



**Republic of Macedonia**  
**Updated information on the implementation of the Convention on**  
**Elimination of All forms of Discrimination against Women related**  
**to lesbians, bisexual women and transgender people**

**Submitted for consideration for the 71<sup>th</sup> Session of the Committee on the Elimination of All**  
**Forms of Discrimination against Women (CEDAW)**  
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Helsinki Committee for Human Rights of Republic of Macedonia - LGBTI Support Centre

NOTE: This information can be posted on the website of the CEDAW Committee for public information purposes.

## **Executive Summary:**

**The Coalition Sexual and Health Rights of Marginalized Communities MARGINS** was founded in 2007 as a non-formal joint platform, resulting from the joint efforts of several civil society organizations: HOPS – Healthy Options Project Skopje, HERA, IZBOR – Strumica and EGAL. Since 2011, the Coalition has been registered as an individual entity - an NGO whose founders 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 marginalized communities (sex workers, people living with HIV, people who use drugs, marginalized women and LGBT people) and better life quality in different social spheres.

**Helsinki Committee for Human Rights of the Republic of Macedonia** was founded in 1994 and ever since then is dedicated to protection and promotion of the human rights and freedoms guaranteed by the Constitution of the Republic of Macedonia and the international instruments for civil, political, social, economic and cultural rights, as well as the Helsinki Final Act of 1975. Strategic focus of the organization is on advancement and protection of human rights and freedoms, raising awareness of the citizens about their rights and freedoms and about the mechanisms for their protection, and enabling environment for access to the human rights for all in the society as a whole. **LGBTI Support Centre** was founded in 2012 and is focused on advancing the rights of the LGBTI people in the country through providing community programs and capacity building, legal and psychological support, national and international advocacy, cultural program, and shelter for LGBTI people.

1. We have jointly prepared this report to supplement the information available to the Committee for Elimination of All Forms of Discrimination against Women in the examination of the Republic of Macedonia on its implementation of the Convention on Elimination of All Forms of Discrimination against Women.
2. The government's reply to the LOI (paragraphs 6 and 7) provides vague information on the legal framework regarding the protection of LBT women and fails to address the issues listed in paragraph 22 of the List of Issues of the CEDAW Committee.
3. In this submission, we provide information that will give the Committee clearer view on the situation of LBT women in obtaining access to education, health, rights related to family life and access to justice in cases when they are victims of any form of violence.
4. Therefore, the report includes information on the existing legal framework protecting LGT women from discrimination and violence as well as measures taken by the state to address the violence and discrimination against these women.

5. The information provides insight on the specific problems transgender people face related to their right to legal gender recognition as well as the access to specific services for medical confirmation of their gender.
6. Homophobic and transphobic textbook content in any level of education is a concerning issue since it perpetuates the stigma and discrimination against LBT women among younger generations.

## Article 1 - Definition of discrimination

1. Lesbian, bisexual women and transgender people in Macedonia are discriminated against on the basis of their sexual orientation and gender identity respectively. The denial of the right to access to justice, violation of privacy, the right to the highest attainable physical and mental health are constantly being violated. This adverse treatment, which impairs LBT people's ability to fully exercise their human rights and fundamental freedoms on equal footing with heterosexual men and cis people, constitutes discrimination against women as per the definition in Article 1 of the Convention.
2. The most important steps Macedonia could take to prevent further violations of the rights of LBT individuals would be to enact and vigorously enforce laws against discrimination, violence and threats based on the victim's sexual orientation or gender identity. At present, Macedonia's anti-discrimination law and its criminal laws do not list sexual orientation and gender identity among the specified grounds of discrimination and bases of hate crimes and hate speech to which the laws apply.<sup>1</sup>
3. Although the Macedonian Constitution declares in Article 9 that "all citizens" are "equal before the Constitution and law," it omits to mention sexual orientation and gender identity when it further proclaims that "[c]itizens of the Republic of Macedonia are equal in their freedoms and rights, *regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status.*"<sup>2</sup> Sexual orientation and gender identity likewise are not mentioned in Article 110, under which Macedonia's Constitutional Court is given responsibility for "protect[ing] the freedoms and rights of the individual and citizen relating to . . . the prohibition of discrimination among citizens *on the ground of sex, race, religion or national, social or political affiliation.*"<sup>3</sup> Hence, LBT women cannot claim protection of discrimination before the Constitutional Court.
4. Similarly, the 2010 Law on Prevention and Protection against Discrimination ("LPPD") omits explicit mention of sexual orientation and gender identity among the bases as to which discrimination is prohibited.<sup>4</sup> The postponement of the adoption of the new anti-discrimination law perpetuates the widespread discrimination against LGBT people.
5. The 2012 Law on Equal Opportunities for Women and Men stipulates explicit prohibition of discrimination, harassment and sexual harassment on the ground of sex without taking into consideration the intersectional understanding of gender equality and the experience of discrimination women face based on other parameters and social status than sex. The

