

LEGISLATIVE ANALYSIS RELATED TO LGBT RIGHTS AND HIV IN REPUBLIC OF MACEDONIA

2017



Eurasian Coalition
on Male Health

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The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning advocacy processes, promoting the rights of PLWH, gay men, other MSM, and trans*people and eliminating the barriers hindering their access to services.

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FOR
SEX WORKERS**



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Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ART	antiretroviral therapy
CSHRMC	the Coalition "Sexual and Health Rights of Marginalized Communities"
CSO	civil society organizations, umbrella term with includes non-governmental organizations, professional associations, and community organizations
ECOM	Eurasian Coalition on Male Health
ECRI	the European Commission against Racism and Intolerance
GB	the Global Fund
HIV	Human Immunodeficiency Virus
HOPS	Healthy Options Project Skopje's
IDAHOT	International day against homophobia and transphobia Intersex people who are born with any of several variations in sex characteristics including chromosomes, gonads, sex hormones, or genitals that, according to the UN Office of the High Commissioner for Human Rights, "do not fit the typical definitions for male or female bodies"
FtM	transgender male, person in transition from female to male
LGBT	Lesbian, Gay, Bisexual, and Trans*people
MHK	the Helsinki Committee for Human Rights of the Republic of Macedonia
MSM	men who have sex with men
MtF	transgender female, person in transition from male to female
ODIHR	the Office for Democratic Institutions and Human Rights OSCE
OSCE	Organization for Security and Co-operation in Europe
NGO	non-governmental organization
PLWH	people who live with HIV
PWID	people who use injection drugs
PWUD	people who use drugs
SOGI	sexual orientation and gender identity
STD	sexually transmitted disease
SR	sub-recipients
Trans*	people who have a gender identity or gender expression that differs from their birth assigned sex
TB	tuberculosis
UMCN	unique master citizen number
UN	United Nations Organization
UNHRC	United Nations Human Rights Committee

EURASIAN COALITION ON MALE HEALTH

**LEGISLATIVE ANALYSIS RELATED TO LGBT RIGHTS
AND HIV IN REPUBLIC OF MACEDONIA**

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Tallinn - 2017



The goal of this review is to identify the legal barriers for people living with HIV, gay men, other men who have sex with men and trans*people in exercising their rights in different areas. To conduct such review, ECOM developed a methodology and a survey questionnaire, which was filled in with the help of our local partners. When analyzing legal practices, consideration was given both to judicial practices and to the information provided by activists, received from the organizations documenting cases of human rights violations and protection of such rights, news in mass media, and reports of non-governmental organizations submitted to the international agencies.

Both legislation and law enforcement practices were analyzed in terms of their compliance with the international and European standards. Besides, there were analyzed the recommendations received by Kyrgyzstan within the international monitoring mechanisms as well as implementations of such recommendations by the government.

To present information on the legislation currently in force, in this review we used extracts from the regulatory documents, which are, unfortunately, not always correct and fail to comply with the international terminology standards. In this case, the original wording is presented to ensure objective demonstration of the existing regulatory framework and the language used in the matters analyzed. All quotations from the regulatory documents are given in quotation marks.

The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning advocacy processes, promoting the rights of PLWH, gay men, other MSM, and trans*people and eliminating the barriers hindering their access to services.



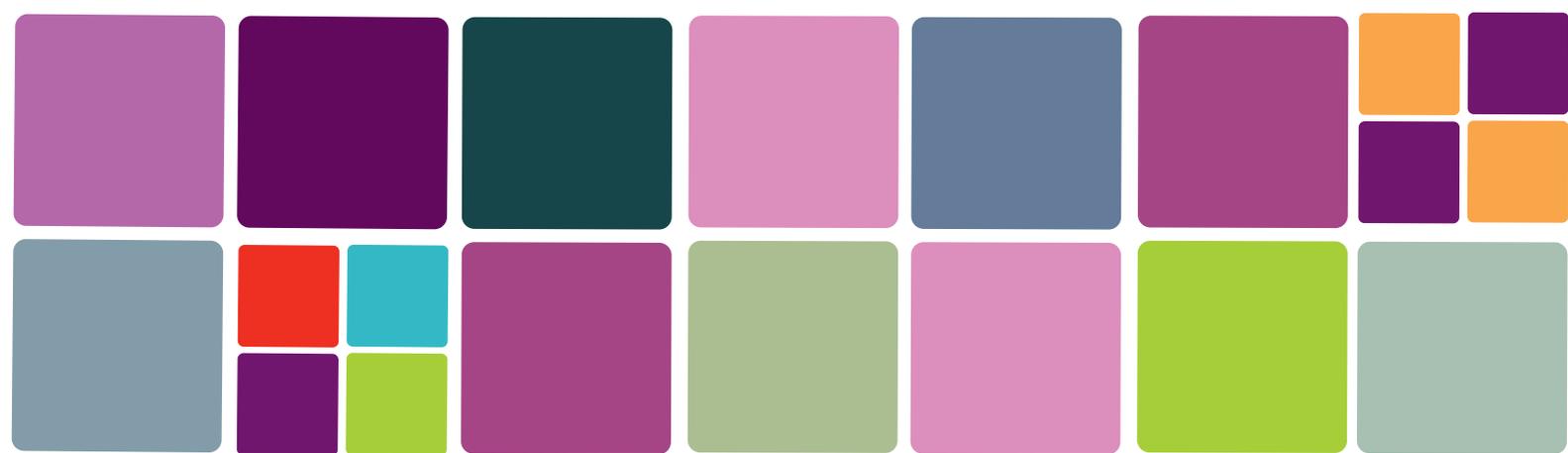
Summary and key recommendations

Analysis of the Republic of Macedonia law and practice shows that some crucial parts of the national legislation correspond to requirements and obligations of the international and European human rights documents.

There are no any legal barriers to migration to the Republic of Macedonia for people living with HIV. Legislation does not impose on MSM restrictions in blood donation. Liability for HIV transmission is not explicitly differentiated in the Criminal Code, and included in liability for infection diseases transmission. Macedonian legislation also provides criminal liability for spreading material, promoting or stimulating hatred, discrimination or violence, based on sex, and violation of basic human rights and freedoms acknowledged by the international community and based on difference in sex, which is very significant step towards LGBT rights protection.

However, many gaps in the legislation and absence of proper regulations still lead to violation of PLWH, gay men, other MSM and trans* people's rights. Explicit prohibition of discrimination on the basis of sexual orientation is only provided in the "Law on Labor Relations" and the "Law on Health Protection", but not in the "Law on Preventing and Protection against Discrimination", as the principal legal act that treats the subject of discrimination. Gender identity is not recognized as a possible basis for discrimination in any law. Keeping in mind prevalence in the Republic of Macedonia of stereotypes and prejudice against lesbian, gay, bisexual, trans* and intersex persons, it is very important to have explicit legislative rules that prohibit any form of discrimination on the grounds of sexual orientation and/or gender identity.

