



Australian Government
Refugee Review Tribunal

Country Advice

Former Yugoslav Republic of Macedonia

Former Yugoslav Republic of Macedonia –
MKD39460 – Homosexual –
Discrimination – Employment
2 November 2011

1. Please provide general information on the situation for homosexuals in Macedonia.

Decriminalisation of same-sex activity occurred in 1996.¹ Homosexuality is usually described by psychiatrists as well as being thought of by many people in the country as an illness and in 2006 was still included in the psychiatric diagnostic manual of therapy as a disorder in the drives.² In November 2010, a petition signed by 28 local NGOs was sent to the Culture Ministry calling for school textbooks referring to homosexuality as an illness to be amended.³ The Education Minister was reported to have said that a revision board would be tasked to revise the textbooks.⁴

Sexual minorities, including all lesbian, gay, bisexual and transgender individuals, have limited, but some, legal protection against discrimination which has only recently been introduced in Macedonia, however societal acceptance of LGBT groups is still low. As a consequence, individuals belonging to these groups tend to conceal their sexual orientation.^{5 6} One 2010 internet survey of men who have sex with men found that Macedonia had one of the lowest levels of any European country of family, friends, work or study colleagues who knew of the survey person's sexual orientation (13.6%).⁷

A 2010 article refers to unsourced survey figures that indicated that 85% of Macedonians did not want homosexuals in their neighbourhood, a percentage similar to that of alcoholics.⁸ A

¹ „Macedonian gays come out from shadows’ 2005, Institute for War and Peace Reporting website, 21 February, <http://iwpr.net/report-news/macedonian-gays-come-out-shadows> - Accessed 25 October 2011

² Divitrov, Petre, 2006, „Gay Macedonia’, April, Global Gayz website, <http://www.asylumlaw.org/docs/sexualminorities/macedonia-Globalgays.com.pdf> - Accessed 28 October 2011

³ „Changes demanded to Macedonia’s anti-gay textbooks’ 2010, *Balkan Insight*, 15 November, <http://www.balkaninsight.com/en/article/macedonian-textbooks-spill-homophobia> - Accessed 25 October 2011

⁴ „Rights group slams “homophobia” in Macedonian education’ 2010, *BBC Monitoring Service* [source: Makfax news agency], 12 November

⁵ „Gay backlash over Macedonia’s anti-discrimination law’ 2010, *Macedonian News*, 11 April, <http://www.vmacedonianews.com/2010/04/gay-backlash-over-macedonias-anti.html> - Accessed 31 October 2011

⁶ „Skopje mulls constitutional ban on gay unions – media’ 2011, *AFP*, 14 January.

⁷ „HIV Prevention Report Card for men who have sex with men – Macedonia’ 2011, Report for the UNPFA, [September], p. 2 http://ippf.org/NR/rdonlyres/922D4AEA-6C52-446A-A45E-54F5F449D125/5722/ippf_hivreportcards_msm_macedonia.pdf - Accessed 28 October 2011

⁸ „Macedonia’s lack of tolerance’ 2010, *EU Observer*, 1 February, <http://euobserver.com/9/29375> - Accessed 25 October 2011

2007 study found a slightly higher level of tolerance, with only 62.2% viewing the prospect of a homosexual neighbour negatively.⁹

There are only a limited number of registered LGBT NGOs in Macedonia, and the first exclusively LGBT organisation was the Macedonian Association for Free Sexual Orientation (MASSO), established in 2004. Its focus was advocacy, legal changes and awareness. Another organisation, EGAL, Equality for Gays and Lesbians, also established in 2004, is mainly concerned with gay health and outreach activities.¹⁰ MASSO has now closed down, and apparently this occurred as a result of state authorities wishing to prevent MASSO participating in debate on a new anti-discrimination law proposed in 2010.¹¹

Reporting on the introduction of the anti-discrimination law highlighted the bill's failure to include sexual orientation. The EU had recommended, along with ambassadors to several EU countries, that the law explicitly include discrimination on the basis of sexual orientation.¹² Although earlier draft versions of the proposed law had included reference to sexual orientation, during the months preceding the vote on the law, some deputies from the centre-right VMRO DPMNE party had declared that they would not allow this provision to be included. Fear that this could open the way to homosexual marriage and the right of homosexual couples to adopt children were cited as a reason for not including it.¹³

