



SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF THE REPUBLIC OF NORTH MACEDONIA (4th CYCLE)

46th session of the UPR Working Group

(29 April – 10 May 2024)

Cover Page

1. **Main submitting organisation: The Coalition Sexual and Health Rights of Marginalised Communities MARGINS (Coalition margins)** was founded in 2007 as a non-formal joint platform, resulting from the joint efforts of several civil society organisations HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica and EGAL. Since 2011, the Coalition has been registered as an individual entity - an NGO whose members are HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica, EGAL, STAR-STAR and Stronger Together. Since then, MARGINS has been working on equal access and enjoyment of human rights of marginalised communities (sex workers, people living with HIV, people who use drugs, marginalised women and LGBT people) and better life quality in different social spheres.

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2. **Other submitting organisation: TransFormA** is a collective of transgender individuals dedicated to advocating for the rights and dignified representation of the transgender community. The initiative was founded with the primary goals of uniting transgender individuals and working towards legal recognition of gender and social acceptance.

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3. We have prepared this report to offer the Human Rights Council more precise insights into the limitations in accessing rights faced by lesbian, gay men, bisexual, transgender, intersex, and queer (LGBTIQ+) individuals in North Macedonia, as well as to highlight the State's (non)compliance with its obligations.

4. This report aims to provide insight into the experiences of LGBTIQ+ people as a key disadvantaged population, especially considering that the State did not facilitate a comprehensive consultation process, thus neglecting the opportunity to incorporate the community's concerns into its submission.
5. The report draws upon a comprehensive analysis of human rights violations, incorporating findings from the extensive monitoring efforts undertaken by Coalition Margins and TransFormA. Additionally, it combines knowledge gained from direct support provided to survivors and research and analysis reports authored by Coalition Margins and other institutions and LGBTIQ+ organisations.



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by

**Main submitting organisation: Coalition sexual and health
rights of marginalised communities MARGINS**

Other submitting organisation: TransFormA

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I. Update on Implementation of Recommendations from the UPR 3rd Cycle

1. In the last evaluation cycle, North Macedonia (MK) received and supported 14 recommendations regarding sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). These recommendations can be categorised as implemented, partially complied with, or not considered. Six of the recommendations pertained to the adoption of comprehensive anti-discrimination legislation, which would include sexual orientation and gender identity (SOGI) as protected grounds. The Law on Prevention and Protection of Discrimination (LPPD) was enacted in October 2020.¹ However, during the reporting period, there was no noticeable additional effort by the State to prevent and combat all forms of discrimination against LGBTIQ+ individuals, despite three specific recommendations urging such action.
2. Three recommendations called for effective investigation and prosecution of hate crimes against LGBTI individuals, and one on combating SOGIESC-based hate speech and crimes. However, the reporting period reveals a lack of State response to prominent SOGI-based hate crimes. Notably, the series of attacks against the LGBTI Support Center between 2012 and 2014 remain unresolved. Furthermore, in November 2020, the public prosecution office informed civil society organisations (CSOs) that it would not initiate criminal proceedings due to the Ministry of Interior's insufficient forensic capabilities for identifying individuals on security camera recordings. This perpetuates a culture of impunity for SOGI-based violence and discourages victims from reporting such incidents, raising concerns about the fairness and effectiveness of the prosecution system.
3. The State has yet to incorporate a comprehensive definition of hate speech into the Criminal Code that encompasses sexual orientation and gender identity as protected categories, per the aforementioned recommendation.
4. One recommendation urged the removal of discriminatory references to gender and gender identity from high school and university textbooks. Unfortunately, the State has not acted upon this recommendation. The former Minister of Education initiated a comprehensive approach to address this issue by proposing a new Law on primary and secondary education textbooks and other teaching and didactic materials. However, this effort encountered obstacles stemming from anti-gender factions, leading to a lack of progress. The proposed law also aimed to prevent discrimination and establish mechanisms for addressing incidents of discrimination when they occur.
5. The final recommendation called for strengthening the rights of LGBTI people. Nevertheless, this report reveals that the State's efforts remain limited, with legal recognition of sexual orientation and gender identity as protected categories against discrimination.² and hate crimes³ but inadequate implementation. The reporting period

¹ Official Gazette of Republic of North Macedonia No.258/2020. *Law on Prevention and Protection of Discrimination*. Available at: bit.ly/44zAeqI.

² Ibid.

³ Official Gazette of Republic of Macedonia no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 и 248/18 and Official Gazette of Republic of North Macedonia no.36/23 и 188/23. *Criminal Code*. Available at: <https://bit.ly/3rlFDUR>.

highlights significant gaps in advancing and enforcing existing legislation.