Legal practice also does not provide proper law enforcement in this sphere. Despite of criminal liability for offences against basic human rights based on the difference in sex, provided by the law, most of such cases were not properly investigated. This contradicts with 29th principle of the Yogyakarta Principles about appropriate, accessible and effective criminal, civil, administrative and other procedures and monitoring mechanisms to ensure the accountability of perpetrators for human rights violations, related to sexual orientation or gender identity as well as prompt and thorough investigation of violation cases. The situation can be effectively changed by establishing investigation procedures controls and teaching enforcement agencies to prevent and investigate offences in this field.



Lack of access to legal gender recognition also has to be addressed. Being unable to access medical gender reassignment procedures, trans* people cannot enjoy their right of private life, provided by Article 8 of European Convention. The European Court of Human Rights in its practice pointed out, that States must provide transgender persons a possibility to undergo surgery, which leading to full legal gender recognition, and that surgery expenses should be covered by insurance plans as "medically necessary" treatment.

It would be also progressive for the Republic of Macedonia to make some steps towards same-sex marriage or partnership legalization, which corresponds to PACE Resolution 1547 (2007). This would help gay men, other MSM and trans* people combat discrimination, based on sexual orientation and gender identity, and enjoy partnership rights, which include «some basic needs which are fundamental to the regulation of a relationship between a couple in a stable and committed relationship, such as, *inter alia*, the mutual rights and obligations they have towards each other, including moral and material support, maintenance obligations and inheritance rights».

Recommendations

- Amend legislation to explicitly prohibition of discrimination based on the grounds of sexual orientation and gender identity in all spheres;
- Provide effective and non-discriminative gender reassignment procedure including cover of medical expenses within national health care system;
- Organize specific education to law enforcement officers to ensure effective documentation and investigation of hate crimes and hate speech;
- Organize specific trainings for judges to ensure effective process of complaints on discrimination based on the grounds of sexual orientation and gender identity;
- Provide a possibility to same-sex couples fully enjoy their right to family life by making amendments to legislation concerning family rights, in particular civil partnerships, with possibility of marriage as one of the modality to regulate this right.



Prohibition on travel and immigration for people living with HIV

People living with HIV are not prohibited to visit or settle in the Republic of Macedonia. When PLWH enter the country the custom office does not require tests certificate or any other documents that should prove their HIV status.

The Constitution of Republic of Macedonia¹ in its Article 29 prescribes - "The foreign nationals in the Republic of Macedonia enjoy freedoms and rights guaranteed by the Constitution, under conditions prescribed by the law and the international agreements".

The Law on Foreigners² on the other hand states among other restrictions that a danger to public health might be a reason for restriction on migration. The bylaw on Foreigners³ prescribes that "A foreign national is a danger for public health if he has a disease which can develop an epidemic in a way defined by the relevant instruments of the World Health Organization and by other infective diseases or infective parasitic diseases". The circumstances described in the paragraph 1 of this article are determined by a notification from the Ministry of Health." This is confirmed also in the bylaw "On the order of granting visas, continuance and shortening of validity, revocation and cancellation of visas and the form for visas and evidence in the Republic of Macedonia"⁴. Article 6 of which states among required documents a certificate for HIV-testing result for foreigners who come outside the Schengen zone.

Recent case of access to education for foreign citizens in Republic of Macedonia is worth mentioning. In 2015, the Coalition for sexual and health rights of the marginalized communities in its Annual report for 2015⁵, noted that the Iustinianus Primus Faculty of Law published an advert for foreign students that required all applicants, among other documents also submit a result from HIV and Hepatitis B and C testing. However, this was an isolated case and after reactions of several NGOs, next year this criterion was not mentioned in a new advert.



Criminalization of HIV transmission

There is a criminal responsibility for a deliberate transmission of any infectious disease and transmission of any infectious disease that happened due to negligence of the offender although the law does not mention HIV specifically.

The Criminal Code⁶ in the Article 205, paragraphs 3, 4, 5 and 6 sets criminal liability for a transmission of an incurable infectious disease with the sentence from one to ten years of imprisonment. The attempt of transmission by a person with an incurable infectious disease is also an offence. Transmission out of negligence is punished with fine imprisonment of up to six months.

Endangering the security of other people with false threat of transmission or spreading false arguments of existence of such infectious disease is also prohibited and punished with fine or imprisonment of up to six months. There was a court⁷ ruling in which the court found that the term "infectious disease" covers the HIV infection.

So far, there is no record of judicial procedure against a person who intentionally transmitted HIV to another person, so there are no any established indicators regarding the question what actions and circumstances can be considered to be intentional transmission of HIV. But, there has been one case when sex workers were punished for 3 months of conditional conviction by the criminal court for intentional transmission of Hepatitis C⁸.

The Attorney which represented the defendants in the court, Ms. Haidi Shterjova Simonovic, in a public debate stated that: "According to Article 205 (of the Criminal Code), three elements are necessary for a felony, and these are: there should be a direct consequence, i.e. a specific victim who contracted HIV/AIDS or another sexually-transmitted disease (STD); the defendant must be aware that he/she has an STD; and there must be a direct intent for transmitting STD. None of these three elements were proven in court, but the defendants were convicted nonetheless. The court practice has approached the case in a very abstract manner, because there was neither a damaged party and the sex workers did not know that they had STDs."⁹



Prohibition for MSM to be blood donors

There are no restrictions for MSM to donate blood, imposed by the Law "On security of blood supply"¹⁰ and bylaw "the type of information that is requested from the blood donor"¹¹. The restrictions only include having an infectious or sexually transmitted disease.

However, the Public Institute for Transfusion Medicine of the Republic of Macedonia on its web site¹² has published an announcement for future blood donors stating: "Some people because of their social behavior have higher risk for infection or infecting others by blood donation. Because of that they must never donate blood. People with higher risk are: alcohol and drug addicts, people who often change sexual partners, people who give sex services, MSM, people who pay for sex services, people who are HIV positive, people who stayed in Great Britain in the period between 1980 and 1996 longer than 6 months. If you suspect or you are member of some of the listed groups of people with high risk, please do not donate blood."

This is obviously discriminatory act towards MSM, but there is no record of any actions against this institution. So, there is no difference prescribed by the law, but in practice, according to the Public Institute for Medicine for Transfusion of the Republic of Macedonia, MSM donor should not be allowed to donate blood.