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<sup>1</sup> Discrimination and hate speech directed at someone due to the person's sexual orientation or gender identity may be covered by these laws under "other grounds stipulated in international ratified agreements".

<sup>2</sup> Constitution of the Republic of Macedonia, as amended, Article 9 (emphasis added), Official Gazette of the Republic of Macedonia, 12 April 2011, available at [http://www.legislationline.org/download/action/download/id/3651/file/FYROM\\_Constitution\\_1991\\_am2011\\_en.pdf](http://www.legislationline.org/download/action/download/id/3651/file/FYROM_Constitution_1991_am2011_en.pdf) [hereinafter Macedonian Constitution].

<sup>3</sup> *Id.* Art. 110.

<sup>4</sup> The Law on Prevention and Protection against Discrimination, Official Gazette of the Republic of Macedonia, No. 50 (13 April 2010), Article 5(3), available at [http://legislationline.org/download/action/download/id/3483/file/FYROM\\_Law%20on%20protection%20against%20discrimination\\_2010\\_en.pdf](http://legislationline.org/download/action/download/id/3483/file/FYROM_Law%20on%20protection%20against%20discrimination_2010_en.pdf).

law on Equal Opportunities for Women and Men excludes protection of lesbians, bisexual women and transgender people by reducing the understanding of gender equality solely to the biological sense/aspect.

## **Article 2 - Policy measures to eliminate discrimination**

1. In Macedonia 39% of the sexual and gender minorities experienced discrimination,<sup>5</sup> out of which 74.6% did not report the case to any of the competent institutions or organizations. Asked on the reasons for that, 45% stated distrust in the institutions, 34% fear of harmful consequences if they were to report, 17% stated they feel uncomfortable talking about their sexual orientation or gender identity in institutions and 4% stated 'other'. This data clearly shows the lack of trust in the institutions and their willingness to do anything in cases of discrimination, or, on the other hand, that the undertaken actions might cause more harm than good.
2. The resent survey conducted among lesbian, bisexual and queer (LBQ) women shows that almost 34% of the LBQ women experience discrimination in education and almost 30% at job interviews or employment.<sup>6</sup> The fact that none of the respondents reported the case to an organization is alarming/troublesome/The most worrisome aspect is that not one of them reported the case to any organization or institution (including the school or the workplace). The main reason listed in both situations is distrust in the institution (doubt they could help). The second listed cause for discrimination in education is fear of judgment and prejudice by the environment, while for discrimination at the workplace this is fear of their sexual orientation being exposed by the officers. Some of the surveyed women provided their own statements explaining the reasons for not reporting the discrimination they've experienced. One of them stated: *"Often we are not aware that we are experiencing discrimination and/or some form of violence and we treat those behaviours as normal. That is the reason why I did not report, but I used to live with that or I was trying to confront it."*, while another woman also added: *"...it is a state of an everyday functioning."*
3. Transgender people do not have equal and effective protection against discrimination before the law. The absence of a specific provision prohibiting discrimination or violence (crimes) based on gender identity prevents transgender people from effective protection of discrimination and protection of other rights. There is no court case on protection of discrimination based on gender identity, although in practice there are frequent situations where transgender people are exposed to discrimination, harassment or violence, even by the court.
4. A transgender woman who had changed their name during the trial for protection of her right to privacy was ridiculed in the court room by the judge, the accused and the attorneys of the accused party.

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<sup>5</sup> "Analysis of the problems and the needs of LGBTI people in the Republic of Macedonia", published by LGBTI Support Center, Skopje, 2016. For the purpose of this report, we are using the data for LGBTI people in lack of specific analysis and surveys on lesbians, bisexual women and trans people.

