

HELSINKI COMMITTEE FOR HUMAN RIGHTS



MONTHLY REPORT ON HUMAN RIGHTS IN THE REPUBLIC OF MACEDONIA

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OCTOBER 2013

PUBLIC EVENTS AND VIOLATIONS TO DEMOCRATIC PRINCIPLES

INCREASED NUMBER OF HATE CRIMES AND INCIDENTS

During the course of September, the Helsinki Committee for Human Rights noticed a certain tendency of increased number of hate incidents compared to the last period. Namely, 15 incidents were registered out of which 14 were caused due to national and religious hatred and intolerance whereas 1 incident was caused due to the gender identity of the victim.

The victim in the only incident caused due to gender identity is a trans-sexual woman who was attacked with a knife by an unknown attacker in Tetovo. The attack occurred in front of her acquaintance. At one point, while the victim was running away, another acquaintance came to help her who like the victim was cut with a knife. The rest of the 14 incidents refer to attacks on juveniles in buses and on bus stops where unfortunately cold weapons are used, forcible entry and demolishing of religious facilities, as well as graffiti with offensive content written on the public facilities.

Due to the increased number of registered incidents, the Helsinki Committee for Human Rights addressed the competent institutions (MIA, public prosecution, courts and PTE) in order to receive additional information and confirmation about the committed incidents and at the same time it demanded that the perpetrators are found and held accountable in accordance with the positive legal norms. Furthermore, the Committee pointed out that the competent institutions should take serious measures in order to prevent and decrease the number of incidents, and especially hate incidents.

INITIATIVE TO THE CONSTITUTIONAL COURT REGARDING THE LAW ON TERMINATION OF PREGNANCY

The Helsinki Committee along with the NGOs H.E.R.A. – Association for Health Education and Research, Coalition “Sexual and Health Rights of Marginalized Communities”, Reactor – Research in action and Assoc. Dr. Karolina Ristova – Asterud expressed concern over the amendments of Law on Termination of Pregnancy (hereinafter Abortion Law)¹.

Prior to this initiative there was an extensive analysis of the proposed amendments and participation of the Committee and NGOs in the public debate in the Assembly of the Republic of Macedonia in the Commission for Health. The representatives of the Committee often would warn about the unconstitutionality of the proposed amendments, as well as about the fact that they were submitted in a short procedure in accordance with the Rules of Procedure of the Assembly of the Republic of Macedonia which will cause an

¹ Available at: http://mhc.org.mk/system/uploads/redactor_assets/documents/444/Inicijativa_abortus.pdf

essential violation of the human rights and freedoms of women. In the submitted initiative articles and paragraphs in direct collision with the Constitution of the Republic of Macedonia are disputed, as well as international documents which the state ratified and which in accordance with Article 118 of the Constitution are a part of the internal legal order and cannot be amended legally.

In this respect the abovementioned initiators established that with the Abortion Law a direct violation of the right to privacy is done which includes family life, discrimination according to national and international legislation, harsh violation of the legal system i.e. the division of powers into legislative, executive and judicial powers and that there are grounds for torture i.e. inhumane treatment of vulnerable categories of citizens. Additionally, the analysis confirmed that with the so called care for the health of women, the submitter of the amendments made a violation of the existent legislation or the Law on Protection of Rights of Patients and violates the area of reproductive health by shortening the working capacity of women to take care of their health independently in accordance with Article 39 of the Constitution of the Republic of Macedonia.

CLOSED INSTITUTIONS

JUDICIAL PRECEDENT WITH THE INTERNATIONAL MONITORING OF THE CONDITIONS IN PRETRIAL DETENTION FACILITIES

In the course of September, during one of the court hearings regarding the case “Monster”, the president of the Court Council reported that a request for a visit of the detained persons was submitted to the Primary Court Skopje 1 by the International Red Cross Committee (IRCC). According to the president of the Court Council, the request was denied because IRCC did not agree to the conditions given by the court regarding the manner in which the visit was supposed to take place.