Access of NGOs working with MSM or LGBT to the state funding to provide social and health services

The Law "On Associations and Foundations" sets forth that the organizations can obtain financial means from the Budget of the Republic of Macedonia, budgets of municipalities, the municipalities in the City of Skopje and the City of Skopje. The Government of the Republic of Macedonia and the Councils of the municipalities define the conditions for allocation and usage of the financial means, enacting Annual Plans and Programs for allocation of the financial means. The state bodies, the municipalities, the municipalities of the City of Skopje and the City of Skopje publish the name of organizations to which they provided financial means and the purposes for such funding on their web sites¹³.

The Government of the Republic of Macedonia has enacted a Strategy for Cooperation of the Government with the Civil Society (2012-2017)¹⁴, which sets up the main principles of cooperation and state's funding for CSOs. In 2016 transfers to non-governmental organizations for the Program Activities in total amounted to 12.000.000,00 denars (around 193.548 Euros)¹⁵.

The Macedonian Centre for International Cooperation published results of a research in this field - "Direct budget funding for NGOs: Basic review"¹⁶. It contains the following conclusions:

"The Budget item 463 – Transfers to the NGOs is confusing and undefined. The amount of the financial means is not enough and sufficient for the needs of the NGOs. There is lack of quality and publicly available data about the spending of the state finances obtained through the budget item 463 – Transfers to the NGOs."

As for the municipalities, for example the City of Skopje on its web site has published a Strategy for cooperation with the Civil Society¹⁷, but there are no records of the name of the organizations to which financial means were provided and purposes of such funding.

The Center for Civil Communications prepared an Analysis on the results of the research for financial transfers from the municipalities to NGOs in 2016¹⁸, according to which 67% of the financial means from the budget line 463 were transferred to sport activities, but according to the data obtained from the Central Registrar of the Republic of Macedonia, 40% of this amount were transferred to professional sport clubs, organized as trade companies, but not as NGOs.

According to the Program for Funding of the Program Activities of the Associations and Foundations for 2016¹⁹, a total amount of 7.500.000,00 denars (approximately 120.967,00 Euro) from the State Budget were planned for granting NGOs for increasing of economic growth purposes and employment, raise of a citizens' life standard and better lifestyle. Within this program, it is planned that these financial means would be divided to 25 separate grants. Among eleven types of programs eligible for this kind of grant are the programs for sustainable, efficient and available system for providing health care for the population and better quality of the life health services.

However, there is a special National Program for Protection of the Population from HIV/AIDS for 2016²⁰ which states that the Ministry of Health of the Republic of Macedonia will allocate 900.000,00 denars for activities such as prevention of HIV among MSM, sex workers and PWID and activities for care and support of PLWH – in order to decrease damages and also 900.000,00 denars for prevention of HIV among key populations with highest risk for the infection – voluntary counseling, testing and education. Unfortunately, up to present day, these financial means have not been allocated to NGOs.

As for the previous year, in 2015 the Program for the Protection of the Population from HIV/AIDS²¹ was financed by the Global Fund. In its Annual Report for 2016²², the Coalition for sexual and health rights of the marginalized communities stated that: "In September 2016, with the rebalance of the state budget and without any explanation, the Government cut the Budget from the Program for protection of the population from HIV/AIDS for 13 million denars."

According to the Analysis on the results of the research for financial transfers from the municipalities to NGOs in 2016 made by the Center of Civil Communications²³, only 0,08% of the financial means from the budget line 463 were transferred by the municipalities to NGOs working on health issues. In 2016 forty associations were granted with financial means from the Budget of Republic of Macedonia²⁴. None of these associations worked with issues related to MSM or Trans* people. The same was in 2015²⁵ when none of the forty associations that were granted with financial means from the Budget of Republic of Macedonia had been working on issues related to MSM or Trans* people.

HIV-service NGOs receive funding from governmental sources. Last two years the Association for support of people living with HIV "Stronger Together Skopje", has been given funds by the local municipality of the City of Skopje, for the purpose of organizing regular meetings and community strengthening for PLWH. Nevertheless, an amount of the provided funds is barely enough for organizing community strengthening activities (meetings/trainings) for four months; does not provide institutional support for an office, the staff; and as experience shows, the process of applying, accepting and awarding the funds takes around half a year, and the activities can only be held at the end of the year.



Same-sex relations

There are no legal provisions or practice for criminalization of same-sex relationships in Macedonia. Since the national regulation does not recognize same-sex relationships, this term is not mentioned in any of the national law. Same there is no mention about same-sex relationships in terms of setting the age of legal consent.

Prohibition of "propaganda of homosexuality"

The national regulations do not set prohibition of "propaganda of homosexuality" and the authorities have never had such draft-law on their agenda.



Laws on gender identity/expression (legal gender recognition and related procedures)

There is a loophole in the national regulation regarding this issue. The only legal act in the country where the gender reassignment is directly mentioned is the "Instruction for practice of medicine based on proofs for treatment of transsexualism 2014"²⁶ which generally describes the protocol that should be applied when dealing with transgender patients. However, gender reassignment surgeries are not performed within the scope of services provided by Macedonian hospitals. Only one surgery was performed by non-Macedonian doctors recently as a part of a Symposium on Genitourinary Reconstructive Surgery²⁷.

The gap in the national regulation also leads to a lack of information regarding change of a gender marker and statutory information. On the other hand, the Law "On Birth Records"²⁸ does not contain any prohibitions on change of legal gender marker either. In Article 23 this law sets that: "The Office for birth records, initiates a procedure for reaching a Decision for additional book entry in the birth records, according to Article 22, paragraph 1 of this Law, after a request submitted by the applicant for the additional book entry, who submits also a document for personal identification and a confirmation of the event which would be additionally inscribed in the birth record, with an exception of additional entries in the birth records for children born in domestic conditions. Aside from these documents, upon a request from the Office for birth records, the applicant submits also proofs and data (confirmations, certificates etc.) from the records of foreign countries, which regard the civil status of the person, medical confirmations and DNA examples, as well as other proofs and data which do not exist in the official records of the Republic of Macedonia."

Apart from the abovementioned, there are no other policies that can regulate this procedure. As for the practices, the Coalition for sexual and health rights of marginalized communities, in its Annual Report for 2016²⁹, states that: "Despite the appeals from the Coalition in 2016 to competent authorities to align their actions in cases when they make decisions about requests for changing a gender in birth certificates, the Office for birth records continued to bring up arbitrary decisions which violate the right for a private life of trans* people". In 2016, the Coalition continued to provide legal services to trans* people in four procedures earlier initiated to change data in birth records. So far, only one person successfully changed legal gender marker. The fact that the Office for birth records has given three different explanations by which it denies the requests in three similar situations is worrying."