In April 2011, the European Parliament adopted a resolution that Macedonia outlaw discrimination on the grounds of sexual orientation.¹⁴

There appears to be a very limited number of gay venues in Skopje,¹⁵ although earlier it was reported that some of these are forced to close when knowledge of them becomes known.¹⁶ It does appear that there has been more open media coverage of gay issues has occurred, that

⁹ See the 2007 inclusiveness of the Macedonian public survey cited in COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 3,

http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

¹⁰ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 6

http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

¹¹ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, pp. 6-7,

http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

¹² „FROYM: Skopje; MPs adopt anti-discrimination law’ 2010, *Balkan Insight*, 9 April.

¹³ „FYROM: Macedonia Anti-Discrimination Law Criticised’ 2010, *Balkan Insight*, 12 April.

¹⁴ „Macedonia must protect lesbian, gay and bisexual people, says the European Parliament’, 2011, EP Intergroup on LGBT Rights website, <http://www.lgbt-ep.eu/press-releases/macedonia-must-protect-lgb-people/> - Accessed 2 November 2011

¹⁵ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 6,

http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

¹⁶ „Macedonian gays come out from shadows’ 2005, Institute for War and Peace Reporting website, 21 February, <http://iwpr.net/report-news/macedonian-gays-come-out-shadows> - Accessed 25 October 2011

the subject is no longer completely taboo,¹⁷ and that media coverage is not exceptional, and is increasingly neutral or affirmative.¹⁸

In November 2010, LGBT activists participated in a march in central Skopje to mark the International Day for Tolerance. Two representatives of the LGBT community addressed the crowd and reporters.¹⁹

The Coalition for the Protection and Promotion of Health and Sexual Rights of Marginalized Groups held a press conference in Macedonia square on 17 May 2011 to coincide with the International day against homophobia and transphobia and an outdoor exhibition, part of a Walk with Pride project, was also held.²⁰

2. Are there any reports of "gay bashings" in Macedonia?

Limited information on this question was found. A recent report for the UN Population Fund referred to men who have sex with men having to „remain hidden’ and that some reported cases „where individuals were seriously injured due to their visible sexual orientation’.²¹

A 20 year old male from Tetovo stated in a 2006 report that he was often beaten up by young people in his neighbourhood. It does not appear that he sought protection and commented that „...I simply tolerate them.’²²

In its annual report on human rights for 2010, the US Department of State noted that there were no reports of societal violence.²³

3. Are there any reported examples of the police or other state bodies failing to provide state protection to homosexuals in cases of violence against them?

Almost no information is available on this question. A University of SS Cyril and Methodius, Skopje, Faculty of Philosophy thesis from 2005 refers to „several’ cases of physical and verbal violence against LGBT persons due to their sexual orientation, often from law-enforcement officials themselves, reported to these organizations.’ The author states that

However, the fear of stigmatization and the unwillingness to publicly disclose their sexual orientation has prevented these persons from reporting the incidents to the police. Fortunately, all

¹⁷ Vrangalova, S 2005, Lesbian/gay/bisexual identity development in lesbians, gay men and bisexual persons: A qualitative study’ thesis submitted to Faculty of Philosophy, University of SS Cyril and Methodius, Skopje, March, p. 9, <http://www.freewebs.com/vrangalova/Work%20sample-whole.doc> – Accessed 28 October 2011

¹⁸ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 13 http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

¹⁹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Macedonia*, 8 April.