II. Update on Implementation of Other International Human Rights Obligations

6. In 2015, CAT⁴ urged the State to protect the LGBTI community, investigate violence impartially, ensure justice, provide victim redress, and train law enforcement. This report highlights the State's failure to implement these recommendations. Only three hate crime incidents have been prosecuted during this period, leaving many cases, including those against the LGBTI Support Center, unresolved.
7. Additionally, mandatory LGBTIQ-focused training for law enforcement officers is yet to be implemented. The Ministry of Interior and Coalition Margins developed a training module for police officers on the ethical treatment of marginalised communities, including LGBTI. This module is part of the official training program at the Training Center, but it is not mandatory. However, in 2019-2020, with the support of Coalition Margins, five trainings were conducted, including more than 100 police officers from all over MK.
8. In 2015, CCPR⁵ urged the State to explicitly prohibit SOGI-based discrimination and to intensify its efforts to combat stereotypes and prejudice against LGBTI people by organising awareness-raising campaigns, providing appropriate training to public officials and ensuring effective investigation and prosecution in cases of violence against LGBTI people. This recommendation has been partially implemented. In October 2020, MK adopted a new LPPD that explicitly lists SOGI as protected grounds of discrimination. Additionally, the State has introduced an elective (not mandatory) LGBTIQ-focus module in the training program for social workers. However, as this report will present, the State fails to meet all other aspects of this recommendation.
9. In 2016, CESCR⁶ recommended the State to explicitly prohibit SOGI-based discrimination, ensure equal access to benefits for same-sex couples, combat negative stereotypes and stigmatisation of LGBTI individuals through textbook revisions and public awareness campaigns, and promptly investigate and prosecute acts of violence against LGBTI people. Partial progress has been made with the inclusion of SOGI as protected grounds in the new LPPD. However, textbook revisions were put on hold due to anti-gender opposition and lack of political will, and mandatory LGBTIQ-focused training for state officers remains unimplemented. Same-sex couples lack recognition

⁴ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2015). *Concluding Observations on the third periodic report of the former Yugoslav Republic of Macedonia*. CAT/C/MKD/CO/3. Available at: <https://bit.ly/46jqcev>.

⁵ United Nations International Covenant on Civil and Political Rights (2015). *Concluding Observations on the third periodic report of the former Yugoslav Republic of Macedonia*. CCPR/C/MKD/CO/3. Available at: <https://bit.ly/3LystdM>.

⁶ United Nations Economic and Social Council (2016). *Concluding observations on the combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia*. E/C.12/MKD/CO/2-4. Available at: <https://bit.ly/3PO6HoQ>.

and rights equivalent to married couples in MK.

10. CESCR⁷ also urged the State to improve the school education by providing age-appropriate and based on human rights education on sexual and reproductive health. The State prolongs the implementation of this initiative (para.12 of this report).
11. Furthermore, CESCR⁸ specifically urged MK to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, yet the State has neither signed nor ratified this Protocol.
12. In 2018, CEDAW⁹ on the sixth periodic report, in line with its general recommendation No. 36 (2017) on the rights of girls and women to education, urged MK to “(i)ntegrate into the school curricula mandatory, age-appropriate sexuality education, including education on sexual and reproductive health and rights, ensuring that teachers play a substantial role in combating gender stereotypes.” Unfortunately, the State has not implemented this curriculum in mandatory education. Although pilot programs were initiated in various schools across the country in previous years, the government faced significant opposition from anti-gender groups, leading to a slowdown in the educational reforms to incorporate comprehensive and age-appropriate sexuality education. Comprehensive sexuality education is listed as an elective subject within the new conception for primary school, but is not being implemented.
13. CEDAW¹⁰ also called upon the State to address the stigma faced by LGBTI individuals in accessing healthcare, including sexual and reproductive health services. However, no initiatives have been reported by the State to address this issue.
14. Despite requests from CCPR, CESCR, and CEDAW, MK has not submitted its periodic reports due in July 2020, June 2021, and November 2022, respectively.

III. Anti-gender (Anti-LGBTI and Anti-Trans) Movement in MK

15. In MK, anti-gender narratives have been present for over fifteen years, creating a strong conservative social base now mobilised as an anti-gender movement. The period since the last UPR cycle marks a steep rise of public discourse presence by extremist, radical anti-gender groups who promote bigotry, dehumanise people based on their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) and foster stigma and intolerance among their supporters often by using fake news and disinformation. This trend is generated through orchestrated and well-resourced

⁷ Ibid.

⁸ Ibid.

⁹ United Nations Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia.* CEDAW/C/MKD/CO/6. Available at: <https://bit.ly/3wA4Au6>.