<sup>6</sup> LGBTI Support Center, Lezfem. Survey on the situation of LBQ women in Macedonia, 2018.

5. There is neither clear legislation nor meaningful practice allowing transgender people to conform their personal identity documents, which indicate gender, to their actual gender identity.<sup>7</sup> The lack of legal gender recognition law leads to arbitrary decisions by institutions competent to deal with the civil registry data. Since 2008 three transgender people have succeeded in accessing their right to legal gender recognition while people in similar situation are refused because the Civil Registry has declared itself non-competent to decide on already pending cases for legal gender recognition.
6. When a transgender person's identity documents indicate one gender, and his/her appearance indicates a different gender, accessing other rights becomes more difficult.<sup>8</sup> NGOs have documented cases of refusal of bank services, health care services, access to work, housing, and harassment in the education system due to the lack of incongruent data in the personal documents.
7. A significant step forward is the constitution of the Inter-Party Parliamentary group on advancing the rights of the LGBTI people in April 2018. The group of 14 MPs from different political parties has already adopted its annual action plan and has already started representing the interests of the LGBTI people in the Parliament. Still, there are no significant improvements in the policies and practices of the institutions toward LBT women.

### ***Violence against lesbians, bisexual women and transgender people***

8. Macedonia has failed to take appropriate measures to adequately investigate, prosecute and punish the perpetrators of LBT people, and to ensure that victims receive appropriate remedies.
9. On 20 April 2013, activists from LGBT United and the Coalition Margins were physically and verbally attacked in the town of Bitola.<sup>9</sup> In December 2012, the Centre was attacked again when arsonists attempted, unsuccessfully, to burn the Centre down.<sup>10</sup> In March 2013, the building was again stoned.<sup>11</sup> A new round of attacks against the LGBTI Support Centre took place in connection with the Pride Week activities in June 2013. The mob threw bottles, stones, and pyrotechnical materials at the Centre. Everyone inside was traumatized by the attack, while two individuals suffered injuries due to the shattering of a glass window.<sup>12</sup>
10. On 23 October 2014, a stampede of around thirty young people advanced with lightning

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<sup>7</sup> Coalition, *Annual Report 2012*, at 102.

<sup>8</sup> *Id.* at 102, note 73.

<sup>9</sup> Amnesty International, *Macedonia Must Prevent Homophobic Attacks* (23 April 2013), available at <http://www.amnesty.org/en/library/asset/EUR65/002/2013/en/80fd552e-1598-4d52-8e53-d7042a7ac558/eur650022013en.html>.

<sup>10</sup> ILGA-Europe, *Submission to European Commission's 2013 Progress Report*.

<sup>11</sup> Amnesty International, *Urgent Action*.

<sup>12</sup> *Id.* at 75-76; Amnesty International, *Urgent Action*, HRW Letter to Prime Minister.

speed from both sides of the street leading towards the place where the LGBTI Support Centre was celebrating its second anniversary. At the time of the incident, more than sixty people were attending the celebration, two of whom, a young man and a woman, were standing outside in front of the main entrance of the bar.<sup>13</sup>

11. No one has been arrested or prosecuted in connection with these events, even though video evidence clearly shows the perpetrators of the attack.
12. Three public events organized by the lesbian feminist group “LezFem,” were subject to chauvinistic and homophobic hate speech and even an attempt for physical violence. The first two events were **lectures on feminism** that took place in April 2015 in the LGBTI Support Centre. The events were being promoted on Facebook when a stream of comments by a group of young men attacked the events. The comments consisted hate speech, offensive and misogynic comments, comments and photos promoting violence against women and threats, including rape threats towards the organizers of the events. The hate speech was reported in the Department for Computer Crime Investigations within the MOI by the Helsinki Committee for Human Rights, but there is still no response.
13. The third event that was targeted was the “Lesbian Picnic” planned to take place in the city park.<sup>14</sup> The intersection of being a woman and a sexual minority was a trigger for this lesbophobic and misogynic behaviour. The event was promoted on Facebook where immediately it was “bombed” with comments including hate speech, misogyny, calls for violence and threats. The organizers reported the hate speech to the Department for Computer Crime Investigations within MOI, and asked for increased police presence due to the threats and calls for violence. In response to the request, the police sent several teams to secure the perimeter around the event taking place in the city park. Thirty minutes into the event, a group of young individuals (7-10) started gathering in the vicinity and after a while they moved closer to the participants of the lesbian picnic after which the police prevented them from approaching completely and inspected their personal identification documents. The police notified the Picnic’s participants that it is not safe to continue with the event and suggested its closure in order to prevent possible incidents. The police prevented the violence only by ending the event an hour and a half earlier and asking the participants to leave the public space, instead of asking the potential attackers to do so. Moreover, the police did not press charges against the perpetrators for the attempt of the physical violence motivated by hate or for the hate speech on the social media.
14. Hate crimes on the ground of sexual orientation and gender identity are not recognized and are not prosecuted as such, which contributes to repetition of the crime. Based on the Analysis published by the LGBTI Support Centre in 2016,<sup>15</sup> 61% of the LGBTI people in