Although it is not the first time that NGOs and independent organizations (among which is the Helsinki Committee) are denied visits of detainees, it is worrying that this time one of the most prominent international organizations has been denied to do so. The activities of IRCC are purely humanitarian and refer to the protection of the rights of detained persons. Through its regular visits to closed institutions, IRCC aims to prevent all kinds of torture and other forms of inhuman conduct and punishment. In 2012 this organization visited over half a million prisoners all over the world. In the Republic of Macedonia 4 visits were made to closed institutions and 16 prisoners were visited.² IRCC performs its visits according to the standardized methodology, according to which it was allowed to make visits in Macedonia in the previous years. Therefore, it is unclear what the additional conditions that the Primary Court 1 set in the case “Monster” are. The need to set different conditions in this particular case as opposed to the rest is also unclear.

² Annual report of IRCC for 2012 page 353. Available at: <http://www.icrc.org/eng/assets/files/annual-report/icrc-annual-report-2012.pdf>

The importance of IRCC for human rights in terms of monitoring the authorities during the implementation of the detention measure is also confirmed in Article 211 of the Law on Criminal Procedure in which it is established that “Representatives of the International Red Cross Committee have the right with the approval of the investigative judge to make visits and without any surveillance to talk to detainees.” Additionally, the international mandate of IRCC stems from the Geneva Conventions of 1949 whose signatory is the Republic of Macedonia.³

With the denied request for a visit of detainees, as well as with the recent denied request for a visit of the journalist Tomislav Kezarovski made by Mr. Frank La Rue- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the several similar denied requests submitted by the Helsinki Committee, the Primary Court Skopje 1 only enforces the suspicions that Macedonian prisons are places where international and domestic standards regarding the treatment of detainees are not respected.

SOCIAL RIGHTS

THE PERSONS WITH IMPAIRED HEARING DEMAND TO BE HEARD BY THE STATE

Having monitored the protest of persons with impaired hearing (deaf and hard of hearing persons) which took place on 25.09.2013, the Helsinki Committee for Human Rights of the Republic of Macedonia noted the demands and problems that this vulnerable category of citizens faces every day. The protest was peaceful without any incidents and the representatives of the Ministry for Internal Affairs acted in accordance with their legal competences.

The expressed revolt is due to the non-transparent work of the National Association of Deaf and Hard of Hearing Persons, its management and the manner in which they are allowed access to rights as members of the Association, although the statute and the activities provide that these people are provided with legal assistance and counseling. For these reasons the President of the National Association of Deaf and Hard of Hearing Persons was asked to resign and also it was demanded that the work of this organization is revised by the Ministry for Labor and Social Policy and the rest of the competent institutions. The main problem which was pointed out by the persons with impaired hearing is the inability to exercise the legally guaranteed right to use an interpreter. The availability of interpreters is extremely difficult, which is understandable given the fact that for a group of 6000 persons, there are only 12 interpreters that own a certificate and are registered in the registry maintained by the Ministry for Labor and Social Policy,

The work of the National Association of Deaf and Hard of Hearing Persons of the Republic of Macedonia is regulated with the Law on the Use of Sign Language in which the

³ The Conventions are available at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>

cooperation with the Ministry for Labor and Social Policy is established, especially in the segment regarding the training of interpreters and obtaining work certificates for interpreters. Taking into consideration that the Ministry for Labor and Social Policy according to Article 22 is obliged to monitor the implementation of this law it follows that it is also obliged to monitor the work of the Association during the implementation of activities in the area of providing all kinds of help for persons with impaired hearing, including the procedure for obtaining a certificate for an interpreter.

The Committee expresses its concern regarding the access to rights and justice of this category of citizens especially because the Republic of Macedonia with the ratification of the Convention for the rights of persons with disabilities is obliged to provide conditions for full access and realization of civil, political, economic, social and cultural rights. It is especially important that citizens are informed about their rights according to domestic and international law, and that the institutions respect those standards and rules.

The Helsinki Committee welcomes the revision of the National Strategy for Equal Rights of Persons with Disabilities 2010-2018 and at the same time reminds of its systematic practical implementation in order to prevent this category of citizens to remain invisible, locked in their homes and without the opportunity to socialize and interact in society. The Committee is already providing free legal assistance for this category of citizens and informs them about their rights and obligations, as well as about establishing communication with state institutions according to national legislation.