¹⁰ Ibid.

strategies that negatively impact the progressive recognition of human rights standards concerning gender equality and sexuality.¹¹

16. The anti-gender movement in MK is a structured network of 30 entities (registered or non-registered organisations, political parties, businesses, religious groups, and anti-abortion and nationalistic groups). Most influential and active anti-gender actor is the Macedonian orthodox church. They mainly mobilise around the legal initiative on legal gender recognition (LGR), gender equality law and the inclusion of optional Gender Sensitive Education and Comprehensive Sexual Education in elementary schools. Their rhetoric is organised around several pillars: a) gender ideology (attack on gender studies, biological sex as only true and real, anti-LGR), b) right-wing populism (CSOs as corrupted elite, while they are the “common people”), c) trans-exclusionary feminism (trans women as a threat to women and children). All these pillars advance the narrative that trans rights violate and undermine women’s rights.¹²
17. Over the past year, the anti-gender movement led campaigns through an avalanche of false news and disinformation on social media, filled with hate speech and targeting of human rights defenders, advocacy before institutions, screening of propaganda films (What is a woman?),¹³ public debates and public presentations. These events were supported by anti-gender actors, religious groups, psychological associations, and municipal officials. The explicit focus of these campaigns was to oppose gender equality and gender identity, directly attacking LGBTIQ+ people, especially transgender individuals. During these events, false interpretations of draft laws related to gender equality and legal gender recognition were propagated, promoting LGBTIQ-phobia and transphobia, labelling CSOs and activists as “evil ambassadors of Satan,” advocating exorcism for transgender people, and with all that significantly contributing to an atmosphere of increased intolerance and stigma. Apart from the Minister of Labour and Social Policy, no other State representative publicly condemned these narratives.
18. In April 2023, Bishop Petar, Metropolitan of Prespa-Pelagonia Orthodox Church, in the Easter epistle, criticised feminism and gender equality in his Easter epistle, labelling them as a dangerous and toxic ideology: *“Our society is under threat by an even more dangerous (than feminism), destructive and toxic ideology - gender equality! This ideology, with its manipulative terminology, is blasphemous, unnatural, perverted. God created them as male and female, and anything else changed, diverse and different from God’s creation is abnormal and therefore unacceptable.”*¹⁴ This statement did not receive condemnation from any State representative. Moreover, the Bishop was subsequently invited to participate in several televised debates on national channels,

¹¹ Cvetkovikj, I., and Velichkovska, M., (2022). *Who is Afraid of Gender? - Analysis of the key strategies and narratives of the anti-gender movement in North Macedonia*. Coalition Margins. Available at: <https://bit.ly/3LxQrWR>.

¹² *ibid.*

¹³ The author of the movie “What is a Woman?,” Mathew Walsh, is an American right-wing political commentator and activist self-proclaimed as theocratic fascist, <https://bit.ly/3Rb4DIF>.

¹⁴ Telma. *Bishop Petar, with a scandalous Easter epistle, said that gender equality is perverted*. Available at: <https://bit.ly/48rYuOO>.

where he continued to express his negative views on gender equality and transgender individuals, inciting further intolerance and societal polarisation.

19. In June 2023, the Macedonian Orthodox Church (MOC) organised a protest calling for the State to abandon the adoption of draft laws on Gender Equality and Civil Registry (for LGR), claiming these laws seriously threatened society.¹⁵ In a video message, Archbishop Stephen called for a protest against the proposed laws "to protect the past and secure the future... to fulfil the obligation towards God and the human kind."¹⁶ The CSOs strongly condemned the MOC's protest, characterising it as a direct encroachment on the secular nature of the State, a disregard for the Constitution, and a failure to acknowledge the real-life situations of women in the country.¹⁷ Following the same practice, this event received no condemnation from any State party.
20. The campaigns and statements of anti-gender actors were disseminated and amplified by the media without adequate critical analysis of their detrimental impact on human rights. Furthermore, these media outlets failed to categorise such content as hate speech, violating both the Code of Journalists and existing media legislation.
21. The anti-gender groups' efforts have led to the implementation of regressive policies in various municipalities while obstructing the adoption of recommended legislation at the national level. In its 2018 concluding observations, CEDAW emphasised the necessity of enacting a gender equality law and establishing an effective gender machinery for its enforcement.¹⁸ In June 2023, the Mayor of Strumica,¹⁹ a prominent advocate of anti-gender causes, publicly announced his veto and suspension of collaboration with CSOs after the failed attempt to amend the municipal program by replacing "gender equality" with "equal opportunities between men and women." It is concerning that this Municipality has been supported by UN Women and is considered by a "gender champion" in their programs.
22. Alarming developments occurred in July 2023, when the Council of Municipality of Gevgelija and several other municipalities, including Ohrid, Dojran, Vasilevo, Bosilevo, Sveti Nikole, and Novo Selo, altered their programs, substituting "gender equality" with "equal opportunities between men and women" in their titles and related articles, including gender-responsive budgeting. It is worrisome that these initiatives, which

¹⁵ Telma. *MOC with a call for a nationwide protest after the activists' protest, while the views clash with the non-governmental ones*. Available at: <https://bit.ly/3ELjDFS>.

¹⁶ Macedonian Orthodox Church. *Archbishop Stefan: We have a sacred duty to continue what we have received and inherited from our ancestors!* Available at: <https://bit.ly/460pq6y>.