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<sup>13</sup> Information reported by the LGBTI Support Centre and by the Coalition Sexual and Health Rights of Marginalized Communities.

<sup>14</sup> Coalition Margins, Annual Report 2015, p. 59

<sup>15</sup> “Analysis of the problems and the needs of LGBTI people in the Republic of Macedonia”, published by LGBTI Support Center, Skopje, 2016. For the purpose of this report, we are using the data for LGBTI people in lack of specific analysis and surveys on lesbians, bisexual women and trans people.

the country consider themselves as victims of violence because of their sexual orientation and/or gender identity.

15. Out of those who experienced violence on the ground of sexual orientation and/or gender identity, 71% did not report the case to either an institution or organization. Those who did report the violence experienced discrimination based on their sexual orientation/gender identity (42%), untimely and inefficient performance delay of the case or lack of response (37%), and inappropriate treatment by the employees because of their sexual orientation and/or gender identity (21%).
16. The lack of legal outcome of the attacks against the LBT community resulted with number of documented cases of violence, mostly against transgender women. In 2017, the Coalition Margins documented 20 individual cases of violence of the rights of transgender people and in the first half of 2018, 25 cases of violence against transgender people.
17. The recent survey conducted by the LGBTI Support Centre and LezFem among lesbian, bisexual and queer (LBQ) women shows that more than 45% of the LBQ women experience different forms of violence and almost 15% experience domestic violence. None of the surveyed women who stated they experienced violence reported the case to an institution or organization. The main reason for not reporting the cases of violence is the distrust in institutions (doubt that institutions would do something) and the fear of judgment and prejudice by their environment.
18. Although most of the physical and verbal attacks described in the preceding paragraphs were committed by private actors, these attacks nevertheless engage the State's responsibility under Article 2 of the Convention. The State Party can violate its obligations by "failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities."

### ***Domestic violence against lesbians, bisexual women and transgender people***

19. According to the data reported by the Ministry of Interior, in 2017 there are total of 903 reported cases of DV out of which 92% of the perpetrators were men, and 83% of the victims are women<sup>16</sup>. The Ministry of Labor and Social Work reported total of 1081 case of domestic violence for the period of March-December 2017 (473 cases of physical violence, 853 -psychological violence, 12 - sexual violence, 40 cases of economic violence). In addition to this, there is a growing trend in the number of femicides. In the period from 2008 to 2017, total of 79 femicide were registered, 13 of these murders occurred only in 2013.
20. Based on the previously mentioned analysis 36.5% of the respondents stated to have been victims of domestic violence because of their sexual orientation and/or gender identity and only 33% of them reported it to the relevant institution. Almost 9 of 10 (88.3%) reported dissatisfaction with the treatment by the employees due to discrimination because of their sexual orientation and/or gender identity (50%), due to inappropriate treatment by an

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<sup>16</sup> [http://www.mvr.gov.mk/Upload/Editor\\_Upload/semajno%20nasilstvo.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/semajno%20nasilstvo.pdf)



employee because of their sexual orientation and/or gender identity (15%) and due to untimely and inefficient performance (delay of the case or lack of response).