DISCRIMINATION

FREE TRANSPORTATION OF SENIOR CITIZENS IN PTE IS DISCRIMINATORY BASED ON GENDER AND AGE

With four decisions of the Skopje City Council the free transport of all adult persons (over 62 years for women, over 64 years for men) is subsidized on Tuesday, Friday and Saturday in the vehicles of the Public Transport Enterprise – Skopje (PTE)⁴. With the decisions it is established that the funds for subsidies will be transferred to the account of PTE according to the signed contract between the Mayor of the city Skopje and the Director of PTE. Although it is undisputable that the Skopje City Council has the competence to adopt regulations such as the abovementioned decisions, all adopted regulations must be in accordance with the Constitution and the laws and must not be discriminatory on any basis. Through establishing a different age limit for men and women, the Skopje City Council adopted regulations contrary to the Constitution, the Law on Protection and Prevention of Discrimination⁵ and the Law on Equal Opportunities for Men and Women.⁶ Therefore there is direct discrimination based on age and sex.

⁴ The decisions are published in the “Official Gazette of the City Skopje“ No. 13/2010, 1/2011, 4/2011 and 12/2012.

⁵ „Official Gazette of the Republic of Macedonia“ No. 50/2010, Article 5(3), 11 and 12.

⁶ „Official Gazette of the Republic of Macedonia“ No. 6/2012, Article 2(2) and 3(2).

The established age limits coincide with the established age limits for obtaining the right to a retirement pension for men and women, established with the Law on Pension and Disability Insurance („Official Gazette of the Republic of Macedonia“ no. 98/2012 and 166/2012). The public mistakenly believes that this convenience is used only by the pensioners. This is not true because women at the age of 62 to 64 may use free bus transport regardless whether they were employed, i.e. whether they have obtained retirement pension whereas the same benefit cannot be used by men at the age of 62 and 64 who are in the same position. There is no connection between the Law on Pension and Disability Insurance and the decisions of the Skopje City Council because the persons that have obtained pension based on a different basis (for example disability pension or a survivor’s pension) and are younger than 62, i.e. 64 years, cannot use the free bus transport.

Regarding this kind of discrimination and its disconnection with the institute affirmative action the Constitutional Court in one of its decisions stated that the “The right of the insured persons who are women to obtain a retirement pension before the insured persons who are men is justified with the principle of affirmative action, in the area of pension and disability insurance which cannot be automatically implemented in other areas, especially not if that leads to limitation of the rights based on sex.”⁷

For these reasons, the Helsinki Committee for Human Rights of the Republic of Macedonia submitted a complaint to the Commission for Protection against Discrimination with a proposal the existence of discrimination to be established and through a written opinion addressed to the Skopje City Council to recommend how to remove the violations of the law.

⁷ Decision No. 124/2008-0-1 from January 14th of the Constitutional Court of the Republic of Macedonia, Paragraph 5, passage 13. „ Official Gazette of the Republic of Macedonia“ No. 16/2009.

RIGHTS OF THE LGBTI COMMUNITY

INTRODUCTION

The previous month was marked by the Initiative for amendment of the Constitution of the Republic of Macedonia, in order to define marriage as a community exclusively between one man and one woman. This legal nebulosis, on a matter which is stipulated by law, with the excuse that this might create problems in the future, brought several significant points to the surface.

With the latest Initiative for amendment of the Constitution, VMRO DPMNE strengthened its image as a political party with views from the middle ages and discriminating values, directed toward exclusion, and even violence toward groups of citizens which do not belong to their Macedonia, from the dark age of civilization.

Liljana Popovska from DOM, a party aspiring to become a part of the Green Party of Europe, a member of Parliament derived from the civil sector, from the associations working on women's rights, voted FOR the Initiative of Vlatko Gyorchev. We cannot say that we are very surprised, only that it was high time for the masks to be removed. Please find attached the voting list for this Initiative.