¹⁷ 360 Degrees. *Under the motto "We have a duty", MOC-OA is going to a rally today against the draft laws on gender equality and birth records*. Available at: <https://bit.ly/3t4mlyg>.

¹⁸ United Nations Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia*. CEDAW/C/MKD/CO/6. Available at: <https://bit.ly/3wA4Au6>.

¹⁹ Gender Platform. *The function of a Mayor is not to make divisions in the civil society between "obedient" and "disobedient" organisations, but to work for the good of all citizens*. Available at: <https://bit.ly/3t7BIB2>.

significantly undermine decades of work advancing gender equality, remain unaddressed by the State. These harmful practices foster a hostile public discourse against transgender and gender non-conforming individuals.

23. Research studies in the country paint a concerning picture of the level of acceptance and tolerance towards LGBTI people. One report indicated that 81% of respondents expressed intolerance to have an LGBTI person as their neighbour.²⁰ Moreover, data from the European Social Survey revealed that 61% of respondents (highest in Europe) admitted they would feel ashamed if a close family member were identified as a gay man or a lesbian. Additionally, only 24% (lowest in Europe) of those surveyed agreed that gay men and lesbians should have the freedom to live their lives as they wish.²¹

Recommendations:

- **The State to develop and implement comprehensive awareness campaigns and educational programs in alignment with international human rights principles, to actively promote an inclusive and respectful public discourse as well as understanding and respect for gender diversity and equality.**
- **The State to ensure the protection of freedom of expression and diverse voices, in line with international standards, by condemning any threats, violence, or discrimination against individuals or groups advocating for gender equality and LGBTQ+ rights.**
- **Urgently adopt the Gender Equality Law in accordance with the UN and EU standards, allocate adequate funds for its implementation, particularly for measures promoting gender equality at national and local levels.**
- **The State to enhance oversight and accountability mechanisms for religious institutions to ensure their public statements and actions comply with international norms promoting gender equality and non-discrimination, the Istanbul Convention²² and the Law on Prevention and Protection of Violence for Women, and take appropriate measures when such standards are violated.**
- **The State should encourage municipalities to adopt and implement programs that explicitly promote gender equality and inclusion, in line with international obligations, by offering technical support and guidance to local governments to ensure policies and practices align with human rights standards.**

²⁰ Macedonian Centre for International Cooperation. *Tolerance and values among citizens*. Available at: <https://bit.ly/466ToFT>.

²¹ European Social Survey. *Ideological attitudes and attitudes towards climate change*. Available at: <https://bit.ly/3EQyDT5>.

²² Council of Europe. *Convention on preventing and combating violence against women and domestic violence*. Available at: <https://bit.ly/3t0hzXT>.

- **The State should ensure the effective implementation of mechanisms to combat hate speech and disinformation, strengthen the capacities of public prosecutors, and regulate the online space to protect human rights and prevent hate speech and disinformation.**

IV. Position of Transgender Community, including Access to Legal Gender Recognition and Health Care

24. Following a successful case at the European Court for Human Rights (Case 29683/16, *X v. North Macedonia*),²³ the Ministry of Justice established a working group to amend the Civil Registry Law. The goal was to facilitate "quick, transparent, and accessible."²⁴ legal gender recognition (LGR). Civil Society Organisations (CSOs) representatives, acting as advocates for the transgender community, participated in the working group's discussions. This collaborative effort resulted in a draft law garnered acceptance from the transgender community and the Ministry of Justice, which the Government adopted in April 2021.²⁵
25. In November 2021, the Interparty Parliamentary Group on LGBTI hosted a round table²⁶ in the MK Parliament as part of the thematic review of the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination based on sexual orientation or gender identity. During a meeting involving representatives from the Parliament, transgender activists, CSOs, the Council of Europe, the Ministry of Justice, the Department for Execution of Judgments of the European Court of Human Rights (ECtHR), and the European Governmental LGBTI Focal Points Network, the group emphasised the pressing need for MK to fulfil its obligation to the ECtHR through the adoption of the draft law, which would ensure access to legal gender recognition.
26. In March 2022, under pressure from anti-gender groups, who sent a one-pager full of false information regarding gender identity to over 400 MPs, government and State representatives, the government abruptly removed the draft law from the Parliamentary procedures,²⁷ failing to fulfil their obligation to international mechanisms. Subsequently, the Ministry of Justice established a new working group to draft the Law on Civil Registry changes. As of now, there is no evident intention within the working group to include

²³ European Court of Human Rights, (2019). *Judgement on the merits and just satisfaction delivered by a Chamber. X v. The Former Yugoslav Republic of Macedonia*, No. 29683/16 § 44, ECHR 1999-II. Available at: <https://bit.ly/3r4SLgP>.

²⁴ Ibid, paragraphs 31, 32, 56, 61 and 70.

²⁵ Balkan Insight. *North Macedonia to Recognise Identity of Transgender People*, available at: <https://bit.ly/3P2Ms5r>.