21. The cases documented by the organizations working with LBT people only confirm the distrust in the institutions presented by the Analysis. In July 2017, LezFem<sup>17</sup> documented a case of physical violence against a lesbian woman by her mother when she discovered her daughter's sexual orientation. The lesbian woman first reported the case to LezFem with the intention of suing her mother, but shortly after the conversation she changed her mind in fear that her condition (economic status and housing) will worsen.
22. According to reports of First family Center<sup>18</sup>, since from establishment of the Center in 2013, there were one lesbian, one bisexual woman and two trans-gender women that asked for violence support and counseling services. None of them have previously reported the case in state institutions because of the fear of stigma and discrimination.

*L.D. is a 17 year old trans-gender girl, enrolled in high school education in the capital. She has been supported by her mother in the transition process, but she was heavily bullied at high school, mostly from the teachers. The teachers' general message was for her to leave the school and stop giving that "wrong example" to other adolescents. When A.M. asked for help from her mother to move to another school and a different city, her mother rejected any discussion regarding the issue, so the young girl asked for help from the local Center for Social Work (CSW). She wasn't even registered as a user by the CSW, as they didn't let her enter the office of the social worker, and A.M. was sent away. She didn't get support by her mother and her other parent is not known. So she asked for help in the Family center, feeling neglected by her primary caregiver and rejected by the state institutions. She and her mother underwent counseling in the Family center for 6 months. After the treatment, they managed to get along much better. The Family Center's staff worked with the school psychologist to stop the bullying, but unfortunately this wasn't very successful since she was refusing to collaborate. She was not willing to undertake any measure to protect L.D. claiming that she cannot control other student's and teacher's behavior. According to Family Center's social worker opinion, the strategy of the school was to let the bullying go on, so eventually, L.D. would left the school. It, actually, did happen. At the end, L.D. moved to another city in order to continue her education.*<sup>19</sup>

*K.M. is a 27 year old lesbian who was in a long-term relationship with an older woman. K.M.'s female partner abused her during the relationship both emotionally and sexually, and after 1 year abruptly ended the relationship leaving K.M. in a very bad mental health. To make things even worse, she was publically outed by the ex-partner, which disrupted relations with her parents and most friends. K.M. then started to abuse alcohol and light drugs, and started dating men with an idea to "cure her of the lesbianism" and to be accepted by society as a straight woman. She dated different men for short time and had multiple one night stands, involving her in a risky sexual behavior, and ended being abused by the male partners also. This is when she asked for help from the police, explaining just an outline of her story. The police officer made fun of her claiming that*

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<sup>17</sup> LezFem is a lesbian feminist activist group that functions within the LGBTI Support center

<sup>18</sup> First Family Center is specialized service for psycho social support and counseling of victims and perpetrators of domestic violence, run by CSO Health Education and Research Association-HERA.

<sup>19</sup> Case from First Family Center, reported in

*she was asking for it since she was not supposed to get involved in risky relationships, in the first place. At the end, the police officer asked her to leave. When she came to the First family center she was traumatized and could barely speak. She was in therapy with a professional from the center for 9 months, and after that she checked in every month in the center to let the professional team know how she was doing. The results of the case evaluation conducted after one year, showed that the therapy was very successful. Now K.M. is in healthy lesbian relationship and has new friends. The relations with her parents were slightly improved, but she left their house and lives with her new partner.* <sup>20</sup>

23. During 2017, the Coalition Margins conducted a research on the media coverage of topics connected with the LGBTI Community in the period between 1.1.2017- 15.7.2017. The main conclusions were that there is small decrease of hate speech and verbal violence against LGBTIs in the media and that the public support and solidarity coming from high representatives from the executive and law-making governance is influencing the higher number of supportive media products. Explicit negative reporting towards LGBTIs is detected in 43 texts with a focus on Macedonia (29% of all media texts covering LGBTI topics from Macedonia).<sup>21</sup>
24. In 2017, the Coalition Margins filed petitions in 9 cases of hate speech on the ground of sexual orientation and gender identity, among which 7 are against media and/or journalists. The Council for Media Ethics (a self-regulatory body) established violation of the Code of Ethics of the Journalists in all cases, unlike the Commission for Protection against Discrimination, which failed to established discriminatory language with an exception of one article published in an Albanian medium.<sup>22</sup>
25. The Parliament in December 2017 ratified the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, as the most comprehensive, detailed and legally binding response to violence against women and gender-based violence for which the State should implement an action plan and allocate resources that will guarantee to LBT women access to services for victims of domestic violence.

