

Statement on the UPR Pre-session 46 on North Macedonia

14 February 2024, Geneva

Slide 1 - title

My name is Biljana Ginova, and I deliver this statement on behalf of Coalition Margins and TransFormA, two organisations dedicated to advancing the rights of LGBTIQ+ people in North Macedonia.

For this UPR cycle, the State did not conduct National Consultations.

In our UPR submission, we delve into the existing challenges regarding the human rights of LGBTIQ+ people, aggravated by the rise of anti-gender groups. This presentation will highlight three critical areas where the State has neglected to act despite receiving recommendations:

- a) discriminatory content in high school and university textbooks prevails,
- b) lack of administrative procedure for legal gender recognition,
- c) lack of political will to adopt the Gender Equality Law based on UN and EU standards.

Slide 2 - Context - The rise of the anti-gender movement

The rise of the anti-gender movement, their orchestrated strategies and the Macedonian Orthodox Church at its core pose 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 laws.

LGBTIQ+ Human rights defenders are exposed to a concerning trend of verbal harassment and hate speech. A Christian-Orthodox Bishop targeted the executive director of Coalition Margins in a distressing incident of verbal harassment, employing transphobic, anti-LGBTIQ, and anti-gender rhetoric. Subsequently, hate speech attacks against a transgender woman, the coordinator of TransFormA, escalated on social media, reaching a peak with 258 comments inciting violence.

Slide 3 - Issue 1: Discriminatory Content in the Textbooks

In the 3rd UPR cycle, Canada recommended that North Macedonia remove discriminatory references to gender and gender identity in high school and university textbooks. The same recommendation came from the CESCR report in 2018.

The State fell short of meeting the recommendation and implementing a comprehensive

approach. The initiative by the former Ministry of Education to propose a new law on educational textbooks faced obstacles from anti-gender groups and a lack of political will, resulting in no substantial progress.

Our lawyer is litigating a discrimination case against the author and the Faculty of Psychology for publishing a textbook with misogynistic, homophobic, and transphobic content, which is part of the mandatory psychology curriculum. The case has been shelved in a first-instance court procedure since 2020. During this time, the textbook remains in use.

Slide 4

Therefore, we recommend that North Macedonia:

- *Take immediate action* to remove discriminatory references from high school and university textbooks.
- *Enhance* oversight and accountability mechanisms for religious institutions to ensure their public actions comply with international norms.
- *Ensure* effective response by public prosecutors and law enforcement to criminal complaints involving SOGI-based hate speech and hate crimes.

Slide 5 - Issue 2: Lack of administrative procedure for legal gender recognition (LGR)

In the previous cycle, Spain emphasised the importance of the decision of the national court to allow LGR of a few people, and Uruguay recommended to the state to redouble its efforts to fight against discrimination based on gender identity.

Further, in the European Court for Human Rights judgement against North Macedonia (No. 29683/16 § 44, ECHR 1999-II.), the Court obliges the State to adopt a 'quick, transparent, and accessible' administrative procedure for legal gender recognition. The government initially approved amendments to include the LGR procedure in the Civil Registry Law and submitted it for parliamentary voting. Unfortunately, it was later withdrawn due to pressure from the anti-gender movement. This setback contributes to the ongoing challenges faced by transgender people, leading to exclusion, discrimination, violence, and restrictions in various aspects of life. This significantly impacts their health, mobility, and overall well-being.

Slide 6

Therefore, we recommend that North Macedonia:

- *Adopt and implement* a quick, transparent, accessible administrative procedure for LGR based on self-determination.
- *Implement* mandatory training programs for state officials to ensure an ethical treatment of transgender people.

Slide 7 - Issue 3: Delayed adoption of the Gender Equality Law.

North Macedonia received over ten recommendations on promoting and advancing gender

equality, including:

- Consolidate its efforts towards gender equality (Namibia 3rd cycle)
- Adopt further measures to ensure gender equality in the society, including through the accession to and effective implementation of relevant international and regional treaties (Viet Nam 2nd cycle)
- Continue promoting gender equality in order to explicitly prohibit all forms of discrimination (Armenia 3rd and 2nd cycle)

Slide 8

Besides the failure to adopt the Gender Equality Law based on UN and EU standards, there is a concerning reverse trend of erasing gender equality from local policies that undermines the decades-long struggle to recognise and implement gender equality in the country. The State's inaction on this concerning trend undermines decades of work in advancing gender equality.

These detrimental actions foster a hostile environment, disproportionately affecting transgender and gender non-conforming individuals. Research studies reveal alarming 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.

Slide 9

Therefore, we recommend that North Macedonia:

- *Adopt* Gender Equality Law following the UN and EU standards and allocate adequate funds for its implementation.
- *Encourage* municipalities to adopt and implement programs that explicitly promote gender equality and inclusion in line with international obligations and standards.

Slide 10

Thank you!

Closing remarks

In conclusion, the alarming rise of anti-gender groups in North Macedonia and the region blocks the adoption and implementation of key policies. To address this, the State needs to develop and implement comprehensive awareness campaigns and educational programs in alignment with international human rights principles to promote an inclusive and respectful public discourse as well as understanding and respect for gender diversity and equality.

We also urge that the State ensures the effective implementation of mechanisms to

combat hate speech and disinformation, strengthen the capacities of public prosecutors, and regulate the online space to protect human rights and prevent hate speech and disinformation.

Thank you.