We welcome the only politically mature argument, given by the MP Ermira Mehmeti, as a politician who stood up for inclusion as a basic principle for building this country, for the first time. Her speech in the Parliament reminded us of the political immaturity of the society we live in, and also of the fact that everything may be different for all citizens, if we have mature politicians who have vision and courage to develop society toward achieving social and legal equality for all people in that society. The statement of the MP Mehmeti is as follows:

“We do not think that this is the right way to make amendments to the Constitution, because we thought that this logic of exclusion of smaller groups or majorization of groups, or groups who are not a part of the dominant majority, was delegitimized in 2001 when a new spirit emerged, a spirit of consensus, cooperation, comprehension of all groups and guarantee of their rights in a basic document which regulates the functioning of the state.”

As opposed to this concrete viewpoint of a politician with fresh ideas and energy, the biggest disappointment, even bigger than the disappointment of the appearance of such an Initiative, is the behavior and argumentation given by the opposition. With the exception of the MP Ivon Velichkovski from the Liberal Party, who tirelessly defended the views of this party toward the LGBTI community, while the Social Democrats (SDSM) appeared to be racing for the position of better populist and conservative against the MPs of VMRO DPMNE. Without refraining, they said they will vote against this initiative, because “in 1996, they had defined marriage as a community between a man and a woman”, and therefore see no need for such Constitutional amendments. In other words, they stated that they had also seen the “danger of gay marriages” back in 1996, and prevented the possible appearance of such a “problem”. The MP Miletic of the opposition coalition went even further and used

horrifying hate speech which debased the debate in the legislative body to an inappropriate level.

It is staggering that the Helsinki Committee for human rights of the Republic of Macedonia (MHC) was mentioned a total of 15 times in the discussion in the Parliament, with a twist on the Initiative which the MHC had submitted before the Constitutional Court, regarding discrimination in the Law on Family, in the section for protection against domestic violence. The MP who submitted the Initiative for amendment of the Constitution, Vlatko Gjorchev, persistently claimed that this was an Initiative for legalization of same-sex marriages and adoption of children by same-sex couples.

The Committee also analyzed the submitted Initiative in August. The analysis shows that in line with the opinion of the European Court of Human Rights, the Venice Commission and the European Parliament, which have spoken regarding such a change in the Constitution of the Republic of Hungary and the European Convention of Human Rights, the initiative submitted by VMRO DPMNE for amendments of the Constitution, i.e. article 40, paragraph 1 and 2, which states as follows: “The Republic provides the family with particular care and protection. The legal relations in marriage, family and extra-marital community are regulated by law”, there is no legal justification for such an amendment.

In the monthly report, you shall also find many other topics of interest or directly related to LGBTI people in the Republic of Macedonia.

INSTITUTIONS

Discussion in the Parliament regarding the law proposal for constitutional redefinition of marriage

The debate on the law proposal for constitutional redefinition of marriage continue in September. On the 23rd of September, the MPs initiated a debate on the proposal for amendments of the Constitution, in the area of defining marriage as a community exclusively between a man and a woman, submitted by MPs from the ruling majority. The main argument of Vladimir Gjorchev, an MP from VMRO DPMNE, which submitted the initiative, was that the constitutional amendments shall stop any future government to amend the Law on Family with a simple majority of 42 MPs; the Law on Family already stipulates that marriage is a community between a man and a woman, while, constitutional amendments require a majority of two thirds, all in favor of preserving the traditional family values. Dragisha Miletic from the opposition coalition continued this statement, and clearly said that he considers homosexuality an illness and that he justifies its punishment. Afterwards there were several homophobic remarks by Miletic, intended for the LGBTI population. The MP from the Liberal Party, Ivon Velichkovski, opposed him, stating that the actions of the ruling party are not in favor of preservation of traditional values and demanded a more tolerant approach toward vulnerable and marginalized groups. This debate between Miletic and Velichovski provoked a reaction by the leader of the parliamentary group of the SDSM, Igor Ivanovski, who, as a sign of protest, demanded a 30-minute break and said that such debates have “turned the Parliament into a rag”. Civil organizations

reacted to the statements of Miletic, qualifying them as homophobic, discriminating and devaluating for the LGBTI community, and state that in a democratic society, as Macedonian society strives to become, there is no place for such statements. There was also an announcement about a complaint to the Commission for protection against discrimination. The Director of the Commission, Dushko Minovski, stated that they shall receive the complaint, consider the case with hate speech in the Parliament and will react appropriately. There was no self-directed initiative and willingness for deeper approach to the case by the Commission.