In its Annual Report for 2016 the Coalition for sexual and health rights of the marginalized communities stated that: "Bearing in mind that in the Republic of Macedonia there is a legal vacuum to perform gender reassignment surgery, the Coalition instigated a procedure for receiving compensation to the Health Fund in order for them to cover the expenses of the treatment in a foreign country. After few months' work, the Coalition received a written opinion from the Psychiatric Clinic in Skopje, submitted a request to the regional office of the Health Fund for covering the expenses of treatment abroad, which cannot be performed in the Republic of Macedonia. However, the regional office has postponed answering, additionally requesting from the patient in question the provision of an opinion

that there is no possibility for the gender reassignment surgery to take place in the Republic of Macedonia with a referral for treatment abroad"³⁰.

Nevertheless, the situation is going to be changed in this sphere. In its' Decision³¹ from 7 August 2017 the Administrative Court of the Republic of Macedonia ordered the Department for evidence of the birth records to change transgender person's Unique Master Citizen Number (UMCN) after their gender reassignment surgery. In the Republic of Macedonia the UMCN of 13 digits (DDMMYYRRSSSC) arranged in six groups: two digits (DD) for the citizen's day of birth, two digits (MM) for the month of birth, last three digits (YYY) for the year of birth, two digits (RR) as a registry number, three digits (SSS) as a combination of the citizen's sex and ordinal number of birth, and one digit (C) as a control number. Now the Department for evidence of the birth records should enforce court decision.



Freedom of expression and assembly in the context of LGBT community

Articles 20 and 21 of the Constitution guarantees freedom of association for all citizens for them to realize and protect their political, economic, social, cultural and other rights and beliefs and a right for a peaceful assembly and expressing public protests without a prior reporting and without a prior special permit.

The freedom of assembly is guaranteed to LGBT as to any other groups, which is regulated by the Law "On Public Gatherings". The law does not mention LGBT specially nor does it exclude them. Same situation is with the Law on Associations and Foundations that guarantees the right to free association. The LGBT community is not in any way excluded or granted a special treatment. What is prohibited is encouragement and incitement to military aggression and instigation of ethnic, racial or religious hatred or intolerance, if it undertakes terrorism related activities, activities against the Constitution or law and violation of the freedom and rights of other persons. Hatred or intolerance on the ground of sex orientation is not included in this list.

The Government does not prohibit gatherings or meetings of LGBT community or prides directly, police does provide protection from radical representatives of local communities, but this protection is not efficient. The Coalition for sexual and health rights of marginalized communities reported that "the cases of violence motivated by hate based on sexual orientation and gender identity were not investigated by the competent authorities. Namely, the masked attackers who stoned the "Dammar" cafe in 2014 were not found, nor did the perpetrators of hate crimes in 2012, 2013 and 2014 (attacks on the LGBTI Support Center) been properly investigated and brought to justice, including stoning by masked persons at the launch of the Pride Week 2013. The established practice and policy of non-sanctioning the homophobic and transphobic hate crimes results in creating a culture of motivating perpetrators and discouraging the community"³². There was also information in the report of the Special Rapporteur on the promotion and protection of the right for freedom of opinion and expression that "Activists protesting against discrimination against the lesbian, gay, bisexual and transgender community had been attacked

on a march during the International Day of Tolerance in November 2012. In 2013, attacks in Bitola against LGBT United and the Coalition for the Sexual and Health Rights of Marginalized Communities were also reported. Over the same period, repeated attacks damaged the facilities of the support center for the lesbian, gay, bisexual and transgender community on the old bazaar of Skopje, to the extent that it was considered safe to move the support center to another location. Those attacks were reported to the authorities by the victims, but the perpetrators were not identified”.



Anti-discrimination laws – in particular, in relation to sexual orientation, gender identity and gender expression

The Article 54 of the Constitution forbids discrimination, but only on several grounds: “The limitation of the rights and freedoms cannot be discriminatory on the basis of gender, race, skin color, language and religion, national or social origin, property or social status.”

There is a Law “On Prevention and Protection against Discrimination” that covers any form of discrimination³⁴. However, the sexual orientation and/or gender identity as protected grounds are not mentioned, but are supposed to be covered by the term “any other ground”. The principle of non-discrimination is applied differently in different laws and not all the laws are consistent with the Law “On Prevention and Protection against Discrimination” as a basic law against discrimination. The Article 6 of the Law “On Labor Relations”³⁵ prohibits unequal treatment of job applicants because of sexual orientation. Law “On Health Protection”³⁶ prescribes equal access to health services and equal opportunity for protection of the patients' rights without discrimination. The right to exercise the rights prescribes by this law without discrimination based on sexual orientation is emphasized in the Law. Discrimination based on any type of disability is also prohibited in the healthcare system.

The Law “On Prevention and Protection against Discrimination” sets a Commission for protection against Discrimination. This is an independent body whose members are elected by the Parliament and funded by the state Budget. Its function is to investigate on claims of discrimination, but this Commission can only give opinions whether there has been a discriminatory act or not, and impose pecuniary damages in certain cases. Being founded in 2011, by 2015 it ruled in 19 cases of discrimination on the ground of sexual orientation. Discrimination and harassment were found in 4 of these cases, in 9 cases no discrimination was found and in 3 cases no procedure was initiated³⁷. In its practice Commission only issued opinions for determination of discriminatory acts but never imposed fines.

Another possible complaint mechanism is the Ombudsman who is competent to consider any case of human rights violations including complaints on discrimination by public authorities.

There are cases of discrimination on the grounds of health condition (HIV-positive status) and sexual orientation mentioned in the reports of the Ombudsman, the Commission for protection against discrimination and annual reports of NGOs. In one case the Commission for protection from discrimination found violation of the right to access to a treatment of people who have the diagnosis "addiction to opiates" by one medical institution. To obtaining the treatment claimants were required to make a test for HIV and viral hepatitis B and C, and if the tests would be positive, they were forced to pass the treatment in a special room and they had to pay additional costs for the extra special equipment used by the personnel³⁸.

The Ombudsman found that the Public Health Institution – University Clinic of traumatology, orthopedic diseases, anesthesia and reanimation violated the right of a patient, who came to the hospital for a surgery of appendicitis, but before the surgery he was tested for HIV without his consent³⁹. The Ombudsman took action against the institution and for the supervision from the State Sanitary and Health Inspectorate. After supervision the Inspectorate found that there was misconduct when dealing with PLWH patients, i.e. the Ombudsman concluded that the refusal of the Clinic to accept PLWH as a patient and to provide him with a health service is a discriminatory act⁴⁰.

In the Macedonian courts procedures for discrimination based on sexual orientation or HIV-positive status have never been initiated.



Hate crimes

The Criminal Code⁴¹ sets criminal liability for limitation or depriving a person of his/her/their human and citizen rights based on the differences, including on beliefs, health condition, or any other grounds provided by law or ratified international agreements with responsibility from 6 months to 5 years of imprisonment. But sexual orientation is not mentioned in the list of these grounds. The separate liability is set if the crime is committed by an official person while performing his duty.