²⁶ Parliament of the Republic of North Macedonia. *Round Table for Legal Gender Recognition*. Available at: <https://bit.ly/3Espyj1>.

²⁷ Government of the Republic of North Macedonia. *Press release from the 32nd session of the government. (The Government decided to redraw the draft law for Civil Registry)*. Available at: <https://bit.ly/3PvykSm>.

provisions for legal gender recognition in the proposed amendments.

27. In June 2023, a group of MPs submitted the same draft law to Parliament.²⁸ However, the President of the Parliament failed to include the proposal on the official agenda, even after several interventions by the Department for Execution of Judgments of the ECtHR.²⁹ As a result, transgender people in MK continue to be denied access to a transparent and accessible procedure for LGR based on self-determination, and the State continues to avoid obligations towards international mechanisms.
28. The Coalition Margins reports,³⁰ highlight that the main challenges faced by transgender people are related to gender markers on personal documents. These challenges manifest in daily life, including interactions with banks, employers, public transport, healthcare facilities, encounters with law enforcement, and dealings with government institutions. These situations often cause stress and humiliation as transgender people must repeatedly explain and defend their identity to unfamiliar officials and strangers within these institutions. Transgender individuals frequently experience exclusion, discrimination, violence, and deprivation of basic goods and services. Many avoid seeking medical care, limit international travel, cannot access employment and refrain from using bank accounts. As a result, their health, mobility, and overall well-being are compromised.
29. Up until August 2023, a total of 18 individuals (including 4 in 2023) successfully updated their documents, even in the absence of an LGR law. Only four have accessed LGR based on self-determination, whereas the other 14 have undergone partial or complete gender reassignment processes. This situation underscores the State's failure to uphold the principle of self-determination for all applicants, a principle that the proposed law seeks to protect. Further, with this practice, the State continues to pathologise transgender people contrary to the WHO ICD-11³¹ obligations.
30. In 2019, the Ministry of Health established a working group to draft a plan for advancing health care for transgender people. This group operated until January 2020. However, with the onset of the Covid-19 crisis and subsequent changes in leadership within the Ministry, the working group ceased its activities. Unfortunately, there is currently no apparent political commitment to reinstitute these efforts.

²⁸ Parliament of the Republic of North Macedonia. *Proposed Law to Amend the Law on Civil Registry (to define access to LGR)*. Available at: <https://bit.ly/48nP0DU>.

²⁹ Department of Execution of Judgements of ECHR. *Communications with the Republic of North Macedonia*. Available at: <https://bit.ly/45BPgxm>.

³⁰ Dimitrov, S., 2018. *Transgender experience: identities, bodies, violence and socialisation*. Coalition Margins. Available at: <https://bit.ly/3Rt8T6A>.

³¹ The State has not begun the implementation of the last International Classification of Diseases – ICD11, which removed transgender identities from the chapter on mental and behavioural disorders. The State was supposed to start reporting on the implementation in 2022.

31. The transgender community faces significant challenges accessing healthcare. There is a shortage of medical professionals, including psychologists, psychiatrists, and endocrinologists, equipped to provide specialised care to transgender people. While hormone therapy is accessible through public funding for transgender women, transgender men must cover the costs themselves. Additionally, medical gender-affirming procedures are unavailable via state health and can be obtained only in private clinics or abroad.

Recommendations:

- **The State to adopt and implement an efficient administrative procedure for legal gender recognition, ensuring it is quick, transparent, accessible, and in line with the principle of self-determination.**
- **The State should implement mandatory training programs for state officials in various sectors to ensure the ethical treatment of transgender people to reduce the ongoing distress and harassment they experience daily.**
- **The State to secure uninterrupted access to trans-affirming healthcare based on the principles of depathologisation and non-discrimination in accordance with international human rights standards, ICD-11 guidelines, and best practices.**

V. Attacks Against Human Rights Defenders

32. In June 2023, a distressing incident of verbal harassment occurred against a gender equality and LGBTIQ+ human rights defender. During a public debate hosted by the religious foundation Eleusa, a Christian-Orthodox Bishop, targeted and verbally attacked the executive director of Coalition Margins. The Bishop mentioned her name 28 times in a two-hour event, using transphobic, anti-LGBTIQ, and anti-gender rhetoric. Subsequently, in other public events and media appearances, he spread hate speech based on gender, sexual orientation, and gender identity. This included portraying human rights defenders and transgender individuals as "*sick satanists*," "*devil's ambassadors*," and as harmful to society, children, and traditional family values.³²
33. The Commission for Prevention and Protection of Discrimination (CPPD) determined that Bishop had engaged in SOGI-based discrimination and requested a public apology, with the possibility of initiating misdemeanour proceedings in court if an apology was not issued. The Bishop refused to apologise, asserting that he is a victim of censorship. None of the State representatives condemned the incident, and the Public Prosecutor's Office did not initiate any *ex-officio* case against the Bishop or hate speech cases inspired by his speeches.