Training on discrimination on the ground of sexual orientation

Near the end of September, OSCE organized a training focused on discrimination on the ground of sexual orientation. On the training, there were representatives of the Commission for protection against discrimination and the Ombudsman. The trainers were Kocho Andonovski, activist and program director of the LGBTI Support Centre, as well as Mark Bell, a professor on Leicester University. The topics discussed on the training were mainly related to discrimination and stereotypes regarding sexual orientation, presentation and exchange of positive experiences from the EU and how to apply those experiences in our country, definition of problems faced by LGBTI people and prioritization of those problems, use of effective tools in the fight against discrimination on the grounds of sexual orientation, as well as determining manners of more efficient application of the laws in practice. Within the training, there were several workshops on which the participants were faced with resolving specific examples related to discrimination on the grounds of sexual orientation.

THE MEDIA AND THE LGBTI COMMUNITY

The media space in September was filled with topics of interest for the LGBTI community in the Republic of Macedonia. The media coverage was mainly focused on the discussion in the Parliament regarding the constitutional amendments, which were planned to insert into the Constitution a definition of marriage as a community between one man and one woman; analyses for the situation of LGBTI people in Macedonia; opinions of domestic and foreign NGOs regarding matters of interest for the LGBTI community; events related to the Gay Pride in Belgrade; hate violence against a professor in Serbia; the interview of the Pope; events from other countries relevant to the LGBTI community; as well as show business news which are primarily not on topics of interest for LGBTI people.

The media coverage of the Parliament discussion on constitutional changes proposed by the ruling party can be divided in two parts: coverage of the discussion itself and coverage of the reactions by the NGO sector regarding the discussion. In regard to the section covering the discussion itself, we may say that the media coverage was incomplete, sensationalist, and very shallow. Furthermore, we must note that certain media made a remark that the “threat” of legalization of gay marriages is abstract and expressed condemnation toward the first part of the discussion, which was full of hate speech and homophobia, as well as with speech that detected a fight for political points within this discussion, but unfortunately, there are still

only a few media. The incomplete reporting on facts refers to the fact that no media had read, nor analyzed the Initiative for amendments of the Law on Family, submitted by the Helsinki Committee, but only reported with information given by the ruling party, which were untrue. The sensationalism and tendencies are more than noticeable in the media selection of MP statements which are given in the articles, the statements and argumentation of the proposer of the amendment were published exclusively or dominantly. The objective and ethical manner of reporting were typical for the media coverage of the reactions by the NGO sector regarding the discussion in the Parliament.

Furthermore, an event which provoked particular interest is the announcement, organization and ban of the Belgrade Pride, as well as the protest march and reactions of the international community which followed. As opposed to the events occurring in Macedonia and referring to the LGBTI community, we once again encounter a correct and unbiased journalist approach, which is typical for foreign events of interest for LGBTI people. Furthermore, an event in Serbia, which also intrigued the Macedonian LGBTI public was the beating of a teacher from Novi Sad, by a group of elementary school students because they perceived him as gay. The reporting on this event by Macedonian media was reduced to transferring the news from Serbian media.

In September, part of the media attention in RM was given to the latest statement of Pope Francis, who said that the Catholic Church should not hold so much focus on abortion, gay marriages and contraception. Several media, which showed parts of the Pope's interview, did so in a professional, objective and unbiased manner, with the exception of one medium which titled the Pope's interview only in the context of the LGBTI population, with sensationalism over the entire article.

This month, the media space contained a large number of articles regarding news of interest to the LGBTI community, from all over the world, covered mainly in an ethically, neutrally and professionally, with a small dose of sensationalism. These articles mainly focused on the reactions of the LGBT Intergroup in the European Parliament regarding the discriminatory law in Russia; the support of Putin to his colleague Berlusconi, stating that he would not face equal condemnation if he had been having sex with men, instead of women; for the first openly gay candidate for mayor in Turkey; the same-sex kisses shared between Italian MPs from the M5S party, as a sign of protest against Italian laws which discriminate LGBTI people; the election of the first openly gay mayor in Mexico; the latest events around the upcoming Winter Olympic games in Sochi, where the International Olympic Committee sees the anti-gay law in Russia as no obstacle for holding the Games; as well as the condemnation of the discrimination against LGBTI people, expressed by the High Commissioner for Human Rights, Navi Pillay, on the meeting with several high diplomats in the UN headquarters in New York.

