex inclination” which is limiting and does not include all aspect of the “sexual orientation”;
- The Law on Protection of the Rights of Patients;

In December 2017, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, was ratified. The Istanbul Convention as the most comprehensive, detailed and legally binding response to violence against women and gender-based violence is a significant step forward in the protection of the rights of LGBTI people since the non-discrimination provision includes both sexual orientation and gender identity. This is even of greater importance for transgender people since currently this is the only legislation in the country that recognizes discrimination on the ground gender identity, besides the Criminal Code that also recognizes both sexual orientation and gender identity as protected grounds of hate crimes.

LGBTIQ PEOPLE LEFT BEHIND

Even though, the several above mentioned laws include SOGI as grounds of discrimination, the state failed to ensure proper conditions for adoption of the comprehensive ant-discrimination legislation. The working group for preparation of the Law on Protection and Prevention of Discrimination, that included representatives of different stakeholders, prepared one of the best draft laws in the wider region. The draft law recognized both sexual orientation and gender identity as protected grounds of discrimination. Additionally, it included intersectional and multilevel discrimination and envisioned professionalisation of the Commission for Protection and Prevention of Discrimination, as essential advancement compared to the Law from 2010. On May 16th, the Parliament adopted the Law with simple majority. However, since this law was returned in the Parliament by the now former President of Country (from the Demo-Christian political party), it was supposed to have an absolute majority and not a simple one. This gave an opening to those opposing the law, to appeal in front of the Constitutional Court and to win the case in May 2020. With the decision by the Constitutional Court, the Law that was celebrated and marked as progressive, was repealed and the one from 2010 returned into force. This brought significant regress in the achievement of the rights and by high certainty left the LGBTI people behind.

Other key laws in North Macedonia that fail to include sexual orientation and gender identity as protective grounds are: a) Law on Equal Opportunities of Women and Men; Law on Mental Health; Law on Social Protection; Law on Health Protection; Law on Volunteerism; Law on Courts and others.

Regarding freedom of expression and assembly, the Constitution of the Republic of North Macedonia guarantees freedom of expression (Article 16) and freedom of peaceful assembly (Article 21). Since 2018, the Criminal Code also recognizes sexual orientation and gender identity as protected grounds of hate crimes. Nevertheless, even after the change of the government in 2016, none of the hate crimes against LGBTI Support Centre and LGBTI people that took place in the period between 2012 and 2014 have been prosecuted. The survivors have never received appropriate legal remedies. The lack of legal sanctions lead to more violence documented by the LGBTI organisations and reflected in the research. Based on the FRA survey, published in May 2020, 19% of LGBTI people have experienced physical or sexual violence in the last five years due to their LGBTI identity. The situation is much worse for the transgender people (39%). According to the research “Transgender experience: identities, bodies, violence and socialization”

published in 2018 and conducted by Coalition Margins, all of the respondents have experienced some form of violence.⁴⁸

Access to (mainstream) media for the LGBTI organizations is still very limited. The findings show a high presence of negative representation of the LGBTI community in the media. Coalition Margins is continuously monitoring media coverage. According to the last published research report, “Framing the rainbow: Analysis on reporting frameworks in media coverage of topics related to LGBTI community”,⁴⁹ for the short period between January 1st and July 15th, 2017, 28.9% of the media Articles that refer to North Macedonia have explicitly expressed a negative attitude towards the LGBTI community or the individuals identified in the text. According to the report, in almost all of these texts, the LGBTI community and its public advocates are contextualized in a politically-manipulative way with the aim of attacking or demonizing political party opponents, and in that regard, they have been discursively abused.

RECOMMENDATIONS

- To return the Parliament procedure and adopt the Law on Prevention and Protection against Discrimination that recognizes the recognizes sexual orientation, gender identity and sex characteristics as protected grounds of discrimination, to recognize intersectional and discrimination on multiple grounds and professionalization of the Commission for Protection against Discrimination and foresees strict criteria for selection of Commissioners.
- To adequately utilize the anti-discriminatory provisions in all relevant laws to recognize the grounds of sexual orientation and gender identity.
- The state should expedite the investigation and prosecution of hate crimes and hate speech based on sexual orientation or gender identity, and should make sure that victims of these crimes will receive appropriate remedies.
- To adjust the terminology in the Law on Labour Relations and replacing the term ‘sex inclination’ with ‘sexual orientation’, and adding ‘gender identity’, ‘gender expression’ and ‘sex characteristics’ as bases for discrimination.

