

FACT SHEET: THE POSITION OF THE LGBTIQ+ PEOPLE AND THE ANTI-GENDER (ANTI-LGBTI AND ANTI-TRANS) MOVEMENT IN NORTH MACEDONIA

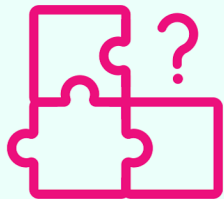
Summary of key issues from previous reviews: recommendations and implementation status

In the last UPR cycle, North Macedonia (MK) received 14 recommendations on sexual orientation and gender identity (SOGI), spanning areas such as anti-discrimination legislation, hate crime investigation, hate speech regulation, educational reforms, and overall LGBTIQ+ rights. Despite enacting the Law on Prevention and Protection of Discrimination (LPPD) in October 2020 to safeguard SOGI, subsequent efforts to combat discrimination remained limited. Overlooking the most

qualified candidates during the election of new Commission members raised significant concerns about the body's impartiality. The State has not acted on key recommendations, including those urging an effective investigation of hate crimes against the LGBTI Support Center, the removal of discriminatory content from educational materials, and introducing a comprehensive definition of SOGI-based hate speech in the Criminal Code.

Pending Key National Legislation: Yet to be Adopted

MK lags in implementing the European Court of Human Rights judgement mandating a "quick, transparent, and accessible" **Legal Gender Recognition (LGR)** process. Despite recommendations from 2018 CEDAW Concluding Observations, MK faces delays in adopting the **Gender Equality Law**. Influenced by the Macedonian Orthodox Church, the Minister of Labour and Social Policy revealed changes in the draft law language from inclusive to gender binary. Furthermore, the process lacks transparency. The revised text has not been shared with the working group members, undermining their role. The Criminal Code lacks a comprehensive definition of hate speech, leaving discretion to law enforcement to selectively investigate and prosecute cases of **hate speech**.



KEY CHALLENGES AND THEIR IMPACT

The rise of the **anti-gender movement** in MK, with orchestrated strategies and the Macedonian Orthodox Church at its core, poses a substantial challenge. This movement actively opposes LGR, gender equality, and inclusive education, fostering intolerance and stigma through hate speech, disinformation, and false interpretations of draft laws.

Challenges	Impact
Education: a) Discriminatory references to gender and gender identity persist in high school and university textbooks . b) Inadequate implementation of comprehensive sexuality education.	The persistence of discriminatory, i.e. misogynistic, homophobic, and transphobic content in high school and university textbooks perpetuates negative stereotypes and stigmatisation against LGBTIQ+ people. It fosters an unsafe school environment and harmful societal perceptions and attitudes. Lack of progress in implementing laws on primary and secondary education, as well as the failure to implement comprehensive sexuality education in mandatory education, contributes to an environment that tolerates discrimination and impedes the protection of marginalised groups.
Transgender and non-binary people continue to be denied access to a transparent and accessible procedure for legal gender recognition based on self-determination. They are facing significant challenges in accessing healthcare.	The State's failure to establish a quick, transparent and accessible procedure for LGR based on self-determination leaves transgender people grappling with stress, humiliation, discrimination, and violence in everyday interactions. This situation forces transgender people to repeatedly justify their identity when dealing with authorities and employers or when accessing essential services. It contributes to exclusion and hinders their ability to seek medical care, travel internationally, secure employment, and manage basic financial transactions. Healthcare access for transgender individuals remains a concern due to a shortage of specialised professionals and no availability of state-supported gender-affirming procedures. The overall well-being, mobility, and health of transgender individuals are significantly compromised due to these systemic shortcomings.

Challenges	Impact
<p>Delayed adoption of the Gender Equality Law and untransparent change of the draft law from inclusive to gender binary.</p>	<p>The anti-gender groups' influence extends beyond obstructing the adoption of the Laws on Gender Equality and LGR; it has resulted in regressive policies across municipalities. In July 2023, multiple municipalities replaced "gender equality" with "equal opportunities between men and women" in their programs, extending these changes into gender-responsive budgeting. This regressive trend, unaddressed by the State, significantly undermines decades of progress in advancing gender equality. These harmful actions contribute to a hostile environment, particularly impacting transgender and gender non-conforming individuals. Studies highlight concerning levels of societal non-acceptance, with 81% expressing intolerance towards having an LGBTI person as a neighbour and 61% feeling shame if a close family member were identified as gay or lesbian (highest in Europe). Only 24% agree that gay men and lesbians should have the freedom to live their lives as they wish.</p>
<p>The absence of a clear definition of hate speech in the Criminal Code explicitly safeguarding SOGI creates a significant gap in the legal framework. Additionally, Despite the Criminal Code defining hate crimes related to SOGI, there is a substantial gap in implementation.</p>	<p>The failure to address hate speech and hate crime incidents allows harmful narratives to persist, contributing to the normalisation of discriminatory views. The dismissed criminal complaints against hate speech further compromise the protection of LGBTIQ+ rights, eroding the effectiveness of criminal prosecution as a deterrent against systemic hate speech based on SOGIESC. The prevailing culture of impunity for hate crimes against the LGBTIQ+ community fosters a culture of impunity. Victims often choose silence due to fear of harmful repercussions. In 2023, 15 reported incidents of sexual harassment, verbal abuse, and psychological violence against LGBTIQ+ people. A trans woman sex worker was subjected to violence by a client. She contacted the police, but the responding officer merely instructed the sex worker to return the money to the perpetrator and took no action to ensure her safety.</p>

RECOMMENDATIONS:

- *Adopt and implement* a quick, transparent, accessible administrative procedure for LGR based on self-determination.
- *Take* immediate action to remove discriminatory content from high school and university textbooks.
- *Adopt* Gender Equality Law following the UN and EU standards and allocate adequate funds for its implementation.
- *Enhance* oversight and accountability mechanisms for religious institutions to ensure their public statements and actions comply with international norms promoting gender equality and non-discrimination, the Istanbul Convention and the Law on Prevention and Protection of Violence Against Women, and take appropriate measures when such standards are violated.
- *Secure* uninterrupted access to trans-affirming healthcare based on the principles of depathologisation and non-discrimination following international human rights standards, ICD-11 guidelines, and best practices.
- *Incorporate* a comprehensive hate speech definition in the Criminal Code that explicitly includes SOGI as protected grounds.
- *Ensure* effective response by public prosecutors and law enforcement to criminal complaints involving SOGI-based hate speech and hate crimes.
- *Monitor and collect* disaggregated data on hate crimes and hate speech against LGBTIQ+ people to help with data-led development of programs and measures to tackle violence and discrimination.

Contacts:

This factsheet was produced for the fourth cycle Universal Periodic Review Pre-session 46 based on the submission by Coalition Margins and Transforma, available at: <https://bit.ly/4blFyCw>. For more info, please contact Biljana Ginova at bginova@gmail.com, Natasa Boskova at natasa.boskova@gmail.com or consult www.coalition.org.mk.



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