²⁰ Idaho Day Walk with Pride Project 2011, <http://walkwithpridenow.com/2011/05/17/idaho-day-may-17/> - Accessed 28 October 2011

²¹ „HIV Prevention Report Card for men who have sex with men – Macedonia’ 2011, Report for the UNPFA, [September], p. 2 http://ippf.org/NR/rdonlyres/922D4AEA-6C52-446A-A45E-54F5F449D125/5722/ippf_hivreportcards_msm_macedonia.pdf - Accessed 28 October 2011

²² Divitrov, Petre, 2006, „Gay Macedonia’, April, Global Gayz website, <http://www.asylumlaw.org/docs/sexualminorities/macedonia-Globalgays.com.pdf> - Accessed 28 October 2011

²³ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Macedonia*, 8 April.

these have been isolated cases, and no organized group has been known to assault LGB individuals, as has been the case in some of the neighboring countries.²⁴

The UN Population Fund report referred to above refers to public condemnation as the main reason for not reporting an injury to authorities.²⁵

4. Are there any reports of discrimination against homosexuals in employment?

Limited information was found on this subject. This lack was also noted in a June 2011 report for the European Commissioner for Human Rights.²⁶ In part this may be due to the possibility that there are only small numbers of employees who disclose their sexual orientation, and some reports seem to indicate that this may be so.²⁷ According to a recent (2011) report for the European Office of the Commissioner of Human Rights, only one incident of discrimination in employment was documented.²⁸ However earlier reports have documented instances of staff being asked to leave their employment when their sexual orientation was discovered.²⁹

In the 2005 thesis referred to previously, it was recorded that some participants had disclosed their sexuality to their superiors without negative consequences; others worked in „gay supportive environments.³⁰

In his report following a visit to Macedonia in February 2008 the European Commissioner for Human Rights noted that

... [t]he Law on Military Service was amended and took out the prohibition for homosexuals to serve. Moreover, a recent amendment to the Law on Work Relations prohibiting discrimination on the basis of sexual orientation is a welcome positive legislative change albeit with a narrow scope of application. The LGBT community also highlighted that the terminology used in the labour law did not fully correspond with the term „sexual orientation’ that is also used by the ECtHR. This discrepancy is creating uncertainty regarding the scope of the protection.³¹

²⁴ Vrangalova, S 2005, Lesbian/gay/bisexual identity development in lesbians, gay men and bisexual persons: A qualitative study’ thesis submitted to Faculty of Philosophy, University of SS Cyril and Methodius, Skopje, March, p. 10, <http://www.freewebs.com/vrangalova/Work%20sample-whole.doc> – Accessed 28 October 2011

²⁵ „HIV Prevention Report Card for men who have sex with men – Macedonia’ 2011, Report for the UNPFA, [September], p. 2 http://ippf.org/NR/rdonlyres/922D4AEA-6C52-446A-A45E-54F5F449D125/5722/ippf_hivreportcards_msm_macedonia.pdf - Accessed 28 October 2011

²⁶ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 13 http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

²⁷ e.g. Divitrov, Petre, 2006, „Gay Macedonia’, April, Global Gayz website, <http://www.asylumlaw.org/docs/sexualminorities/macedonia-Globalgays.com.pdf> - Accessed 28 October 2011

²⁸ COWI and Danish Institute for Human Rights 2011, „Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity. Sociological Report; the former Yugoslav Republic of Macedonia’ report for the European Office of the Commissioner for Human Rights, June, p. 3 http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf - Accessed 31 October 2011

²⁹ Divitrov, Petre, 2006, „Gay Macedonia’, April, Global Gayz website, <http://www.asylumlaw.org/docs/sexualminorities/macedonia-Globalgays.com.pdf> - Accessed 28 October 2011

³⁰ Vrangalova, S 2005, Lesbian/gay/bisexual identity development in lesbians, gay men and bisexual persons: A qualitative study’ thesis submitted to Faculty of Philosophy, University of SS Cyril and Methodius, Skopje, March, p. 30, <http://www.freewebs.com/vrangalova/Work%20sample-whole.doc> – Accessed 28 October 2011

³¹ „Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his visit to „the former Yugoslav Republic of Macedonia’ 25-29 February 2008, 2008, ECOINET website, 11 September, http://www.ecoi.net/file_upload/1002_1223497493_commdh-2008-21-e.pdf - Accessed 2 November 2011

5. If the answer to Q. 2, Q.3 or Q. 4 is yes, does the situation differ in rural areas to that in the capital, Skopje?

Insufficient information was found to answer this question.

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