

# HELSINKI COMMITTEE FOR HUMAN RIGHTS



## MONTHLY REPORT ON HUMAN RIGHTS IN THE REPUBLIC OF MACEDONIA

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OCTOBER 2013

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NOVEMBER 2013

# PUBLIC EVENTS AND VIOLATIONS OF DEMOCRATIC PRINCIPLES

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## UNCONSTITUTIONAL OBSTRUCTION OF THE PROTEST FOR SUPPORT OF THE JOURNALIST KEZAROVSKI

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On October 23<sup>rd</sup> 2013, contrary to the Constitution of the Republic of Macedonia<sup>1</sup>, the Criminal Code and the Law on Public Gatherings, police officers prevented a peaceful protest from taking place and restricted the free movement of citizens. One day before the protest began the protest was announced through the media by the Initiative Board for liberation of the journalist Tomislav Kezarovski. In the announcement the place, time and reason for the gathering was stated. The initiative board called for a peaceful protest through which symbolically they planned to express disagreement with the prison sentence of four and a half years for the journalist Kezarovski.

A representative from the Helsinki Committee attended the protest as an observer. Even before the beginning of the announced gathering, around the Museum of the Macedonian Struggle for Statehood and Independence (known as the Museum of VMRO) it was evident that around 50 police officers from the regular police services, but also from the Rapid Deployment Unit were present. Besides these units, it was evident that there was an additional number of police officers present who were concealed and on alert. Despite the fact that around 150 journalists and citizens attended the gathering to express their discontent in a peaceful and non-violent manner, all of the policemen were equipped with special police equipment that is usually used for violent protests.

By placing a cordon, all access to the Museum was blocked and citizens were not allowed to pass through or to protest. In order to indicate to the policemen that this conduct is unconstitutional and illegal, the observer from the Helsinki Committee attempted to come into contact with one of the senior police officers. The policemen replied that they do not know the reasons for the arisen situation, that they have been given “orders from above” and they did not say which police station is responsible for the restriction of movement. The discontent of the gathered citizens culminated when the policemen used unnecessary physical force by use of batons in order to prevent the cordon from being breached. Faced with danger for their physical integrity, the citizens quickly dispersed.

The Helsinki Committee indicates that the right to a public gathering and the freedom of movement of citizens are fundamental values of the Macedonian constitutional order. The Law on Public Gatherings stipulates that a public gathering to express an opinion or to protest in a peaceful manner may take place at every location that is suitable for that purpose except near health institutions, kindergartens and schools.<sup>2</sup> Therefore, the museums do not represent forbidden zones, they represent public institutions. The Criminal Code stipulates

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<sup>1</sup> Article 21 “Citizens have the right to peacefully gather and express a public protest without prior announcement and special permit. The use of this right can be restricted only in war time or a state of emergency.”

<sup>2</sup> “Official Gazette of the Republic of Macedonia” No. 55/1995; 19/2006 and 66/2007, Article 2-a.

that if an official abuses their official position or authority and by use of force or in any other way prevents or obstructs a peaceful public gathering from taking place, they will be punished with imprisonment of 3 months to 3 years.<sup>3</sup> Considering that this prevention of a protest is not the first of its kind and has repeated for several times in the last 4 years, the Helsinki Committee will submit to the Public Prosecution criminal charges against an unknown police officer who gave the illegal order to prevent the protest.

## CLOSED INSTITUTIONS

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### CROWDEDNESS IN THE DETENTION UNITS IN THE PRISONS THROUGHOUT THE COUNTRY

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In the course of the last few months a greater number of complaints and requests for free legal assistance were submitted to the Helsinki Committee regarding the use of pre-detention. The complaints refer to the procedures for imposing and extending pre-trial detention by the investigative judges, the duration of the measure, the lack of use of alternative measures, overcrowding, living conditions and the unsuitable health care. By demanding access to information of public character, the Committee turned to the Directorate for Execution of Sanctions and asked for data about the capacity of the detention units and the number of detainees that reside there. According to the Directorate, the situation with crowdedness in the detention units is the following:

<b>Detention unit</b>	<b>Capacity</b>	<b>Condition on 31.10.2013</b>	<b>Crowdedness</b>
Prison Skopje	290	378	130%
Prison Bitola	11	30	270%
Prison Prilep	17	29	170%
Prison Tetovo	11	27	245%
Prison Gevgelija	6	2	/
<b>TOTAL</b>	<b>335</b>	<b>466</b>	<b>139%</b>

Although the domestic legislation and the international standards insist that the detention measure is used as an exception and not as a rule, the duration to be minimized to the shortest period possible and first of all the possibility for use of alternative preventive measures should be considered, the Helsinki Committee considers that the detention is sometimes used as a punishment and in certain cases as a method for intimidation. We have formed this opinion based on examples where detention is determined for lesser crimes, court decisions in which the defendants are presumed guilty even since the beginning of the trial, pronouncing prison sentences that correspond to the time spent in detention, as well as

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<sup>3</sup> “Official Gazette of the Republic of Macedonia“ No. 37/1996; 80/1999; 4/2002; 43/2003; 19/2004; 81/2005; 60/2006; 73/2006; 7/2008; 139/2008; 114/2009; 51/2011; 135/2011; 185/2011; 142/2012; 166/2012; 55/2013 and 82/2013, Article 155.

the manner in which the special police forces take the suspects to court in front of the TV cameras.