Furthermore, media space in September was also consisted of a large number of articles in the area of show business, where the main topics of interest did not refer to the LGBTI population, LGBTI issues were only mentioned occasionally, when speaking of the main topic of those articles. Even though these articles are abundant in sensationalism, this is not a problem, having in mind that they are most frequently located in the categories of "show-biz", "entertainment" and "life".

Regarding lesbians, bisexuals, transgender and intersex people, in September they were once again only mentioned occasionally, when speaking of the LGBTI population as a whole. Lesbians and transgender people were mentioned in several articles, however, most frequently in a sensationalist and biased manner. Some media went as far as to place the word 'Miss' in quotation marks, while reporting on the selection of a trans woman on a beauty contest in the USA, while the middle of the text contained a correction of the gender identification of the selected girl, i.e. the text says 'her, i.e. his transformation'; as well as the articles regarding the views of the activist Masha Gessen, where the medium reflected her personal views as views of the entire LGBTI community, adding that "[the deconstruction of marriage and family] is the final goal of LGBT activists", without stating that this is a personal viewpoint, and not a viewpoint of the entire community.

What we welcome in September is the increased journalist interest for essential matters regarding LGBTI people, as well as the analysis of their wider social significance.

LOBBYING AND ADVOCACY

Strategy of the LGBTI Support Centre

In the recent period, the team of the LGBTI Support Centre defined their strategy, with the assistance of experts in the area of strategic planning, focused on three key long-term goals: to contribute toward improving the social and legal status of LGBTI people, to contribute toward strengthening the LGBTI community and to contribute toward raising public awareness via integrated public relations.

The reason for the existence and operation of the LGBTI Support Centre is clear and derives from real issues faced by the LGBTI community in the Republic of Macedonia. There is special emphasis on strengthening the LGBTI community for self-advocacy and changing the social and legal status of LGBTI people in the Republic of Macedonia.

The Strategy lines out the goals of the LGBTI Support Centre, which refer to: providing adequate support for LGBTI people; eradicating stereotypes and prejudice in society; increasing the visibility of the LGBTI community; the need for resistance toward patriarchal and heteronormative concepts; sensitization of relevant institutions and the general public; promotion, protection and respect for the rights of LGBTI people; providing constant monitoring of the media and existing legislation, its implementation and practice; as well as building networks of organizations, informal groups and activists on local, national and international level.

The Strategy also contains the activities of the LGBTI Support Centre, as follows:

1. Improving the social and legal status of LGBTI people in Macedonian society via a program for changing the social and legal status of LGBTI people, lobbying and advocacy, as well as publications;

2. Strengthening the LGBTI community via the work of the support groups as well as a cultural change;

3. Raising public awareness via integrated public relations, with networking and public relations in regard to building a website, participation in the media, reactions and announcements, as well as promotional events for publications.

The need for performing the activities of the LGBTI Support Centre yields the programs, through which the goals of the Centre are being realized, such as:

1. Program for changing the social and legal status of LGBTI people;
2. Program for strengthening the LGBTI community;
3. Psychological support for LGBTI people, as well as
4. Awareness-raising program - Integrated public relations.

Strategic litigation in cases of discrimination on the ground of sexual orientation

With the support of ILGA Europe , a document on strategic litigation is currently being prepared by Ljubomir Danailov Frchkoski, PhD, and it represents a strategy on advocating cases of discrimination on the grounds of sexual orientation and/or gender identity. This document should be a basis for future assessments and decisions regarding processing cases of violations of the rights of LGBTI people in the Republic of Macedonia.

Strategic litigation (SL) or impact litigation is a method or technique which uses the legal (particularly the judicial) system of the state in order to create legal cases which resolution (or just establishment) shall have wide influence for positive change in the fight and awareness-raising against discrimination on the grounds of sexual orientation and/or gender identity.