³² Commission for Prevention and Protection of Discrimination. *Decision 08-316/5*. Available at: <https://bit.ly/3ESrdyk>.

34. The coordinator of TransFormA, a transgender woman, has been under hate speech attacks constantly in the social media by anti-gender groups. The culmination took place in July 2023, when she faced an onslaught of hate speech comments on Facebook following her appearance on TV 24. During the interview, she discussed the human rights violations faced by transgender individuals. Disturbingly, the Facebook post garnered 258 comments inciting violence, calling for her murder, mocking, insulting, and stigmatising LGBTIQ+ people, portraying them as harmful, freaks, and abnormal.³³ Even though the CPPD has recognised discrimination in several instances, the criminal justice protection is lagging. The Public Prosecution continues to dismiss criminal charges for SOGI-based hate speech, strengthening the culture of impunity.
35. LGBTIQ+ activists are consistently subjected to hate speech and harassment, including instances of sexual harassment, by anti-gender groups and the broader public, usually as a response to a blog post, social media post or protest banner. These efforts aim to silence and discourage them from their work in protecting the human rights of LGBTIQ+ people.

Recommendations:

- **The State to ensure prompt investigation and prosecution of attacks on human rights defenders, aligning with international law, to safeguard their crucial role in upholding rights and fostering a just society.**

VI. Protection against discrimination

36. As the primary equality body and a newly established institution, the CPPD has shown significant improvement in its functions. However, it currently faces limited human and financial resources to execute its competencies fully. Addressing its financial independence is a critical concern requiring legislative changes in the Law for Prevention and Protection of Discrimination and the Law on Budgets. Another significant shortcoming is the inadequate implementation of the CPPD's opinions and recommendations. Although the Ministry for Labor and Social Policy announced the formation of a working group to amend the Anti-discrimination Law in spring 2023, this initiative has not yet been realised.
37. Two out of the seven seats on the CPPD are currently vacant. The Parliament has initiated the procedure for appointing members twice. Still, on both occasions, it has failed to complete the appointments, likely due to pressure to select members based on partisan interests. This persistent challenge underscores the need to appoint impartial, independent professionals based on merit.

³³ Coalition Margins. *Report of the human rights violations based on documented cases by Coalition Margins*. Available at: <https://bit.ly/45hzTcJ>.

38. The State Inspectorates continue to fall short in implementing provisions for safeguarding against discrimination outlined in sectoral laws. Rather than actively addressing cases, they have increasingly transferred them to the CPPD. Various sectoral laws stipulate measures for combating discrimination and imposing fines under inspectorates' purview. There is a disparity in the level of protection provided by inspectorates compared to the CPPD, with the latter unable to fully substitute their role. A case was documented by the Coalition Margins, where a victim reported experiencing online homophobic harassment by an elementary school principal. In response, the educational inspectorate, instead of adhering to the Law on Elementary Education, which provides them with a mandate to impose fines, opted to transfer the case to the CPPD, which can only issue opinions.
39. In collaboration with the Network for Protection Against Discrimination, Coalition Margins is pursuing a court case of discrimination against the author and the Faculty of Psychology that published a textbook containing misogynistic, homophobic, and transphobic content. The textbook is an integral part of the formal mandatory curriculum for psychology students and is still in use. The case has been pending at the first instance court since 2021.
40. According to the latest Survey published by the European Union Agency for Fundamental Rights (FRA) in May 2020, almost half of the surveyed LGBTI individuals in North Macedonia (49%) reported experiencing personal discrimination based on their SOGIESC within the past year. Notably, a striking 93% of these cases went unreported.³⁴ The primary reasons cited for not reporting these incidents include concerns about disclosing their SOGIESC status (43%), scepticism regarding the likelihood of any positive change (38%), a lack of trust in authorities (33%), and a belief that such discrimination is pervasive and not worth reporting (28%).³⁵
41. In the past year, Coalition Margins documented two cases involving violations of service access and discrimination against transgender women by State officers. In the first case, a transgender woman who submitted a request for LGR faced humiliating treatment, including being addressed in the incorrect gender and being discouraged from submitting the request because it would be denied. In the second case, a Roma transgender woman seeking employment information at the Employment Agency was denied service while being subjected to ridicule and inappropriate questions regarding her gender identity and appearance by agency officials. The second case has elements of intersectional discrimination.³⁶

³⁴ European Union Agency for Fundamental Rights. *A long way to go for LGBTI equality*. Available at: <https://bit.ly/3Zp06EP>.

³⁵ Ibid.

³⁶ Coalition Margins. *Report of the human rights violations based on documented cases by Coalition Margins*. Available at: <https://bit.ly/45hzTcJ>.