SDG 11 – Sustainable Cities and Communities



- *Target 11.1, by 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums;*

- *Target 11.2, by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons;*

- *Target 11.7, by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities;*

WHAT WAS ACHIEVED

⁴⁸ “The transgender experience: identities, bodies, violence and socialization”, Slavco Dimitrov, Coalition Margins, Skopje 2018.

⁴⁹ “Framing the rainbow: Analysis on reporting frameworks in media coverage of topics related to LGBTI community”, Igor Micevski, Coalition 'Sexual and Health Rights of Marginalized Communities', Skopje 2017.

In terms of achieving **target 11.7**, North Macedonia held its first Pride on 29 June 2019. Several thousand people marched through central Skopje, dancing and waving a long, trademark rainbow flag. The event was also attended by state officials and Skopje-based diplomats. The police accomplished their duty of securing the right of freedom of assembly for the attendees of the Pride parade and the event went well, however they failed to respond to hate speech. There was a counter-protest promoting traditional values, which attempted to provoke and scare people attending the Pride parade and to demonstrate people's disapproval of the Pride. Altogether it went without any major incidents, as well as the first ever March for visibility of transgender people⁵⁰ held in March, setting a positive precedent for the region.⁵¹

LGBTIQ PEOPLE LEFT BEHIND

Outbursts of hatred and distorted facts about LGBTI people were pinned on the first Pride by associations for the protection of family values and priests.⁵² Negative attitudes towards LGBTI people rose proportionally with increased visibility of LGBTI people through events and campaigns, such as Pride. Another trigger for the public was the announcement by the Minister of Health concerning gender affirming surgeries, which sparked dehumanization of trans people by the general public and led to the withdrawal of the decision. According to the findings of the Institute for Human Rights' public opinion poll on LGBTI⁵³, in October 2019 80.2% of the respondents considered homosexuality a disease, an increase from 72.9% in April of the same year.

According to the latest LGBTI FRA survey⁵⁴, 67% of persons in North Macedonia avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed. 50% often or always avoid certain places or locations for fear of being assaulted, threatened or harassed due to being LGBTI, with public transport and public spaces (such as squares, streets and parks) being identified among main places to avoid being open about being LGBTI. 19% of persons experienced physical or sexual attacks due to being LGBTI in the past 5 years, with 61% of these attacks happening in streets, squares, parks, parking lots, public transport and other public spaces. 37% stated the last incident of hate-motivated harassment happened in streets, squares, parks, parking lots, public transport and other public spaces. This data clearly shows that LGBTI persons are still left behind in terms of achieving **target 11.2** and **target 11.7**.

Trans persons who are sex workers, LGBTI Roma persons, and gay and bi men who live with HIV are exposed to higher level of risk to homelessness due to stigma against sex work, HIV, and Roma. These groups should not be left behind when achieving **target 11.1**.

⁵⁰ <https://mk.voanews.com/a/transgender-visibility-day-macedonia/4853556.html>

⁵¹ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.25

⁵² <https://www.facebook.com/notes/skopje-pride/осврт-на-првата-парада-на-гордоста-скопје-прајд-2019-лакмус-за-целото-општество/366715600666960/>

⁵³

<https://ihr.org.mk/storage/app/media/Publications/Оценка%20на%20јавното%20мислење%20за%20СО%20и%20РИ%20како%20основи%20за%20утврдување%20дискриминација%20-резултати%20од%20истражување%20и%20компаративна%20анализа%201.pdf>

⁵⁴ <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

RECOMMENDATIONS

- Improvement of state response to hate speech related to LGBTI visibility events and processing of reported cases of hate speech and accountability of perpetrators is needed;
- It is crucial that the central and the local government continue providing the support of organising the next Skopje Pride events, as it has positively affected the public opinion on LGBTI, and has positively contributed among LGBTI community members regarding their self- acceptance, self-confidence, and feeling of belonging to a community;
- Local municipalities should undertake more actions on promoting equality and non-discrimination in their annual plans and programmes, including budgets, along with gender-responsive budgeting policies introduction and implementation.
- Develop local action plans addressing the issues related to protection of safety of LGBTI persons in public spaces
- To apply an intersectional approach in creating and implementing policies regarding LGBTI rights and status so as vulnerable subgroups within the LGBTI group are not left behind.