### ***Article 10 - Education***

26. Textbooks used in high schools and universities in Macedonia perpetuate homophobic attitudes.<sup>23</sup> For example, discriminatory language pathologizing homosexuality (presenting homosexuality as an illness or medical disorder) is present in a number of Macedonian textbooks covering psychiatry, medical psychology, and psychology.<sup>24</sup> By wrongly pathologizing homosexuality, these textbooks contribute to marginalization, discrimination, and stigma against LGBTI people.

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<sup>20</sup> Case from First Family Center, reported in

<sup>21</sup> [www.coalition.org.mk](http://www.coalition.org.mk)

<sup>22</sup> <http://www.semm.mk/komisija-za-zalbi/arhiva-odluki-i-mislenja>.

<sup>23</sup> Coalition, *Annual Report 2013*, at 64; *See also* Coalition, *Annual Report 2012*, at 68, noting concern expressed by EU Parliament.

<sup>24</sup> Coalition, *Annual Report 2013*, at 68.

27. According to a university textbook on “Criminological Psychology” authored by Prof. Liljana Batkoska, transvestites experience “uncontrolled impulses” and “unstoppable needs” to cross-dress, which can lead them to commit “very brutal” acts of violence against women if they are prevented from cross-dressing. Prof. Batkoska then claims that these acts of violence are directed against women as a form of “revenge,” because nature has “punished” the transvestites “by not giving them a complete female form.”<sup>25</sup> The Coalition Margins (“the Coalition”) complained to the Commission for Protection against Discrimination (CPD) about the inclusion of these statements in Prof. Batkoska’s textbook. The CPD, however, opined that the contents of the book were “scientific” and not discriminatory.<sup>26</sup>
28. The Coalition also filed a complaint with the CPD against Prof. Dr. Velimir Stojkovski, the Rector of St. Cyril and Methodius University, and Prof. Dr. Olga Murgeva-Shkaric, the author of several psychology textbooks used at St. Cyril and Methodius University, on account of the discriminatory, homophobic content of Dr. Murgeva-Shkaric’s three textbooks. For example, one of her textbooks describes homosexuals as “the most common transmitters of AIDS” and suggests that “(h)omosexuality destroys the natural family, since it contradicts the sexual dimorphism of people.”<sup>27</sup> Her textbooks claim that “scientific” research proves that homosexuality is not a normal, healthy alternative to heterosexuality.<sup>28</sup> The CPD, however, took no action on the complaint.<sup>29</sup>
29. The Coalition filed yet another complaint with the CPD against the Rector of the St. Cyril and Methodius University and several additional textbook authors. One of the challenged textbooks, entitled “Medical Psychology,” defines “normal” sexual activity as occurring exclusively between two people of different sexes.<sup>30</sup> The author also describes homosexuality as a disorder, a view long since abandoned in mainstream psychology.<sup>31</sup> Furthermore, this textbook incorrectly states that the criminal code of Macedonia penalizes “fornication between men,” although this has not been the case since the law was changed in 1996.<sup>32</sup>
30. The complaint also addressed the false and discriminatory language found in two psychiatry textbooks, “Psychiatry, Volume 1” and “Psychiatry, Volume 2.” In Volume 1, homosexuality and transvestism are listed as sexual “disorders” along with satyriasis, nymphomania, impotence, and frigidity.<sup>33</sup> Volume 2 characterizes homosexuality as a “dysfunction, a deviation or disorder.”<sup>34</sup>

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<sup>25</sup> Coalition, *Annual Report 2012*, at 98-99.

<sup>26</sup> *Id.* at 99.

<sup>27</sup> *Id.* at 81.

<sup>28</sup> *Id.* at 81-82.

<sup>29</sup> *Id.* at 82.