42. In 2021, the CPPD handled 14 cases on the grounds of SOGI, and found discrimination in 8 cases, while in 2022, out of 39 cases, it found discrimination in 22 cases.³⁷

43. The European Commission has highlighted the urgent need for the state to enhance its efforts in promoting equality and condemning hate speech, hate crime, discrimination, and intolerance. It is crucial that politicians abstain from employing discriminatory language.³⁸

Recommendations:

- **The Parliament should expedite the appointment of the two vacant CPPD seats, following international standards of impartiality, merit, and independence, to strengthen the CPPD's effectiveness in addressing discrimination.**
- **The Ministry of Labour and Social Policy to draft amendments to the LPPD to ensure the financial independence and effective implementation of CPPD's recommendations.**
- **Sectoral inspectorates should actively address discrimination cases, enforce provisions for combating discrimination, and impose fines within sectoral laws to enhance protection against discrimination.**
- **The State should launch awareness campaigns, hotlines, and support mechanisms to promote reporting of discrimination incidents to combat underreporting effectively, aligning with international human rights principles.**

VII. Hate Speech and Hate Crimes Against LGBTIQ+ People

A. Hate Speech

44. The absence of a clear and comprehensive definition of hate speech in the Criminal Code that explicitly includes sexual orientation and gender identity as protected grounds is a significant gap in the legal framework. Incorporating such definition into the Criminal Code aligns with international human rights standards and obligations and assists in the proper identification and prosecution of hate speech cases related to SOGI, ensuring uninterrupted access to justice for LGBTIQ people.

45. One significant case of SOGI-based hate speech came by the political party Integra³⁹ as their response to the public appeal by the United States Ambassador for respect of

³⁷ European Commission. *Screening Report on North Macedonia*. Available at: <https://bit.ly/3Rwsf17>.

³⁸ Ibid.

³⁹ Integra is a member of the Coalition for the Protection of Children, one of the lead anti-gender actors in MK.

LGBTIQ human rights. Four online outlets further distribute the hate speech messages⁴⁰ without any comment or condemnation, constituting the crime of "spreading racist and xenophobic material through a computer system."⁴¹ The Helsinki Committee for Human Rights reported the case to the Basic Public Prosecutor (BPP) Office, but the prosecution, based on their established practice of not acting in cases of SOGI-based hate speech, dismissed the criminal complaint. It is worrisome to note that in their notification, the prosecution aligned with Integra's views, compromising its ability to protect the rights of LGBTIQ+ people and rendering criminal prosecution as a means to combat systemic SOGIESC-based hate speech unavailable in the country.

46. In the period between two UPR Cycles (January 2019 - September 2023), Helsinki Committee for Human Rights has documented 693 hate speech incidents on the ground of sexual orientation and/or gender identity⁴² which is 40% of total reported hate speech cases in the same period. Most of these remain unreported due to distrust that the institutions will do anything to protect the victims.
47. Skopje Queer Center worked intensively to test the institutions' response to hate speech protection. Between May 2021 and September 2022, they submitted 64 criminal complaints to BPP and 16 to the Ministry of Interior. These institutions did not proceed on any of these complaints. Five complaints were rejected without explanation, and for 20, the BPP notified that "there is no basis for a public prosecutor's action." The Ministry of Interior has not responded to any of the cases.⁴³

B. Hate Crimes and other incidents of hate

48. The Criminal Code in article 122 paragraph 42 defines hate crime as "a criminal offence against a natural or legal person and related persons or property that is committed in whole or in part because of a real or assumed (imagined, imaginary) characteristic or connection of the person related to (...) gender identity and sexual orientation."⁴⁴ However, the monitoring by the CSOs and the reporting by the regional and international mechanisms speak of a significant gap in implementation.

⁴⁰ Internet media outlets spreading the hate speech messages are: A1.on, Netpress, Vecheer.mk, and 24info.mk.

⁴¹ Official Gazette of Republic of Macedonia no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 и 248/18 and Official Gazette of Republic of North Macedonia no.36/23 и 188/23. *Criminal Code*. Available at: <https://bit.ly/3rlFDUR>.

⁴² Helsinki Committee for Human Rights. *Online platform for documenting hate speech*. Available at: <https://bit.ly/48oQCNF>.

⁴³ Skopje Queer Center. *Report: Bridging the gap of hate speech and legal exclusion related to sexual orientation and gender identity in North Macedonia*. Available at: <https://bit.ly/46nVGAn>.

⁴⁴ Official Gazette of Republic of Macedonia no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17 и 248/18 and Official Gazette of Republic of North Macedonia no.36/23 и 188/23. *Criminal Code*. Available at: <https://bit.ly/3rlFDUR>.