SDG 16 – Peace, Justice and Strong Institutions



- Target 16A, strengthen relevant national institutions;
- Target 16B, States should promote and enforce non-discriminatory laws and policies for sustainable development;
- Target 16.3, equal access to justice for all;
- Target 16.10, protect fundamental freedoms, such as freedom of assembly and generally peace;

WHAT WAS ACHIEVED

When it comes to achieving **target 16A** and the **indicator 16.A.1: Existence of independent national human rights institutions in compliance with the Paris Principles**, the new anti-discrimination law of North Macedonia introduced a new and improved institutional framework of the State Commission for Protection against and Prevention of Discrimination. However, for more than a year the equality body has not been yet established, leaving LGBTI people without a legal mechanism to protect them (no equality body since August 2019).⁵⁵

In terms of achieving **target 16B**, the new Law on Prevention of and Protection against Discrimination (LPPD) was delayed⁵⁶ in Parliament for 11 months. This happened due to the homophobic and transphobic behaviour of the President of the Parliamentary Commission for Labour and Social policy, MPs from the conservative opposition, and lack of support from the political parties which formed the ruling coalition with SDSM. LGBT people were characterised by the Vice Prime-Minister as “disputable categories”. Even if the law has been adopted, the implementation has not started yet.

⁵⁵ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.25

⁵⁶ For more information, read the following article: <https://www.lgbti-era.org/news/law-prevention-and-protection-against-discrimination-continuously-postponed-and-blocked>

LGBTIQ PEOPLE LEFT BEHIND

However, the Constitutional court of North Macedonia repealed the Law on Prevention of and Protection against Discrimination, adopted at the session on 14 May 2020. This Decision of the Constitutional court comes after the initiative submitted by the previous composition of the Commission for Protection against Discrimination to assess the constitutionality and the legality of the Law, as the Law was adopted without the required majority as regulated by Article 75 of the Constitution. Namely, the Law was adopted on 11 March 2019 with 51 votes of the total number of MPs and delivered to the acting president at the time, Gorgje Ivanov, to sign the decree. However, the president refused to sign the decree due to the name dispute, and returned the Law to the Parliament. The disputed Law was once again placed on the Parliament's agenda on 16 May 2019 and re-reviewed pursuant to Article 75 of the Constitution. It was voted with 55 votes the same day, and consequently adopted without the necessary constitutional majority of 61 votes.⁵⁷

With regards to achievement of **target 16 B**, as well as **target 16.3**, even though the protection of hate crimes on the grounds of sexual orientation and gender identity exists in the Criminal Code, still the police is not recognizing nor prosecuting hate crimes on those grounds. Furthermore, the responses of prosecutors to hate speech complaints attempt to justify hate speech as freedom of speech and expression. The registered number of hate speech cases by NGOs for this period amounts to 297 cases, of which 154 are connected to the Pride, while the actual number is even higher. Documented hate crimes amounted to 66, including physical violence (40), verbal and psychological violence (16), and domestic violence (3). Many cases of hate speech from public figures have not been addressed.⁵⁸

Even though the protection of hate crimes on the grounds of sexual orientation and gender identity exists in the Criminal Code, still the police are not recognizing nor prosecuting hate crimes on those grounds. Furthermore, the responses of prosecutors to hate speech complaints attempt to justify hate speech as freedom of speech and expression. The registered number of hate speech cases by NGOs for this period amounts to 297 cases, of which 154 are connected to the Pride, while the actual number is even higher. Documented hate crimes amounted to 66, including physical violence (40), verbal and psychological violence (16), and domestic violence (3). Many cases of hate speech from public figures have not been addressed.

in 2016 and 2017, HOPS – Healthy Options Project Skopje conducted a research⁵⁹ on the legal needs and access to justice of people who inject drugs and sex workers in North Macedonia. According to the research findings, as many as 98.2% of the people who inject drugs and 96.3% of the sex workers faced at least one legal problem from 2013 to 2017, when the research was finalized. In comparison, the percentage of people with legal problems among the general population is 49%. In addition, while the general population on average faces from 1.3 to 1.5 legal problems, the frequency of reported legal problems among people who inject drugs ranges from 0 to 48, with an average of 14.9 problems. The range of reported problems among sex workers is from 0 to 35, with an average of 13 problems. It should

⁵⁷ More information is available here: <https://www.lgbti-era.org/news/constitutional-court-north-macedonia-repealed-law-prevention-and-protection-against>

⁵⁸ LGBTI Enlargement Review 2018, prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p. 18-19: <https://www.lgbti-era.org/sites/default/files/pdfdocs/Annual%20LGBTI%20Enlargement%20Review%202018.pdf>

⁵⁹ The research Legal Needs and Access to Justice of People Who Inject Drugs and Sexual Workers in Macedonia is not published yet, hence only part of the data research is disclosed here.

be noted that problems are more frequent among respondents who both inject drugs and are sex workers. Namely, the range of reported problems for this subgroup is 3 to 35, with an average of 18.1 problems, which only confirms their double vulnerability. The striking difference between the number of legal problems among the general population as opposed to those of people who inject drugs and sex workers is an alarming indicator on the unequal treatment, discrimination and stigma these categories of citizens face from institutions and the public.