The Helsinki Committee indicates that establishing the causes for determining the detention measure is an activity of the investigative judge whose obligation is to present arguments and to explain in detail why he considers that the detention is necessary, as well as why securing the suspect during the court process would not be possible by imposing an alternative preventive measure. Unfortunately, in Macedonia prevails the practice of exceptionally weak decisions in which a more concrete analysis and explanation is lacking for every basis for which the detention is determined. The decisions for extending the detention are usually identical to one another and are based on simple paraphrasing of the conditions stated in the Law on Criminal Procedure. In the case “Snake Eye” where the Committee represented the defendants in front of the Court in Strasbourg, this Macedonian practice was characterized as contrary to the European Convention for Human Rights.

## SOCIAL RIGHTS

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### **INSUFFICIENT TRANSPARENCY IN THE SELECTION OF CANDIDATES FOR EMPLOYMENT OF SOCIALLY VULNERABLE CATEGORIES OF CITIZENS**

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After the first reaction regarding the selection of candidates for employment in the Public Enterprise “Makedonski Shumi”, many citizens who applied for the public call and who were informed that they were not selected for the job position for which they have applied, turned to the Helsinki Committee.

We concluded from the findings and statements of the clients that the procedure of the public electronic election of candidates is unclear to the citizens concerned, especially due to the fact that during the selection and the decision-making the established scoring criteria published in the public call were not taken into consideration. As a result, the citizens from the smaller populated areas in the Republic of Macedonia where information quickly spread regarding which of the candidates “were lucky enough” to be selected for employment, claimed that among the selected candidates there are many who are members of the same family, as well as persons who are in a much better socio-economic condition than the ones who were not selected.

What we concluded from the reactions and complaints from the citizens is that the electronic selection which was established as a public and objective mechanism for selection of candidates, through which all doubts of subjectivity, favoritism and unfairness in the procedure would be removed, turned into the exact opposite. It is uncertain whether the applications would pass the first filter for selection of application in accordance with the published criteria for application, which opens the possibility for anti-competition during the selection.

Further confusion is created by the notices of PE “Makedonski Shumi” with which the candidates are rejected, which were delivered outside the legally established deadline of 5 days and the only explanation contained in them was information about the web page where

one can review the data and applications. This represents a direct violation of Article 27 of the Labor Law which obliges the employer to state the candidate in the notice who is selected for the job position.<sup>4</sup>

Some of the citizens reacted to the published data which do not correspond to the true data stated in the applications. The Helsinki Committee pointed to the legal remedies available to the clients, which can be used in the appeal procedure.

Considering the fact that another public call of PE “Makedonski Shumi” is ongoing – for establishing full-time employment for 300 employees (disabled persons), we would like to point out that it is necessary that the procedure for selection of candidates is clearer and more transparent, and that there should be strict adherence to the published criteria during the deciding and selection of the candidates, so that potential omissions and inconsistencies in the procedure would be avoided, all in the interest and for the protection of this vulnerable category of citizens.

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#### **LEGAL LABYRINTHS IN THE AREA OF REALIZATION OF SOCIAL PROTECTION**

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Acting upon the request for free legal assistance, the Helsinki Committee found many inconsistencies and omissions by the competent bodies in the segment of the procedure for realization of the rights from the social welfare and healthcare.

In case of a submitted request for permanent financial assistance before the Inter-municipal Center for Social Affairs of the city Skopje (hereinafter: the Center), experts made a direct insight in order to assess the factual situation of the person/applicant and their family. After two months since the performed inspection, the applicant turned to the Center where he was informed that his request has been accepted and that they are waiting for the legal entity to sign the decision. However, after ten months since the day the request was submitted the Center has not delivered a decision to the client.

After the reminder sent to the Center by the Helsinki Committee with which we pointed out that the prescribed period is 60 days and within that period it is obliged to adopt a decision in accordance with the Law on Social Welfare, the client was summoned in order to be given the decision with which the request for permanent financial assistance is approved.

Besides being involved in this procedure the same person is also lost in a legal labyrinth regarding an appeal procedure in front of the Ministry for Health and against a decision of the Regional Office of the Health Insurance Fund. This case concerns a request for reimbursement for a surgical intervention and the wait for the decision by the appellate body has been going on for more than ten months. The Helsinki Committee sent a reminder to the Ministry for Health for this case as well, and there the 60 days statutory period for deciding was brought to the attention in accordance with the Law on Health Insurance, but until this report was finished we have not received a reply.

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<sup>4</sup> „Official Gazette of the Republic of Macedonia“ No. 62/2005; 106/2008; 161/2008; 114/2009; 130/2009; 149/2009; 50/2010; 52/2010; 124/2010; 47/2011; 11/2012; 39/2012; 13/2013 and 25/2013

On several occasions we reported on the stalling of the procedures in cases where it is being decided upon citizens' requests for social rights. The competent bodies have breached the legal deadlines at the expense of the socially disadvantaged citizens. The system and organization of social welfare additionally has weakened due to the volume and the updating of the necessary documentation when submitting applications for realization of these rights, as well as the long procedure for deciding which usually breaches the deadlines.