As described in Article 137 of the Criminal Code all populations are protected from hate crimes. Spreading public racist and xenophobic written materials, photos or other representations of an idea or a theory helping, promoting or stimulating hatred, discrimination or violence, regardless against which person or a group, based on, among other, sex, membership in a marginalized group, is also prohibited by the Article 394-d of the Criminal Code. Violation of basic human rights and freedoms acknowledged by the international community and based on the differences, among other grounds in sex, membership in a marginalized group; health condition is punished by imprisonment from six months to five years under Article 417 of the Criminal Code.

In the period from 27.02.2013 to 28.07.2017 the Helsinki Committee of the Republic of Macedonia⁴² registered 18 cases of hate crimes committed based on a sexual orientation or a gender identity of the victim. The Coalition for sexual and health rights of marginalized

communities, reports, that in 2016 it documented 10 cases of violation of rights of LGBT people. 6 out of these 10 cases were reported to the police and in one case the police was a perpetrator and verbally abused a trans* person. Victims in these cases reported inappropriate treatment from the police and non-recognition of the hate violence. None of the reported cases has been properly investigated and none of the perpetrators was prosecuted, although victims recognized some of them. Victims in these cases are gay men and transgender women⁴³.

The State has made the first steps in collecting data on hate crimes, however it is not publicly available and it is unclear whether authorities know the difference between hate crime and hate speech. Both are not properly documented and effectively investigated by police. Very little efforts have been made for preventive measures including human rights education and raising awareness among the public. By not treating the hate crime phenomena as a separate issue, the State denies special protection and support to victims⁴⁴.

On a website for the hate crime reporting of the Office for Democratic Institutions and Human Rights (ODIHR)⁴⁵ it is stated that: "In its fifth report on the former Yugoslav Republic of Macedonia, the European Commission against Racism and Intolerance (ECRI) recommended that the Criminal Code be amended to include sexual orientation and gender identity as protected characteristics. ECRI also suggested that hate crime training for law enforcement personnel and the judiciary be expanded, and under-reporting of hate crimes be addressed through confidence-building measures." These recommendations have not been implemented yet.



Legal status of the same-sex couples

The law does not formally recognize same-sex couples. The legislation sets marriage and partnership as a union between two persons of different genders.⁴⁶ Even the Law "On Prevention and Protection against Discrimination"⁴⁷, specifically defines marriage as: "A union exclusively between a man and a woman where the interests of the spouses, family and society are attained." Only heterosexual couples enjoy rights and obligations arising from marriage - matrimonial property, right to act to behalf of spouse, inheritance, etc. There is also no case law on same-sex couple attempting to exercise rights arising from marriage or cohabitation.



Adoption

The right of same-sex couples to adopt children is not recognized by the law. In practice government has never considered an introduction of such a right. There is no mention in the law of the right of LGBT person to adopt a child.

As well as there are no separate limitations or conditions for same-sex couples and LGBT-community members in the process of adoption. The Law "On the Family of the Republic of Macedonia"⁴⁸, in Article 100-a, sets the following criteria for the adoptive parent: "health condition, psycho-social status, material conditions, housing, time of waiting, education, marital status and citizenship". And in practice these criteria are preventing LGBT from the possibility to adopt as generally preference is given to married heterosexual couples and very rarely to single adoptive parents.

The Article 102 of the same law⁴⁹ states that a person cannot be an adoptive parent if he/she has a chronic or an incurable infectious disease or an opinion of the Centre for social work is negative on him/her/them. The bylaw "On the detailed conditions and criteria of a selection an adoptive parent of the Republic of Macedonia"⁵⁰ also repeats all the above-mentioned restrictions.

Using international and regional mechanisms to change laws and practices in the area of human rights of gay men, other MSM, trans* people and PLWH

The Republic of Macedonia has ratified all the documents listed in the Annex 2 of the Protocol for a study of enabling environment for the MSM/Trans*-oriented HIV-service, except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

To advocate for LGBT rights local NGOs use available international human rights mechanisms and provide shadow reports, among which are reports on the implementation of the International Covenant on Civil and Political Rights (to the Human Rights Committee) and the International Covenant on Economic, Social and Cultural Rights (to the Committee on Economic, Social and Cultural Rights).

UN Human Rights Committee in its Concluding observations on the third periodic report of the former Yugoslav Republic of Macedonia⁵¹ stated:

“Sexual orientation and gender identity

7. The Committee is concerned that the Law on the Prevention of and Protection against Discrimination does not explicitly prohibit discrimination on the basis of sexual orientation and gender identity. The Committee is also concerned about the prevalence of stereotypes and prejudices against lesbian, gay, bisexual, transgender and intersex persons. In this regard, it is particularly concerned about reports of acts of violence against such persons and about reports of a lack of effective investigations and prosecutions (arts. 2 and 26).

The State party should amend its Law on the Prevention of and Protection against Discrimination with a view to explicitly prohibiting discrimination on the basis of sexual orientation and gender identity. The State party should intensify its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons, including by:

- (a) Organizing awareness-raising campaigns aimed at the general public;
- (b) Providing appropriate training to public officials so as to put an end to the social stigmatization of lesbian, gay, bisexual, transgender and intersex persons;
- (c) Ensuring that all reports of violence against lesbian, gay, bisexual, transgender and intersex persons are effectively investigated and those perpetrators of violence on the grounds of sexual orientation are prosecuted and sanctioned.”

In the Follow-up report to the UN Human Rights Committee⁵², submitted by the Permanent mission of the Republic of Macedonia in Geneva, on 30.08.2016, none of these recommendations were mentioned.

Committee on Economic, Social and Cultural Rights in its Concluding observations on the combined second to fourth periodic reports of the Former Yugoslav Republic of Macedonia⁵³ stated:

“Lesbian, gay, bisexual, transgender and intersex persons

25. The Committee is concerned that the Law on the Prevention of and Protection against Discrimination does not include sexual orientation or gender identity as prohibited grounds of discrimination and that article 14 (6) of the Law maintains discrimination between

opposite-sex unions, for which the concept of "family" is reserved, and same-sex unions. It is also concerned that university textbooks convey negative stereotypes about lesbian, gay, bisexual, transgender and intersex persons. It is concerned that such persons are bullied, physically attacked, socially stigmatized and discriminated and that law enforcement officials do not always take actions in cases of violence against them (art. 2 (2)).

26. The Committee recommends the State party to take all measures necessary to ensure that discrimination based on sexual orientation or gender identity is explicitly prohibited in anti-discrimination legislation and that same-sex couples have access to advantages now reserved for married couples; eradicate negative stereotypes about and stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including by revising textbooks and conducting awareness-raising campaigns for the public, health-care providers, social workers and law enforcement and other public officials; and ensure prompt, impartial and effective investigation and prosecution of cases of violence against lesbian, gay, bisexual, transgender and intersex persons. The Committee draws the attention of the State party to its general comments No. 20 (2009) on non-discrimination and No. 22 (2016) on sexual and reproductive health, in particular paragraph 23."