49. According to the latest FRA Survey published in May 2020, one in five surveyed LGBTI individuals in MK (19%) reported experiencing physical or sexual attacks due to being LGBTI in the past 5 years. The most common was physical violence, as 77% of respondents reported. Sexual violence was reported by 21% of respondents. A striking 74% did not report the incident to any institution or organisation. The primary reasons cited for not reporting these incidents include fear of homophobic or transphobic reaction by the police (54%), distrust in the police (51%), disbelief that they would or could do anything (47%).⁴⁵
50. Even though there was a positive development regarding some cases during the past couple of years, most remain unattended. In one case, the perpetrator was charged with six months in prison, and in the other, the BPP in Skopje filed an indictment against the person who attacked a group of LGBTIQ+ activists in 2019 after Skopje Pride.⁴⁶ Most recently, in September 2023, the perpetrator of a violent act against an activist at a protest gathering was charged with two years in prison, classifying the act as a hate crime based on sexual orientation.⁴⁷
51. A notable case highlighting the ineffective implementation of legislation involves a hate crime during the second-anniversary celebration of the LGBTI Support Centre at Cafe Bar Damar in October 2014. Approximately 30 perpetrators carried out a violent attack against around as many LGBTIQ+ activists and supporters. Regrettably, the BPP closed the case in November 2021, citing the Ministry of Interior's lack of forensic equipment for identifying and comparing individuals. Consequently, no criminal proceedings were initiated, as there were deemed to be no grounds to doubt the commission of a prosecutable crime. It's essential to note that more than two dozen eyewitnesses provided statements to the police and prosecution.⁴⁸ The prosecution has not responded to any of the previous five attacks against the LGBTI Support Centre. This failure contributes significantly to the prevailing culture of impunity for perpetrators of hate crimes based on SOGIESC, sending a distressing message to the LGBTIQ+ community that their lives are not worth adequate protection.
52. Victims often decide not to report hate crime incidents out of fear that they may face harmful consequences. Such was the case of a hate crime involving physical violence against a transgender woman living in a rural area. The perpetrator threatened her with death if she reported the case to the police, so she chose not to.
53. Coalition Margins has also documented a number of cases of sexual harassment and psychological violence in public spaces and online. In 2023, 15 reported incidents of

⁴⁵ European Union Agency for Fundamental Rights. *A long way to go for LGBTI equality*. Available at: <https://bit.ly/3Zp06EP>.

⁴⁶ ILGA Europe. *LGBTI Enlargement Review 2023*. Available at: <https://bit.ly/3EOaSLi>.

⁴⁷ LGBTI United. *Press release: Two years of prison for the perpetrator who attacked the activist Bekim Asani at Skanderbeg Square in Skopje*. Available at: <https://bit.ly/3t4Nqa5>.

⁴⁸ Helsinki Committee for Human Rights. *Press release: The prosecutor's office acts with prejudice and discrimination against the LGBTI community*. Available at: <https://bit.ly/451LRH1>.

sexual harassment, verbal abuse, and psychological violence targeting LGBTIQ+ individuals occurred in public spaces. Most cases involved shouting, insults, and threats in public due to the victim's sexual orientation and/or gender identity. In one particularly alarming case, a taxi driver threatened a gay man, saying, "If I were in power, I would gather all of you in the square and shoot you." Additionally, 7 cases were connected to the social space known as the "Komitet," where events for the LGBTIQ+ community are hosted and managed by the LGBTI Support Centre. In these instances, third parties targeted guests and staff of the "Komitet" with homophobic slurs, threats of violence and even death, and engaging in stalking behaviour. Although one case was reported to the police, there has been no feedback on the actions taken by the Ministry of Interior. Two cases of online sexual harassment and psychological violence against LGBTIQ+ individuals were also documented. In one case, a trans woman who is also a sex worker was subjected to violence by a client. She contacted the police, but the responding officer merely instructed the sex worker to return the money to the perpetrator and took no action to ensure her safety.

54. Coalition Margins has documented and is offering legal assistance to a gay man whose HIV status was publicly disclosed, leading to the incitement of violence against him. The initial prosecution office in Skopje did not identify a violation, and the case is currently under appeal before the Higher Prosecution Office.

Recommendations:

- **The State should amend the Criminal Code to incorporate a clear and comprehensive definition of hate speech that explicitly includes sexual orientation, gender identity, gender expression and sex characteristics as protected grounds, aligning it with international human rights standards.**
- **Ensure that public prosecutors' offices and law enforcement agencies take appropriate action in response to criminal complaints related to SOGI-based hate speech and hate crimes. Address the practice of dismissing such complaints to protect LGBTIQ+ people's rights and enable the effective use of criminal prosecution to combat hate speech and hate crimes.**
- **The State should provide adequate resources and training to public prosecutors and law enforcement officials to properly address hate crimes and hate speech cases.**
- **The State to develop strategies to combat online hate speech and harassment, especially those targeting LGBTIQ+ individuals. Ensure that police and prosecution effectively respond to such incidents and take appropriate action against perpetrators.**
- **The State to address structural root causes responsible for violence and discrimination on the grounds of SOGIESC.**

- **The State to monitor and collect disaggregated data on hate crimes and hate speech against LGBTIQ+ people to help with data-led development of programs and measures to tackle the violence and discrimination.**
- **The State to promote public awareness campaigns about the harmful consequences of hate speech and hate crimes targeting LGBTIQ+ people, fostering a more inclusive and respectful society.**