The Committee would like to emphasize the slowness of the Constitutional Court of the Republic of Macedonia, when deciding on cases from the area of social welfare. Due to the long procedures that last for several years, the effectiveness of the Constitutional Court as a legal mechanism in front of which the citizens are encouraged to seek protection of their rights is questioned. Taking into consideration the way these cases have been handled the question is posed: Is the fact that these procedures are delayed during the decision-making and adoption of decisions, especially when they are positive and in favor of the applicants, in order to "protect" the state budget at the expense of the citizens, is a coincidence?

## DISCRIMINATION

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### **CRIMINAL CHARGES PRESSED FOR THE ATTACKS OF THE LGBTI SUPPORT CENTER**

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Over the last period since the LGBTI Support Center was established in the Old Bazaar, we witnessed multiple attacks on this center, but also attacks on activists that fight for the rights of the LGBTI community.

In the course of October, in terms of the attacks on the LGBTI Support Center, the Helsinki Committee for Human Rights, as part of the Network for Protection against Discrimination<sup>5</sup> pressed criminal charges to the Public Prosecution- Skopje against unknown persons on grounds of reasonable doubt that amongst others they have also committed the criminal acts "Violence", "Racial and other forms of discrimination", "Violation of the equality of citizens", as well as "Causing general danger".

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<sup>5</sup> The Network for Protection against Discrimination aims to develop a strategic representation in cases of discrimination by submitting cases in front of the Commission for Protection against Discrimination and in front of the domestic and international courts. The development of the domestic practice is triggered by providing free legal assistance in strategic cases of discrimination. The network was established in December 2010 by the following organizations: Foundation Open Society – Macedonia; Health Education and Research Association (HERA) HOPS - Healthy Options, Helsinki Committee for Human Rights of the Republic of Macedonia and the Association for Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (ESE) ROMA S.O.S. Prilep; Coalition "Sexual health and rights of marginalized communities" and the National Center for Support of Persons with Intellectual Disabilities – PORAKA.

The criminal charges followed as a result of the lack of response by the institutions. Namely, a year has passed since the first attack on the LGBTI Support Center while there is still no answer for the public whether the competent institutions took measures to find the perpetrators and whether a procedure has been initiated to hold the perpetrators accountable.

However, in one of the cases in which the LGBTI Support Center was attacked, the Primary Court Skopje 1 pronounced the attackers of the Center guilty for the act "Participation in a crowd that is about to commit a criminal act". When deciding about the severity and duration of the punishment for the perpetrators, the court took into consideration the aggravating circumstances for hate crimes based on national and social background, political and religious affiliation, sex, race or skin color, thus evading to include or the recognize the bases sexual orientation and gender identity as a motive for the committed act.

In this regard, we consider that the institutions must recognize sexual orientation and gender identity as bases for violence and discrimination. Therefore the LGBTI community will be provided with protection and support from the institutions that are supposed to protect the rights of all citizens and will act to prevent this kind of violence from happening in the future.

## RIGHTS OF THE LGBTI COMMUNITY

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### INTRODUCTION

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October contained several events of exceptional interest to LGBTI people in Macedonia, as well as to the LGBTI Support Centre. The horrifying homophobic and transphobic atmosphere created in the recent years, which resulted in brutal physical violence in the last year, since the opening of the Centre, found its place in the EU Progress Report for Macedonia. The concern of the international community regarding this pressure on the activists and LGBTI people themselves, can be seen through the visit to the LGBTI Support Centre by the Special Rapporteur for the Republic of Macedonia in the European Parliament, Richard Howitt, as well as the work of Front Line Defenders, who are cooperating with human rights defenders working at high risk of violence and persecution. The state institutions are still silent, there is no report on progress regarding the investigation on finding the attackers who continuously endanger the lives of LGBTI people and activists, which makes the state an accomplice in this violence.

We salute our heroes Jovana, Dzenk, Slavica, Antonio and Maja from the first part of the campaign "Macedonia has love for all", who have openly and publicly spoken of the violence they had suffered. We also salute Ana Kostovska, Primislav Dimovski, Sinolicka Trpkova, Srgjan Janakijevic, Anita Latifi, Nikola Kodzobashija, Igor Ivanov - Izi, Natasha Meshkova and Nora Shakiri for their bravery to publicly stand against violence and support LGBTI people. Support is much needed in this time of trouble. Love will win!

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## INSTITUTIONS

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### **Report of the European Commission: Increasing intolerance toward LGBTI people in Macedonia**

The EU Progress Report, published on the 16th of October, sharply criticizes the situation with LGBTI rights in the countries of the Western Balkans aspiring toward the EU, among which is the Republic of Macedonia. Regarding the progress of the Republic of Macedonia, there is a need for change of treatment and protection of marginalized communities, as well as promotion of tolerance on all levels.

#### 4.23. CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS

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#### FUNDAMENTAL RIGHTS

“...As regards protection of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, the situation has worsened. Reports of violent attacks, including against the LGBT Support Centre in Skopje, need to be fully investigated by law enforcement authorities. Further efforts, including awareness-raising and promotion of tolerance, are needed from the authorities at all levels ...”