There is no data as to reports from the State on implementation of these recommendations. The Law "On the Prevention of and Protection against Discrimination" has not been amended in order to fulfill the recommendations of the UN Human Rights Committee until present moment.

Only two awareness-raising campaigns have been implemented. The first was published before the recommendations, in 2015, and was held by the Commission for protection against discrimination and supported by the Coalition for sexual and health rights of marginalized communities, named: "For a nation without discrimination"⁵⁴. The second campaign was started in November 2016 as a National campaign to fight against HIV/AIDS, under the name: "Test. Protect yourself. Don't discriminate!" organized by the Ministry of Health and funded by the Global Fund in collaboration with the World Health Organization⁵⁵. This campaign targeted not the key populations, but youth in general and this can be considered as ineffective.

The European Committee of Social Rights gave similar recommendations. In the Conclusions of the European Committee of Social Rights for the Former Yugoslav Republic of Macedonia for the period 2012-2015⁵⁶ it is stated:

"The Committee noted that discrimination on the ground of sexual orientation was not expressly prohibited by the Law on Prevention and Protection against Discrimination of 2010, even though that law lists the grounds on which discrimination is forbidden. A ban on discrimination on the ground of sexual orientation may conversely be found in Article 6 of the Law on Labor Relations. The Committee asked a very precise description of the situation concerning prohibition of discrimination on grounds of sexual orientation, both in law and in practice (Conclusions 2012). The report indicates that the prohibition of discrimination on grounds of sexual orientation is covered by the expression "or any other ground established by the law or by ratified international agreements". With regard to the practice, it is reported that during the reference period, the Commission received a total of 18 complaints related to sexual orientation and gender identity, most of which were submitted by civic associations. The Commission for protection from discrimination found violations only in 3 cases; in other 9 cases the Commission did not identify a violation, in 3 cases it didn't initiate the procedure provided by the Law on Prevention and Protection

against Discrimination and in one case an agreement was reached.”

There was no individual complaint filed against the Republic of Macedonia to any of international agencies regarding the abovementioned issues. There was one complaint to the European Court of Human Rights – case about conviction of sexual workers for transmitting infectious diseases, but the Court found the application inadmissible. Another complaint to ECHR – case about a transgender person who was denied a possibility to change data about gender in the birth records, but it is still pending decision. There were no any cases filed within UN mechanisms of individual complaint.

Law and reports:

- Constitution of the Republic of Macedonia
- Law on Aliens of the Republic of Macedonia, 23 March 2006
- Bylaw for the way on issuance of visas for aliens, continuance and shortening of validity, revocation and cancellation of visas and the form for visas and evidence in the Republic of Macedonia, 22 May 2007, no.78-2606/3
- Criminal code of the Republic of Macedonia
- Law on security of blood supply of the Republic of Macedonia, 22 September 2007, no.10-7728
- Bylaw for the type of information that should be given to the blood donor regarding the blood donation, is requested from the blood donor, criteria for eligibility for blood donor and other measures regarding the blood donation in the interest of the blood donor and form and content of the written consent for blood donation of the Republic of Macedonia, 25 September 2009, №10-7728/16
- Law on Associations and Foundations of the Republic of Macedonia, 16 April 2010
- Strategy for Cooperation of the Government with Civil Society (2012-2017)
- National Program for Protection of the Population from HIV/AIDS in the Republic of Macedonia for 2016
- Law on Associations and Foundations of the Republic of Macedonia, 16 April 2010
- Strategy for Cooperation of the Government with Civil Society (2012-2017)
- National Program for Protection of the Population from HIV/AIDS in the Republic of Macedonia for 2016
- Law on Public Gatherings of the Republic of Macedonia, 21.11.1995⁵⁷
- Law on Associations and Foundations of the Republic of Macedonia 24.04.2010⁵⁸
- Law on Prevention and Protection against Discrimination of the Republic of Macedonia, 24.04.2010
- Law on Labor Relations of the Republic of Macedonia, 5 August 2005
- Law on Health Protection of the Republic of Macedonia, 29 March 2012
- Law on the Family of the Republic of Macedonia, 13 April 2010
- Bylaw on the detailed conditions and criteria of selection adoptive parent of the Republic of Macedonia

List of reports analyzed for this overview:

1. Annual reports of the Ombudsman of the Republic of Macedonia for the years 2016 and 2014
<http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf>;
<http://ombudsman.mk/upload/Godisni%20izvestai/GI-2014/GI%202014-Ang.pdf>;
2. Annual reports of the Commission for Protection against Discrimination for the years 2012, 2013 and 2016, <http://www.kzd.mk/?q=node/51>;
3. Annual reports on sexual and health rights of the marginalized communities published by the Coalition for sexual and health rights of the marginalized communities for the years 2016, 2015, 2010,
http://coalition.org.mk/publikacii_cat/izveshtai/?lang=en;
4. Annual report published by the Network for protection from Discrimination 2014
<http://coalition.org.mk/publikacii/godishen-izveshtaj-za-2014-na-mrezhata-za-zashtita-od-diskriminatsija/?lang=en>;
5. "Direct budget funding for NGOs: Basic review", Macedonian Centre for International Cooperation, 2016, Skopje
<http://mcms.mk/mk/za-nasata-rabota/istrazuvana-i-publikacii/lista-na-istrazuvana-i-publikacii/1866-direktno-budzhetsko-finansiranje-za-gragjanskite-organizacii-osnoven-pregled.html>;
6. Shadow/alternative reports by Macedonian organizations to international bodies;
7. Recommendations from international bodies.

List of alternative reports regarding SOGI submitted by Macedonian CSOs to UN bodies:

For the implementation of the International Covenant on Civil and Political Rights in the III reporting cycle, 11 shadow reports were delivered to the Human Rights Committee, among which 6 contained information about rights of people from the LGBT community and people living with HIV in the Republic of Macedonia:

1. Submission to the Human Rights Committee for FYR Macedonia, 114th Session (29 Jun 2015 – 24 Jul 2015), submitted by the Amnesty International on 15.06.2015⁵⁹;
2. Submission to the United Nations Human Rights Committee for FYR Macedonia, 114th Session in Geneva, 29th June to 24th July, 2015, submitted by the Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) on 5th June, 2015⁶⁰;
3. Human Rights Violations Against Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) People in the Former Yugoslav Republic of Macedonia⁶¹: A Shadow Report submitted for consideration at the 114th Session of the Human Rights Committee June – July 2015, Geneva, Prepared by: Subversive Front, Coalition Sexual and Health Rights of Marginalized Communities, Center for International Human Rights of Northwestern University School of Law, Heartland Alliance for Human Needs & Human Rights, Global Initiative for Sexuality and Human Rights in June 2015;
4. Updated information for the consideration to the Human Rights Committee regarding the review of the Third Periodical Report of the Republic of Macedonia⁶² under the International Covenant on Civil and Political Rights, 114nd Session, 29 June – 24 July, 2014, submitted by The Coalition "Sexual and Health Rights of Marginalized Communities" (CSHRMC), The Helsinki Committee for Human Rights of the Republic of Macedonia (MHK), Reactor – Research in Action, H.E.R.A.-The Health Education and Research Association, on 05.06.2015;