<sup>30</sup> Coalition, *Annual Report 2013*, at 82.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 82-83.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

31. It is noteworthy that on 7 May 2014, in response to this complaint, the CPD issued an opinion finding that the content of these three textbooks constituted harassment based on sexual orientation. The CPD recommended that the offending text be removed and not used in the future, and it called on certain of the authors to apologize.
32. In addition to the significant number of textbooks promoting discrimination based on gender, gender identity and sexual orientation bullying in schools is one of the key problems of LBT young people. Youngsters with homo or bisexual expression are more frequently victims of bullying at school, but also victims of psychological and physical abuse in their homes in comparison with their heterosexual peers. 30% of the young girls and boys with homo or bisexual expression seriously considered suicide.<sup>35</sup>
33. However, the Ministry of Education and Science failed to recognize sexual and gender minorities in the Comprehensive Education Strategy 2016-2020 and take appropriate measures to address homophobic and transphobic bullying in education.

#### ***Article 12- Access to health for transgender people***

34. There are no health facilities in Macedonia that provide surgical, hormonal, and psychological treatments for medical gender confirmation.<sup>36</sup> When transgender people go abroad for hormonal therapy or gender confirmation surgeries, the Macedonian Health Insurance Fund refuses to cover the expenses on the purported ground that these medical services are merely cosmetic.<sup>37</sup> Overall, the Macedonian Ministry of Health has failed to develop and adopt standards and protocols to meet the health needs of transsexual and intersex people.<sup>38</sup>
35. During 2017, the Coalition conducted an Analysis of the health needs and accessibility of health services for transgender people in Macedonia.<sup>39</sup> The results showed that medical professionals in Macedonia do not have knowledge or skills for working with transgender people, they are insensitive and unaware/not sensitive nor aware of the health needs of transgender people.
36. This finding is supported by several cases demonstrating transgender people's experience in the health system. Recently, a transgender woman was denied an examination by an urologist in relation to a surgery she was supposed to be subjected to at the state clinic in Skopje (removal of atrophied testicles which are a potential cause of cancer).<sup>40</sup>

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<sup>35</sup> Lina Kjustarova Unkovska. Study on Health Behavior in School-aged Children in Macedonia, 2016.

<sup>36</sup> Coalition, *Annual Report 2013*; Coalition, *Annual Report 2012*, at 100, 102.

<sup>37</sup> Coalition, *Annual Report 2013*, at 89

<sup>38</sup> *Id.*; Coalition, *Annual Report 2012*, at 100-101.

<sup>39</sup> [www.coalition.org.mk](http://www.coalition.org.mk)

<sup>40</sup> Documented case in LGBTI support Center, 2017.

## **Article 16- Family life**

37. The Family Law does not recognize same-sex partnership in any form. In 2015, the government had an unsuccessful attempt to define marriage and wedlock in the Constitution as unions between one man and one woman.
38. The social welfare authorities are reluctant to grant custody of children to lesbian women. A case reported to LezFem of a lesbian woman who lost the shared custody to her child due to accusations of 'lesbianism' made by her former (male) partner in front of the Centre for Social Work supports this discriminatory practice of the social welfare institution. According to the victim, the social welfare authorities granted guardianship of the child to the father due to the mother's assumed sexual orientation.<sup>41</sup>

### **Recommendations:**

In light of this information, we hope that the CEDAW Committee will consider addressing the following recommendations to the Government of the Republic of Macedonia:

1. The State should amend its laws to explicitly include sexual orientation and gender identity as protected categories in the Law on Prevention and Protection against Discrimination and in those sections of the Criminal Code that criminalize or increase penalties for crimes committed on the basis of the victim's personal characteristics.
2. The State should take measures to prevent further hate crimes and hate speech based on sexual orientation or gender identity in particular, measures to protect the rights of freedom of expression, association, and assembly by preventing hate crimes that target LBT activists and activist organizations.
3. The State Party should establish services for victims of gender based violence that will be accessible for lesbian and bisexual women and transgender people.
4. The State Party should ensure that domestic violence services are available to LBT women without discrimination.
5. National health care policies should be adjusted to ensure that access to hormonal, surgical and psychological treatments for gender confirmation is provided on the same basis as all other necessary medical treatments.
6. Relevant laws and policies should be adopted so that transgender people have the legal right to conform their identity documents to their actual gender identity.

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<sup>41</sup> In fear of losing her child she lied about her sexual orientation. Only couple of years later, after she presented a relationship with a man to the social welfare authorities, was she granted shared parental rights.

7. The State Party should revise school curricula and remove all discriminatory content from textbooks on all levels of education.