The Commission criticized the public officials and the media, that are expected to publicly condemn the intolerance toward the LGBTI community.

„While the police have reacted appropriately to violent incidents, full investigations need to be carried out and far more needs to be done by public officials and by media professionals, owners and organizations to publicly denounce intolerance and ignorance“, stated in chapter 2.2. of the Report, titled "Human rights and the protection of minorities".

In the Report, as stated above, it is being concluded that absolutely nothing has changed regarding prevention of discrimination of LGBTI people. The LGBTI community continues to be condemned, humiliated and violated in the Republic of Macedonia.

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## MEDIA AND THE LGBTI COMMUNITY

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As September, October was also marked by a full media space, containing articles and news of interest to the LGBTI community in the RM. These articles and news are mainly about the radio campaign "Macedonia has love for all", started this month by the LGBTI Support Centre in cooperation with Front Line Defenders, about the EC Progress Report for Macedonia in the EU accession process, about the visit of the Special Rapporteur for Macedonia, Mr. Richard Howitt, about the Pride March in Podgorica, as well as several other news from the region and the world that are of direct or indirect concern to the LGBTI community in Macedonia.

As stated above in this Report, on 25.10.2013, the LGBTI Support Centre in cooperation with Front Line Defenders started the radio campaign for raising public awareness regarding



LGBTI issues, and condemnation of anti-LGBTI violence, titled: "Macedonia has love for all". Even though the manner of media coverage is mainly ethical and neutral, what can be noted is the relatively low media interest for covering the campaign, with the exception of five media<sup>6</sup>, while the rest did not mention the campaign that we consider to be of public interest, and due to its nature (promoting tolerance), it should be subject to larger interest to national media. What is particularly concerning is that none of the state-owned broadcast services chose to process this information.

Particular interest in Macedonia was provoked by the EU Progress Report, on 16.10.2013<sup>7</sup>. Without going into details on the contents of the report, we will note that the LGBTI Support Centre was mentioned twice in the Progress Report, which rarely occurs with any civil organization. What is worrying in this case is the low interest<sup>8</sup> of national media regarding the mentioning of the Centre and the everyday difficulties faced by LGBTI People in Macedonia. With the exception of one medium<sup>9</sup>, the others partially and selectively displayed the facts, also forgetting to report (among other things) on the repeated reaction by the EU that the anti-discrimination legislation is not aligned with the demands of the EU. In line with the standpoint that human rights are positioned high on the EU agenda, is the fact that the Special Rapporteur for Macedonia, Mr. Richard Howitt, during his visit to Macedonia, also visited the premises of the LGBTI Support Centre, from where he openly and clearly condemned the anti-LGBTI violence in the country, and also supported the entire LGBTI community in Macedonia in the fight for their rights. Furthermore, while stating his recommendations after his visit, Mr. Howitt welcomed the reopening of the Centre.

Unfortunately, we can conclude that even in this case, there was a sensationalist, tendentious and selective approach in the reporting on the event. First, very few media decided to publish this news, which is very significant to the EU integration process of this country.

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<sup>6</sup><http://novatv.mk/index.php?navig=8&cat=19&vest=8958>,  
<http://libertas.mk/%D0%BC%D0%B0%D0%BA%D0%B5%D0%B4%D0%BE%D0%BD%D0%B8%D1%98%D0%B0-%D0%B8%D0%BC%D0%B0-%D1%99%D1%83%D0%B1%D0%BE%D0%B2-%D0%B7%D0%B0-%D1%81%D0%B8%D1%82%D0%B5-%D0%BA%D0%B0%D0%BC%D0%BF%D0%B0/>, <http://www.radiomof.mk/makedonija-ima-lubov-za-site-radio-kampana-za-poddrshka-na-lgbti-zaednitsata/>, <http://a1on.mk/wordpress/archives/226643>,  
<http://www.plusinfo.mk/vest/111391/Makedonija-ima-ljubov-za-site---kampanja-protiv-nasilstvoto-na-LGBTI-lugieto>

<sup>7</sup>[http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/mk\\_rapport\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf)

<sup>8</sup>[http://alsat.mk/index.php/vesti/od\\_zemjata/5300-%D0%A1%D1%83%D0%B4%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE-%D0%B2%D0%BE-%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%D0%BE%D1%82-%D0%BD%D0%B0-%D0%95%D0%9A.html](http://alsat.mk/index.php/vesti/od_zemjata/5300-%D0%A1%D1%83%D0%B4%D1%81%D1%82%D0%B2%D0%BE%D1%82%D0%BE-%D0%B2%D0%BE-%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%D0%BE%D1%82-%D0%BD%D0%B0-%D0%95%D0%9A.html), <http://www.press24.mk/ek-makedonija-postigna-visokono-nivo-na-usoglasenost-so-eu-zakonodavstvoto>,

<http://www.vecer.com.mk/default.asp?ItemID=7865616E7E00C54E86FF629542ADD3A5>,

<http://www.sitel.com.mk/mk/bocevski-tri-novi-kluchni-poraki-vo-izveshtajot-na-ek>,