5. Information for the consideration to the Human Rights Committee⁶³ in its adoption of a list of issues regarding the Third Periodical Report of the Republic of Macedonia under the International Covenant on Civil and Political Rights, 112nd Session, 07-31 October, 2014, submitted by The Coalition "Sexual and Health Rights of Marginalized Communities" (SHRMC), The Helsinki Committee for Human Rights of the Republic of Macedonia (MHK), Reactor – Research in Action, H.E.R.A.-The Health Education and Research Association, on 21.07.2014;
6. Information for the consideration to the Human Rights Committee⁶⁴ in its adoption of a list of issues regarding the Third Periodical Report of the Republic of Macedonia under the International Covenant on Civil and Political Rights, 112nd Session, 07-31 October, 2014, submitted by the Helsinki Committee for Human Rights of the Republic of Macedonia and the Open Society Institute Macedonia, on 01.08.2014.

For the implementation of the International Covenant on Economic, Social and Cultural Rights, for the II-IV reporting cycle, fourteen shadow/alternative reports were delivered to the Human Rights Committee, among which four contained information about the LGBT community and HIV:

1. Submission to the Committee on Economic, Social and Cultural Rights for MACEDONIA⁶⁵, submitted by Healthy Options Project Skopje's (HOPS), Coalition on Sexual And Health Rights Of Marginalized Communities (CSHRMC) and International Centre On Human Rights And Drug Policy (HRDP), on 13 May 2016;
2. Submission for Consideration for the Republic of Macedonia⁶⁶ by the Committee on Economic, Social and Cultural Rights at its 58th Session (Geneva 6-24 June, 2016), submitted by the Coalition Sexual and Health Rights of Marginalized Communities, on 11.05.2016;
3. Information for consideration by the Committee on Economic, Social and Cultural Rights⁶⁷ regarding the review of the combined second, third and fourth periodic reports of Republic of Macedonia under the International Covenant on Economic, Social and Cultural rights, 58th Session (06 June 2016 – 24 June 2016), submitted by The Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) and the LGBTI Support Centre, on 17.05.2016;
4. Updated information for the consideration of the Committee on Economic, Social and Cultural Rights⁶⁸ regarding the review of the combined second, third and fourth periodic reports of Republic of Macedonia under the International Covenant on Economic, Social and Cultural Rights, 58th Session (06 Jun 2016 - 24 Jun 2016), submitted by H.E.R.A. - The Health Education and Research Association, Skopje Macedonia, The Youth Platform for Comprehensive Sexuality Education, Reactor – Research in Action Reactor – Research in Action and the Coalition "Sexual and Health Rights of Marginalized Communities" (SHRMC), on 11.05.2016.



International and regional documents which were ratified/signed/passed the procedure of accession by the Republic of Macedonia



2 December 1993

United Nations Convention on the Rights of the Child of 20 November 1989



18 January 1994

International Covenant on Economic, Social and Cultural Rights of 16 December 1966

The UN International Covenant on Civil and Political Rights of 16 December 1966



12 December 1994

Optional Protocol to the International Covenant on Civil and Political Rights



10 April 1997

European Convention on Human Rights of 4 November 1950



30 April 1997

Convention against Discrimination in Education of 14 December 1960



29 December 2011

The Convention on the Rights of Persons with Disabilities 13 December 2006



6 January 2012

The European Social Charter of 18 October 1961

- ¹ Constitution of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=538>
- ² Law on Aliens of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=663>
- ³ Bylaw on Aliens in the Republic of Macedonia,
<http://www.izgubenonajdeno.mvr.gov.mk/Uploads/PRAVILNIK%20ZA%20STRANCITE.pdf>
- ⁴ Bylaw for the way on issuance of visas for aliens, continuance and shortening of validity, revocation and cancellation of visas and the form for visas and evidence in the Republic of Macedonia
<http://www.izgubenonajdeno.mvr.gov.mk/Uploads/pravilnik%20-%20vizi%20za%20stranci.pdf>
- ⁵ Annual Report of the Coalition for sexual and health rights of the marginalized communities, Skopje, 2015,
<http://coalition.org.mk/publikacii/godishen-izveshtaj-na-koalitsijata-szpmz-2015/?lang=en>
- ⁶ Criminal Code of the R. of Macedonia (Official Gazette of the R. of Macedonia,
<http://pravo.org.mk/documentDetail.php?id=233>
- ⁷ Judgment of the Court of First Instance Skopje I Skopje, num. IX K br.20/09, www.vsrn.mk
- ⁸ Judgment of the Court of First Instance Skopje I Skopje, num. IX K br.20/09, www.vsrn.mk
- ⁹ <http://soros.org.mk/en/Home/NewsAndActivity?newsID=467&catID=7&pageIndex=70&month=0&year=0&additionalID=0>
- ¹⁰ Law on security of blood supply in the Republic of Macedonia,
<http://pravo.org.mk/documentDetail.php?id=762>
- ¹¹ <http://www.slvessnik.com.mk/Issues/5EE73145C319F34A9CA7C92CB6454D45.pdf>
- ¹² <http://itm.org.mk>
- ¹³ Article 49, Law on Associations and Foundations of the Republic of Macedonia
<http://pravo.org.mk/documentDetail.php?id=4845>
- ¹⁴ <http://www.nvosorabotka.gov.mk/?q=node/20>
- ¹⁵ Program for Funding of the Program Activities of the Associations and Foundations for 2016 (Official Gazette of the R. of Macedonia, num. 3/2016), <http://www.nvosorabotka.gov.mk/?q=node/22>
- ¹⁶ Ogdenovska S., "Direct budget funding for NGOs: Basic review", Macedonian Centre for International Cooperation, 2016, Skopje
<http://mcms.mk/mk/za-nasata-rabota/istrazuvana-i-publikacii/lista-na-istrazuvana-i-publikacii/1866-direktno-budzhetsko-finansiranje-za-gragjanskite-organizacii-osnoven-pregled.html>
- ¹⁷ Strategy for cooperation with the Civil Society
<http://skopje.gov.mk/DesktopDefault.aspx?tabindex=0&tabid=433>
- ¹⁸ http://www.ccc.org.mk/index.php?option=com_content&view=article&id=304:-2016-&catid=17:2012-02-23-22-02-23&Itemid=93&lang=en
- ¹⁹ Program for Funding of the Program Activities of the Associations and Foundations for 2016,
<http://www.nvosorabotka.gov.mk/?q=node/22>
- ²⁰ Program for Protection of the Population from HIV/AIDS in the Republic of Macedonia for 2016 (Official Gazette of the R. of Macedonia, num.2/2016)
<http://zdravstvo.gov.mk/wp-content/uploads/2015/06/Programa-sida-2015.pdf>
- ²¹ <http://zdravstvo.gov.mk/wp-content/uploads/2015/06/Programa-sida-2015.pdf>
- ²² Annual Report of the Coalition for sexual and health rights of the marginalized communities for 2016
http://coalition.org.mk/publikacii_cat/izveshtai/?lang=en
- ²³ Analysis on the results of the research for financial transfers from the municipalities to NGOs in 2016,
http://www.ccc.org.mk/index.php?option=com_content&view=article&id=304:-2016-&catid=17:2012-02-23-22-02-23&Itemid=93&lang=en
- ²⁴ Decision for allocation of the financial means of the Budget of the Republic of Macedonia for 2016 for funding of the Program Activities of the Associations and Foundations,
<http://www.nvosorabotka.gov.mk/?q=node/22>
- ²⁵ Decision for allocation of the financial means of the Budget of the Republic of Macedonia for 2015 for funding of the Program Activities of the Associations and Foundations
<http://www.nvosorabotka.gov.mk/?q=node/22>
- ²⁶ Instruction for practice of medicine based on proofs for treatment of transsexualism 2014,
<http://zdravstvo.gov.mk/wp-content/uploads/2015/08/Transeksualizam.pdf>
- ²⁷ <http://acibademсистина.mk/en/vesti/1102-prva-intervencija-na-promena-na-pol-napravena-vo-acibadem-sistina>