In terms of achieving **target 16.10**, during the First Skopje Pride Parade there was a counter-protest promoting traditional values. It attempted to provoke and scare people attending the Pride parade and to demonstrate people's disapproval of the Pride. Outbursts of hatred and distorted facts about LGBTI people were pinned on the parade by associations for the protection of family values and priests.⁶⁰

RECOMMENDATIONS

- After the next parliamentary elections and the election of the new parliamentary members, regardless which coalition shall constitute the parliamentary majority, the Law on Prevention and Protection against Discrimination should be urgently adopted
- Hate crime and hate speech should be properly addressed by law enforcement through adequate implementation of the existing legal provisions, namely by conducting effective investigation and prosecution
- The State has to ensure full enjoyment of freedom of assembly and expression to LGBTI communities

SDG 17 – Partnership for the Goals



- *Target 17.17, encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships;*

WHAT WAS ACHIEVED

When it comes to achieving **target 17.17**, LGBTI organizations are active in various working groups and cooperation bodies on different issues, but results and developments are slow. CSOs proceed to have good cooperation with the Inter-parliamentary group of North Macedonia's Parliament and some state institutions, but a majority of the CSOs (members of the National Network against Homophobia and Transphobia) are still facing difficulties in establishing cooperation with the Ministry of Culture and the Ministry of Education.

Subversive Front has signed a Memorandum of Cooperation with the Ministry of Labour and Social Policy with the aim to promote and advance the human rights and status of LGBTI persons by improving the services of social care for LGBTI persons in North Macedonia, by capacities development of the public administration employees in addressing discrimination and hate speech, and by supporting professional

⁶⁰ [LGBTI Enlargement Review 2019](#), prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others, p.24, 25

development of the employees in the state centres for social care throughout the country on issues related to sexual orientation, gender identity and social care services.

LGBTIQ PEOPLE LEFT BEHIND

In terms of further achievement of **target 17.17**, the Office of the Vice President of the Government for Economic Issues in North Macedonia is the primary institution responsible for SDGs implementation. Moreover, a National Council for Sustainable Development as inter-sectoral bodies have been established, but CSOs are not part of this Council. There is a lack of involvement of CSOs in the phase of aligning national documents with SDGs. Even though there is a positive trend regarding the political willingness to include CSOs, the main challenge for CSOs to be involved in the accomplishment of Agenda 2030 in North Macedonia remains the lack of political willingness by the national authorities to predict certain roles for CSOs and to consider them as partners in these processes. The main initiatives in this respect are coming from the civil society sector, but often ignored by the relevant institutions. What is more worrying is that CSOs face trends of shrinking space, political instability, frequent elections and most recently the health and economic crises with COVID-19, that hamper the possibility for their development, therefore their dedication to Agenda 2030. On the meeting of the National Council for sustainable development in December 2018, the Council reaffirmed the efforts of the Government for implementation of the Agenda 2030 and prioritized five goals for 2019 and 2020, including Goal 1; Goal 4; Goal 8; Goal 13; and Goal 16.⁶¹ So far, we have not seen concrete action in the implementation of SDGs or policies that relate the current actions with the specific goals.

RECOMMENDATIONS

- Cooperation between LGBTI CSOs and state institutions should be further improved in all of decision making processes affecting the position of LGBTI persons in the country
- LGBTI CSOs should be recognized as partners in provision of human rights oriented capacity building for public administration and state institutions in general
- LGBTI CSOs should be included in the work of National Council for Sustainable Development as inter-sectoral bodies and recognised as partners in achieving SDGs

Impact of COVID-19 crisis

The first case of Covid-19 in North Macedonia was registered in March. Since then, the State has established Crises Committee that follows the situation closely and provides safety and security recommendations to the government. The measures included: self-isolation to all that has been in contact with person diagnosed with the virus, state organised quarantine for citizens entering the country, closing the borders for foreign citizens, closing schools, hospitality and other unnecessary businesses and curfews, as strictest measure. These were later accompanied with mandatory usage of mask, physical distancing of 2m and regularly maintaining hygiene.