<http://telma.com.mk/index.php?task=content&cat=1&rub=15&item=31524>,

<http://www.vecer.com.mk/default.asp?ItemID=634F34C876507C4AAB5226422AFE1591>,

<http://www.telegraf.mk/aktuelno/makedonija/56222-izvestajot-na-ek-pred-komisijata-za-trud-i-socijalna-politika>

<sup>9</sup><http://www.radiomof.mk/ek-raste-netolerantsijata-kon-lgbti-lugeto/>

Those who did<sup>10</sup>, did so in an ethical and neutral manner. However, what is worrying in this case is the approach of the largest national broadcaster - TV Sitel. Namely, in the news on TV Sitel, from 29.10.2013, at 19:00, the head editor, Dragan Pavlovic - Latas openly criticized the Special Rapporteur Mr. Howitt and the EU Ambassador in Macedonia, Mr. Orav, that they found time to "meet with the homosexuals", and not with other, according to him, much more significant entities in Macedonia, recommending that "they try something like that in their own countries, and see what happens". Moreover, the national public broadcaster, MRT, only had one report on the visit of Mr. Howitt, before it took place<sup>11</sup>, only speaking of the planned agenda of the MEP.

The hypocrisy and double standards can be seen in the following: when these exact same media reported on the support and praising by the Special Rapporteur for Serbia, Mr. Kacin toward the Government of Montenegro regarding the promotion and improvement of LGBTI rights in that country<sup>12</sup>, these media did so in a professional, ethical manner, we could even say quite well. However, when the Special Rapporteur for Macedonia tried to do the same (promote LGBTI rights and support the community), he was ignored, discredited, even subject to ridicule by the very same media. The significance of this event for the Republic of Macedonia and the EU integration process is also shown by the media coverage by international media<sup>13</sup>, as well as the message Mr. Howitt published on his Twitter profile<sup>14</sup>.

Moreover, during the media coverage prior to, during and after the Pride March in Podgorica, there was once again the ethical manner of reporting, typical for the national media while covering LGBTI-related events from another country<sup>15</sup>. But even there, we could notice a certain degree of sensationalism and partial and selective publishing of facts. First, even though most of them published the condemnation of the chief diplomat of

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<sup>10</sup><http://sky.mk/makedonija/24088-hovit-bara-da-se-pronajdat-napagjachite-na-lgbt-centarot-vo-skopje>, <http://www.plusinfo.mk/vest/111958/Hovit-bara-da-se-pronajdat-napagjachite-na-LGBT-centarot-vo-Skopje>, <http://republika.mk/?p=148287>,

<http://libertas.mk/%D0%B2%D0%B8%D0%B4%D0%B5%D0%BE%D1%85%D0%BE%D0%B2%D0%B8%D1%82-%D0%BC%D0%B2%D1%80-%D0%B4%D0%B0-%D0%B3%D0%B8-%D0%BD%D0%B0%D1%98%D0%B4%D0%B5-%D0%B2%D0%B8%D0%BD%D0%BE%D0%B2%D0%BD%D0%B8%D1%86%D0%B8%D1%82/>, <http://novatv.mk/index.php?navig=8&cat=18&vest=8917>

<sup>11</sup>[http://www.mtv.com.mk/mk/vesti/makedonija/87082/richard\\_hovit\\_vo\\_poseta\\_na\\_makedonija.aspx](http://www.mtv.com.mk/mk/vesti/makedonija/87082/richard_hovit_vo_poseta_na_makedonija.aspx)

<sup>12</sup>[http://www.mtv.com.mk/mk/vesti/balkan/86827/kacin\\_paradata\\_na\\_gordosta\\_vo\\_podgorica\\_e\\_pozitivna\\_poraka\\_do\\_brisel.aspx](http://www.mtv.com.mk/mk/vesti/balkan/86827/kacin_paradata_na_gordosta_vo_podgorica_e_pozitivna_poraka_do_brisel.aspx), <http://sitel.com.mk/mk/kacin-paradata-na-gordosta-vo-podgorica-e-pozitivna-poraka-do-brisel>

<sup>13</sup><http://www.vijesti.ba/vijesti/regija/175351-Izvjetilac-Makedoniju-izrazio-zabrinutost-zatvorskome-kaznom-novinara.html>, <http://www.newsnow.co.uk/h/World+News/Europe/Western/Macedonia>, <http://www.topix.com/forum/world/macedonia/T0R1SDR349812VVUF>

<sup>14</sup><https://twitter.com/LGBTintergroup/status/39548446623561728>

<sup>15</sup><http://maxim.mk/vo-crna-gora-se-najavuvaaat-protesti-i-paradata-na-gordosta>, <http://maxim.mk/foto-vo-podgorica-se-odrzha-prvata-parada-na-gordosta>, <http://www.press24.mk/kje-ima-i-parada-na-gordosta-i-protesti-vo-crna-gora>, [http://kanal5.com.mk/vesti\\_detail.asp?ID=20285](http://kanal5.com.mk/vesti_detail.asp?ID=20285), <http://republika.mk/?p=139819><http://www.vecer.com.mk/default.asp?ItemID=EAE8698A893F2C4A886735D26188B4A0>, <http://www.sitel.com.mk/mk/nad-15-povredeni-pri-sudiri-za-vreme-na-prvata-gej-parada-vo-podgorica>