- ²⁸ Law on Birth Records, <http://www.pravo.org.mk/documentDetail.php?id=452>
- ²⁹ Annual Report of the Coalition for sexual and health rights of the marginalized communities for 2016 http://coalition.org.mk/publikacii_cat/izveshtai/?lang=en
- ³⁰ Annual Report of the Coalition for sexual and health rights of the marginalized communities for 2016 http://coalition.org.mk/publikacii_cat/izveshtai/?lang=en
- ³¹ A decision determining sex change has been adopted by the Administrative Court of the RM, <http://myla.org.mk/decision-determining-sex-change-adopted-administrative-court-rm/>
- ³² Report of the Coalition for sexual and health right of marginalized communities for 2016, http://coalition.org.mk/wp-content/uploads/2017/03/coalition_ar2015_MKD_final_blue_pregled-4.pdf
- ³³ Constitution of the Republic of Macedonia (Official Gazette of the R. of Macedonia, num. 52/1991), <http://pravo.org.mk/documentDetail.php?id=538>
- ³⁴ Law on Prevention and Protection against Discrimination of the Republic of Macedonia <http://pravo.org.mk/documentDetail.php?id=4845>
- ³⁵ Law on Labor Relations of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=285>
- ³⁶ Article 3, 4,5 of Law on Health Protection of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=6286>
- ³⁷ Annual Report for 2015 of the Commission for protection against discrimination, http://www.kzd.mk/sites/default/files/dokumenti/god_izvestaj_2015.pdf
- ³⁸ Annual Report for 2013, the Commission for protection from discrimination
- ³⁹ Annual Report for 2014, the Ombudsman of Republic of Macedonia
- ⁴⁰ Annual Report for 2016 of the Ombudsman of Republic of Macedonia
- ⁴¹ Article 137, Criminal Code of the R. of Macedonia, <http://pravo.org.mk/documentDetail.php?id=233>
- ⁴² Information available on a special web-site for reporting hate crimes, supported by the Helsinki Committee of HR, Macedonia and OSCE, http://www.zlostorstvaodomraza.mk/main?l=en_US
- ⁴³ Annual Report of the Coalition for sexual and health right of marginalized communities for 2016, http://coalition.org.mk/wp-content/uploads/2017/03/coalition_ar2015_MKD_final_blue_pregled-4.pdf
- ⁴⁴ Annual report of hate crime in 2016 of the Helsinki Committee on Human Rights, Macedonia, page http://mhc.org.mk/system/uploads/redactor_assets/documents/2385/ZLOSTORSTVA_OD_OMRAZA_2016_za_WEB.pdf
- ⁴⁵ <http://hatecrime.osce.org/former-yugoslav-republic-macedonia>
- ⁴⁶ Articles 13, 15, Law on the Family of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=500>
- ⁴⁷ Article 15 of the Law on Prevention and Protection against Discrimination (Official Gazette of R.Macedonia, num. 177/2015, 31/2016), <http://pravo.org.mk/documentDetail.php?id=4846>
- ⁴⁸ Law on the Family of the R. of Macedonia, <http://pravo.org.mk/documentDetail.php?id=500>
- ⁴⁹ ibid
- ⁵⁰ Bylaw on the criteria and way of choosing adoptive parent of the R. of Macedonia, <http://www.mtsp.gov.mk/pravilnici.nspix>
- ⁵¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMKD%2fCO%2f3&Lang=en
- ⁵² http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MKD/INT_CCPR_FCO_MKD_25047_E.pdf
- ⁵³ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=en
- ⁵⁴ Annual Report of the Coalition for sexual and health right of marginalized communities for 2015, http://coalition.org.mk/wp-content/uploads/2017/03/coalition_ar2015_MKD_final_blue_pregled-4.pdf
- ⁵⁵ <http://standard.mk/shizici-uzhivajte-bez-rizici-vo-mkc/>

- ⁵⁶ http://hudoc.esc.coe.int/app/conversion/pdf?library=ESC&id=CR_2016_MKD_ENG&filename=CR_2016_MKD_ENG.pdf
- ⁵⁷ Law on Public gatherings of the Republic of Macedonia, <http://pravo.org.mk/documentDetail.php?id=439>
- ⁵⁸ Law on Associations and Foundations, <http://pravo.org.mk/documentDetail.php?id=4845>
- ⁵⁹ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MKD/INT_CCPR_CSS_MKD_20859_E.pdf
- ⁶⁰ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MKD/INT_CCPR_CSS_MKD_20778_E.pdf
- ⁶¹ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MKD/INT_CCPR_CSS_MKD_20814_E.pdf
- ⁶² http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fMKD%2f20731&Lang=en
- ⁶³ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fMKD%2f17688&Lang=en
- ⁶⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fMKD%2f18295&Lang=en
- ⁶⁵ http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MKD/INT_CESCR_CSS_MKD_2429_0_E.pdf
- ⁶⁶ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fMKD%2f23886&Lang=en
- ⁶⁷ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fMKD%2f23934&Lang=en
- ⁶⁸ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fMKD%2f23889&Lang=en

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