Strategic litigation and this document should serve as instruments which will aid attorneys and NGOs to think of and develop a practice on detecting, selecting and legally developing cases of discrimination on the grounds of sexual orientation and/or gender identity. SL is an instrument in the area of public interest, with which NGOs cause changes in public policies or promote the rights of vulnerable groups.

The central focus of strategic litigation is causing positive changes in law or political reform, more than just the resolution of a certain case of discrimination, even though this may also be used for such purpose. Strategic litigation comprises techniques and methods of case selection, as well as planning and management, in order to successfully develop the cases and lead them to resolution.

Even though litigation is perhaps not always the best tool against discrimination, a good litigation strategy shall have the role of complementing other strategies such as campaigns, lobbying, human rights education and public mobilization.

This document intends to determine structural parts of the term strategic litigation of cases of discrimination on the grounds of sexual orientation and/or gender identity in the

judiciary system of the Republic of Macedonia. For this purpose, the text of this document covers general terms referring to and used in strategic litigation, as well as the basic legal documents (international and domestic) which are the basis or in relation to the process. The document also lists the basic subjects which are called or should be called up to lead or participate in this strategic litigation process, NGOs and lawyers developing legal cases leading to progress in the protection against discrimination on the grounds of sexual orientation and/or gender identity of the individuals. Apart from this, the document also covers basic criteria, selection techniques and emphasis of the objectives of the litigation itself.

In the Republic of Macedonia, the experiences with discrimination on the ground of sexual orientation are ignorant and full of prejudice, hate and violence. There is no specific legislation for protection of the rights of transgender people, and sexual orientation is only mentioned in a few laws, while not being explicitly given as a basis for discrimination, and the courts and the Commission for protection against discrimination do not apply it as a basis, not even indirectly in the Law on protection against discrimination, even though European legislation in this area obliges them to do so.

The reports of the Commission for protection against discrimination show no data on cases of discrimination on the grounds of sexual orientation and/or gender identity. In practice, the state has an institutional obstruction of the visibility of this type of discrimination, while encouraging and spreading hate and hate speech toward LGBTI people by government and pro-government media additionally aggravates the situation. We are increasingly witnessing hate crimes, attacks on participants on LGBTI events and who knows how many attacks on the premises of the LGBTI Support Centre.

The cases of violence against LGBTI people should be processed immediately, particularly those which show passiveness of state bodies in the process of discovering and prosecuting the perpetrators. The case with the demolition and arson in the LGBTI Support Centre in the Old Bazaar in Skopje is an adequate example which should be processed, by also emphasizing the aggravating circumstances of hate toward LGBTI people which "inspired" the passiveness of the police and the system of ignoring, applied by the government. Among the cases which should be urgently processed is also the case of violence against a participant on an LGBTI events, also by emphasizing the aggravating circumstances of a hate crime toward a member of the vulnerable LGBTI population.

The strategic litigation project comes in a particularly important time of establishment, or to be more accurate, pre-establishment of a legal practice in the area of discrimination on the grounds of sexual orientation and/or gender identity, and therefore it has pioneering, significant responsibilities and expectations.

SUPPORT GROUPS

While expecting the finalization of the refurbishment of the LGBTI Centre, in September the support groups maintained their working rhythm of the previous month. It is expected that the Centre is once again opened during October.

September was a month of planning - the coordinators of the groups performed a situation analysis and needs assessment, hence preparing individual plans for the operation of the groups until the end of the year. It is expected that various types of activities are performed on group level, as well as on individual level.

The event titled Busy Sunday, which is being held in a night club in Skopje since July, continued to attract a satisfactory number of guests.

The lesbian and feminist support group held a meeting during September, with a discussion on the topics of future activities, the Strategy of the Centre as well as the part of the Strategy referring to the activities of this group.

Regarding psychological support, the cooperation with the Gestalt Institute is expected to continue in the Centre, and in the meantime, two members of the trans support group were referred to relevant experts due to their expressed need for psychological support. The experts have already participated on the trainings on the topic of transgender people organized by the Centre, therefore this situation provides the possibility for enhancement of existing experiences that these experts have had with other transgender people. We hope that this positive practice shall contribute toward the establishment of a practice for commencing the transition process in our country, which is one of the main goals of the trans group and of the trainings organized in cooperation with foreign activists and experts.