Montenegro, Igor Luksic, toward Amfilohije after the speech<sup>16</sup>, no media condemned the open hate speech and call for violence that the Metropolitan of the Serbian Orthodox Church in Montenegro, Amfilohije, used to address his group of believers before the beginning of the march<sup>17</sup>, while domestic media reported contrary to the Ethics in Journalism Manual from 2012<sup>18</sup> where it is stated that the medium and the journalist should not publish materials (information, pictures, opinions, commentaries) aiming to spread hostility or hate, or if it is likely that the published material shall cause hostility or hate toward someone, due to his race, ethnicity, sex, religion, political views, sexual orientation, physical disability etc.

Also, sensationalism may be noticed in two other related titles: "PODGORICA: Children at home, gay parade on the streets"<sup>19</sup>, where the author speaks of safety measures and the government recommendation to not let children out without a guardian at the day of the march, and the part stating that children should be kept at home due to the "gay parade on the streets" implies that the people marching are the reason children should be kept at home; the second title is "WAR: Tear gas, helicopters, Montenegro defends itself against the homosexuals"<sup>20</sup> tendentiously points that the entire Montenegrin state is taking measures to defend itself against the homosexuals, while the author only speaks of the activities of the people who opposed the organization of the March.

As opposed to September, October showed a broader dispersal of media attention regarding events of interest to LGBTI people. In other words, there were many articles referring to a larger number of events of interest to LGBTI people. What is common for most of these events, happening above all in other countries, is the dominant professionalism, ethical and unbiased manner of reporting. Hence, this month there were a lot of articles referring to Russia's preparations for the upcoming Winter Olympics and the implications of Russian anti-gay laws on the Olympics<sup>21</sup>; the events in Serbia after last month's failed attempt to organize a Pride Parade in Belgrade<sup>22</sup>; the market stocks up for sale by Credit Suisse, intended for the LGBTI community<sup>23</sup>; the asylum request in Canada by the first out gay man in Montenegro<sup>24</sup>; and the attack against the diplomat of the Netherlands in Moscow<sup>25</sup>.

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<sup>16</sup>[http://makfax.com.mk/321125/lukshikj\\_zadovoljen\\_od\\_crnogorskiot\\_prajd\\_so\\_kritiki\\_kon\\_amfilohije](http://makfax.com.mk/321125/lukshikj_zadovoljen_od_crnogorskiot_prajd_so_kritiki_kon_amfilohije), <http://portal.com.mk/vesti-balkan/lukshikj-zadovoljen-od-crnogorskiot-prajd-so-kritiki-kon-amfilohije.html>

<sup>17</sup><http://tocka.com.mk/1/108294/amfilohije-paradata-na-gordosta-e-proizvod-na-pritisocite-na-evropskoto-gej-lobi>, [http://kanal5.com.mk/vesti\\_detail.asp?ID=20007](http://kanal5.com.mk/vesti_detail.asp?ID=20007),

<http://www.netpress.com.mk/mk/vest.asp?id=140793&kategorija=5>,

<http://tocka.com.mk/1/108611/amfilohije-ucesnicite-na-gej-paradata-gi-obescestija-crnogorskite-mustaki>

<sup>18</sup>Page 35

<sup>19</sup><http://www.telegraf.mk/aktuelno/region/50339-podgorica-decata-doma-gej-parada-na-ulicite>

<sup>20</sup><http://lokalno.mk/vojna-solzavehelikopteri-crna-gora-se-brani-od-homoseksualcite/>

<sup>21</sup><http://novatv.mk/index.php?navig=8&cat=5&vest=8896>, <http://www.telegraf.mk/aktuelno/svet/55567-rusija-na-olimpijadata-nema-da-ima-diskriminacija-na-homoseksualcite>,

<http://www.utrinski.mk/?ItemID=E2C6A9BB83F2A2489579440300DA7A2E>

<sup>22</sup><http://tocka.com.mk/1/106769/ke-se-objavat-iminijata-na-onie-koi-go-sprecija-organiziranje-na-gej-paradata-vo-belgrad>

<sup>23</sup><http://www.telegraf.mk/aktuelno/region/52886-prviot-javno-deklariran-gej-vo-crna-gora-bara-azil-vo-kanada>, [http://faktor.mk/archives/79327?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=credit-suisse-pushta-akcii-nameneti-za-gej-zaednicata](http://faktor.mk/archives/79327?utm_source=rss&utm_medium=rss&utm_campaign=credit-suisse-pushta-akcii-nameneti-za-gej-zaednicata), <http://republika.mk/?p=145065>

<sup>24</sup><http://sitel.com.mk/mk/prviot-deklariran-gej-vo-crna-gora-bara-azil-vo-kanada-poradi-smrni-zakani>, <http://www.telegraf.mk/aktuelno/region/52886-prviot-javno-deklariran-gej-vo-crna-gora-bara-azil-vo-kanada>

We could also notice many articles mainly elaborating topics from show business and merely touching the topic of LGBTI people<sup>26</sup>. What was particularly interesting during this month is the accidental homophobic outrage of a national medium. Namely, while covering the news on a letter by a grandfather to his homophobic daughter, who had kicked her son (his nephew) out of the house<sup>27</sup>, one medium rushed and published the news under the title of: "Grandfather of the year: Daughter, kick your son out of the house because gay is horrible"<sup>28</sup>. As you can see, this is a fully tendentious, manipulating, twisted and untrue display of facts, for which we would like to believe that it is a mistake. Some days later, this text was removed from the website of the medium.