⁶¹ <https://vlada.mk/node/16237>

Concerning the LGBTI community in North Macedonia, the recommendations for staying at home and the curfews have the biggest impact, particularly having in mind the high percentage of them not being out about their sexual orientation and/or gender identity to their families. Moreover, based on the most recent survey among LGBTI people, for 40% of those who have experience family troubles the reason was their sexual orientation or gender identity⁶². Some of the imposed curfews were lasting up to 82 hours which increased the risk of exposure to harassment and violence for LGBTI people significantly.

SUBVERSIVE FRONT has documented a case of an unemployed trans woman from a smaller town in the central part of North Macedonia, She recently, just as the pandemic started, came out to her family members about her transgender identity, however the family was not supportive about that. On contrary, they exposed her to harassment, ridicule, shaming, emotional and economic blackmail. She has requested services from SUBVERSIVE FRONT for mental health - psychological support and counselling and has received them adequately. However, her needs of socialization with other community members, in particular in the physical world, have not been met. She often feels very lonely, has lost a good deal of her self-confidence, and has had to cope with the restrictions (curfew, lock-down) in an unhealthy manner.

The social position of a large part of the LGBTI people in North Macedonia is very bad and a large part of the people are on the margins. The social position and status are closely linked to the degree of consequences that a crisis situation will have on a particular group. This pandemic has had serious consequences for the economy, and thus to people's living standards. The crisis has resulted in the mass layoffs of workers, resulting in a loss of basic income for many people and a deepening of low standards and poverty. With the loss of jobs and basic income, many people are led to the edge of poverty, and for LGBTI people to a large extent this means returning to the home where they are judged and unaccepted, or requesting shelters and support services provided by CSOs.

In addition, the difficult living conditions that this crisis has brought to vulnerable communities are closely linked to the consequences to their mental and physical health. Life during a pandemic, which increases the number of infected people and registered deaths on a daily basis and at the same time strengthens distancing and self-isolation measures to prevent the spread of the virus, can seriously affect people's physical and mental health, especially those whose health is fragile anyway. The absence of support and the absence of targeted measures and measures that do not leave anyone behind, can often cause deep and lasting consequences, so in these conditions the support of people from the LGBTI community was and remains to CSOs and their capacities. The availability of psychological counselling provided by the state is limited and is closely linked to health insurance based on employment. The system through which psychological counselling is provided, is set in such way that firstly the need for psychological counselling is assessed by a general doctor, who if deems it necessary to visit a psychologist, issues a referral through the system "My appointment", and later based on this referral the person gets the opportunity to visit a psychologist. What is problematic in this system is that in practice general doctors very rarely estimate that a person needs psychological counselling, so often instead of counselling they prescribe tranquilizers as a solution. Furthermore, what further complicates access to the necessary psychological support, is the fact that the appointment system is overloaded, the number of psychologists is insufficient, and thus the waiting time is long. When we add to all this the fact that when the person finally reaches the scheduled

⁶² <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

date, they are provided with a limited number of meetings with the psychologist provided by the state fund and the fact that there are very few psychologists in the country who are sensitized and trained to work with people from the LGBTI community, it is obvious how effective and efficient this state support is. In addition, the state has not provided support services for people in the community who are at risk of homelessness and who are victims of violence due to their sexual orientation, gender identity and expression and so far such support has been provided by the Ministry of Labour and Social Policy only through participatory coverage of part of the cost of the shelter - Safe House for LGBTI people open and run by the LGBTI Support Centre. Unfortunately, with the outbreak of the crisis, the continuation of this support has become uncertain, as all decisions of the ministry have been postponed at the moment.⁶³

CSOs are currently using their limited capacities to minimize the effects of the crisis on LGBTI people by providing accommodation at the Safe house, collecting donations, providing psychological counselling voluntarily or reprogramming existing programs, providing free legal aid and using social media and online support and socialization platforms. CSOs also had to reallocate part of our resources into delivery of aid packages (food and personal hygiene products) for LGBTI people most affected by the pandemic (LGBTI Roma, trans sex workers, etc.), and increased subsidizing of the services of free psychological support and counselling, and legal aid and counselling.

ANNEX

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⁶³ „Special report on the impact of COVID - 19 on vulnerable communities in North Macedonia”, Helsinki Committee for Human Rights Skopje, 2020, The impact of Covid-19 on the LGBTI community