Lesbian, bisexual, transgender and intersex people, as it was until now, are only mentioned when the LGBTI community is mentioned as a whole. There is an exception from this trend, publishing a story coming directly from the life of some of these people, in a sensationalist manner<sup>29</sup>. Also, we welcome the review<sup>30</sup> of the text "Lesbians want to destroy the family", published last month, where the reporting on the views of the activist Misha Gesen, the medium reflected her views as views of the entire LGBTI community, adding that "(the deconstruction of marriage and family) is the final goal of LGBT activists"<sup>31</sup>. The review accentuates the unprofessional way of presentation of obsolete news in a politically sensitive situation.

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## LOBBYING AND ADVOCACY

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### **Meeting with the Rapporteur for the Republic of Macedonia in the European Parliament, Mr. Richard Howitt**

The Special Rapporteur of the European Parliament for the Republic of Macedonia, Mr. Richard Howitt strongly condemned the anti-LGBTI violence in Macedonia, on the meeting held on 29.10.2013 at 12:00 in the LGBTI Support Centre, between the delegation of the

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<sup>25</sup><http://www.mkd.mk/svet/vesti/pretepan-holandski-diplomat-vo-moskva-napagjachite-mu-nacrtale-srce-i-napishale-lgbt>, <http://portal.com.mk/vesti-svet/holandski-diplomat-napadnat-vo-domot-vo-centarot-na-moskva.html>,

<http://makfax.com.mk/320692/holandski-diplomat-napadnat-vo-domot-vo-centarot-na-moskva>,  
<http://www.telegraf.mk/aktuelno/svet/49562-pretepan-sovetnik-na-holandskiot-ambasador-vo-moskva>

<sup>26</sup><http://www.plusinfo.mk/vest/110537/Dzvezdata-na-Bubalici-nagraden-za-promoviranje-na-pravata-na-LGBT-populacijata>, <http://365.com.mk/tracarka/nekogas-i-sega/ushte-od-mal-pokazha-potencijal>,  
[http://kanal5.com.mk/vesti\\_detail.asp?ID=21100](http://kanal5.com.mk/vesti_detail.asp?ID=21100), <http://www.telegraf.mk/zabava/dzetset/56023-lejdi-gaga-se-soblece-gola-vo-gej-klub-vo-london-foto>, <http://www.plusinfo.mk/vest/111797/Gej-student-planira-da-izgubi-nevinost-pred-100-lugje-i-potoa-da-odrzhi-konferencija>

<sup>27</sup><http://republika.mk/?p=134900>, <http://a1on.mk/wordpress/archives/215554>

<sup>28</sup><http://sitel.com.mk/mk/dedo-na-godinata-kjerko-da-go-isfrlish-od-doma-tvojot-sin-zatoa-shto-e-gej-e-grozno>

<sup>29</sup><http://portal.com.mk/zabava-interesno/mu-priznala-na-mazhot-deka-e-lezbejka-a-toj-nea-deka-e-trans-seksualec.html>

<sup>30</sup><http://okno.mk/node/32023>

<sup>31</sup><http://mkd-news.com/lezbejka-aktivistka-si-kazha-jasno-i-glasno-nashata-krajna-tsel-e-da-se-razori-i-unishti-semejstvoto/>

European Parliament and representatives by the Helsinki Committee for human rights and the LGBTI Support Centre.

Mr. Howitt emphasized the support from the EU on LGBTI rights and expressed regret for the increased hate-motivated violence against LGBTI people in the Republic of Macedonia. He also spoke of EU policies regarding enjoyment of fundamental human rights and equality of citizens before the law, and also mentioned the duty of the countries to protect all of their citizens without selective approach.

On the meeting, Mr. Howitt was notified on the lack of progress in the investigation of four out of five attacks against the LGBTI Support Centre, even though the first attack occurred exactly one year ago. There was also a discussion on the silence of the institutions and the general lack of dialogue regarding threats and hate crimes on the grounds of sexual orientation and gender identity, the rate of which is drastically growing. The lack of public condemnation by relevant institutions who are obliged to protect all of their citizens without discrimination, as well as the low rate of initiating court procedures of cases of anti-LGBTI violence, points out that anti-LGBTI violence in Macedonia is not only tolerated, but also encouraged.

After the meeting, our expectations are that Mr. Howitt shall encourage the state institutions to take all appropriate measures to resolve the cases and provide evidence regarding the attacks on the LGBTI Support Centre, as well as disclosure, location and punishment of perpetrators, and eradication and prevention of anti-LGBTI violence as a whole. This is the only way for the Republic of Macedonia, together with the EU, to promote tolerance, free access to justice and accepting diversities in society, free from violence.

### **Radio campaign - Macedonia has love for all**

After the horrifying homophobic atmosphere and give attacks, the LGBTI Support Centre continues on its way toward reaching its goal - equality for all people in the Republic of Macedonia.

Just before the re-opening of the Centre in the Old Bazaar in Skopje, and holding the fifth March of Tolerance, the LGBTI Support Centre and the Helsinki Committee for Human Rights of the Republic of Macedonia (MHC), supported by Front Line Defenders (FLD), made a radio campaign titled "Macedonia has love for all", which is focused, above all, on condemning violence and giving support to LGBTI people.

It is most important of all that this process of gaining livelihood of the LGBTI community and continuing the fight for equality, the LGBTI community did not become afraid and did not kneel before the continuous attacks, but on the contrary, in greater numbers, much stronger and prouder, came out to publicly demand its rights. We would like to thank all LGBTI people who proudly and openly stood up in defense of their rights and participated in this campaign, their parents, as well as all celebrities who showed solidarity and participated in the campaign, defending equality, freedom and dignity.

Regarding the preparation and launching of this campaign, FLD has given a statement: We are proud to support this radio campaign, which supports human rights defenders in Macedonia. Violence and discrimination against the LGBTI community, and targeting those

who work for the improvement of the human rights situation is something that must not occur in any society today. For FLD, radio as a medium to reach a larger audience, this campaign may help in changing the public discourse and pressure the authorities to prevent violence and hold accountable those who have committed the violent crimes.

The program director of the LGBTI Support Centre, Kocho Andonovski, stated that with violence, threats, lack of case processing by the institutions, someone wants to stop LGBT activism, stop the process of gaining livelihood by the LGBTI community in Macedonia, hence this campaign is a response by the entire community regarding the current homophobic situation in the Republic of Macedonia. Andonovski stated that even despite intimidation and pressures, the LGBTI community will not stop, but become stronger and more determined to continue its fight for equality.

Apart from several radio stations, you can follow and share the campaign via the website: <http://www.radiohrd.org/macedonia/index.html>.

### **Human rights defenders platform**

Front Line Defenders welcomed 145 human rights defenders from 95 countries to Dublin for 7th Dublin Platform for Human Rights Defenders.

Today the Tanaiste and Minister for Foreign Affairs and Trade, Mr. Eamon Gilmore TD, joined Front Line Defenders in Dublin Castle for the formal opening of the 7th Dublin Platform for Human Rights Defenders. In his key-note address to the 145 human rights defenders who had traveled from 95 countries to attend the Dublin Platform, Mr. Gilmore emphasized the important role of human rights defenders, whose work is vital to the creation of more just and equal societies. He also reiterated the Irish Government's commitment to continue working for the security and protection of human rights defenders at risk.

Speaking at the opening session, Front Line Defenders founder and Executive Director, Mary Lawlor said, "Human rights defenders painstakingly and relentlessly fight injustice with determination mixed with hope. Their work is legitimate, their spirit and resilience unshakable and they are entitled to state protection against attack."

All of the human rights defenders taking part in the Dublin Platform have been invited because of the risks they face as a result of their peaceful work defending the rights of others.

Speaking from Dublin, Macedonian human rights defender, Kocho Andonovski said, "To be a human rights defender is to make a choice between standing up for what is right and defending the rights of others, or passively accepting that there is no other way. Being here with 145 other human rights defenders from every corner of the globe, all of whom face very similar risks, reminds me of the rightness of our cause. When you see the energy and the commitment of the people in this room, then there is a real cause for optimism for the future."

The Dublin Platform provides a unique opportunity and a safe space in which human rights defenders, many of whom can not speak freely in their own country, can share experiences, learn from each other and come up with new and more effective strategies for their security and protection.

According to Denis O'Brien, Chairman and co-founder of Front Line Defenders, the Dublin Platform is a celebration of courage, of brave people, people like human rights defenders, who persist in fighting the good fight, despite the odds stacked against them.

This year's Dublin Platform will include a focus on digital security with one day of training followed by one-to-one digital security clinics. There will also be sessions on the specific risks faced by women human rights defenders and security and protection for those working in the context of armed conflict.

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### **SUPPORT GROUPS**

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In October, the support groups continued their ongoing activities, anticipating the reopening of the Support Centre. The working plans for the groups continued to develop. The Lazy Sunday event continued to take place each Sunday, drawing a satisfactory number of guests.

The group members who had asked for psychological support, continued to use it. It is good news that some of them, on their own initiative, contacted experts whom the Centre has not had a chance to contact yet, which opens a wonderful opportunity to expand the expert team working with trans people, sharing new experiences and taking steps toward the official establishment of an expert team working with trans people in the Republic of Macedonia.

While waiting for the reopening of the Centre and the 5th March of Tolerance, the radio campaign "Macedonia has love for all" received essential support by the members of the support groups.

The first part of the campaign consists of audio and video recordings of five members of the support groups, who spoke of their experiences, the violence they or their close ones had suffered, and called out for eradication of violence on the grounds of sexual orientation and gender identity, with the slogan "Violence didn't start and won't end with me".