

# Macedonia

Persecuting



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## QUICK FACTS

**Political System** | Parliamentary Republic    **Population** | 2,125,971 (July 2020)  
**Head of State** | President Stevo Pendarovski (2019-present), Interim Prime Minister Oliver Spasovski (2019-present)    **GDP Per capita** | NA

## EXECUTIVE SUMMARY

Macedonia has received a score of F, or “persecuting,” on the F&M GBGR and GBTR every year from 2011–2017. Homosexuality was decriminalized in 1996, but there are no laws protecting the LGBTI community from violence and discrimination. There has been progress in the past few years, such as Macedonia’s first pride parade in 2019, but social acceptance is overall declining.

### Background

Macedonia gained independence from Yugoslavia in 1991 upon Yugoslavia’s collapse. The country is composed mostly of ethnic Macedonians and Albanians with small percentages of Turkish, Romani, and Serbian ethnicities. North Macedonia has not conducted a census since 2002, but by those estimates, 64.8% of the population is Macedonian orthodox, 33.3% is Muslim, 0.4% is other Christian, and 1.5% is other or unspecified.<sup>1</sup> Macedonia’s constitutional name has been in contention for most of its existence as an independent country, as Greece claimed sole monopoly over the term “Macedonia.” The Macedonian and Greek Prime Ministers reached an agreement in 2018 that Macedonia’s official constitutional name would be the “Republic of North Macedonia.”<sup>2</sup>

Macedonia’s current president is Stevo Pendarovski, who was elected in 2019. Oliver Spasovski is the interim

Prime Minister—elections were supposed to be held in April 2020 but were postponed due to the COVID-19 pandemic. A new draft of the Law on Prevention Against Discrimination, which included sexual orientation and gender identity, was adopted and subsequently repealed under President Pendarovsky, but he has since indicated that he is in favor of increased rights for the LGBTI community. Additionally, religion can play a role in the lack of social acceptance of the LGBTI community in Macedonia because opponents of increased acceptance are often advocates of “traditional values” that are in accordance with the Orthodox church.

## KEY FINDINGS

### Legal Landscape

Macedonia’s criminal code criminalized male same-sex sexual relations with up to one year in jail until 1996 when the provision was removed and homosexuality was decriminalized. The Law on the Personal Name, 1995, Article 5, allows for name change broadly, but officials have reacted with prejudice towards those trying to change their name to one perceived to be of the “opposite sex.” There have been a few isolated cases in which transgender individuals have succeeded in changing their names and their gender markers on official documents.<sup>3</sup>

Macedonia adopted the Law on International and Tem-

porary Protection in 2018. The law previously prevented discrimination on grounds such as race/ethnicity and now includes persecution based on sexual orientation and gender identity as reasons to seek asylum.<sup>4,5</sup>

Macedonia adopted the Istanbul Convention in 2018, which may provide greater protections for transgender individuals as well as other LGBTI minorities.<sup>6</sup> The convention dictates that its provisions shall be implemented without discrimination on any grounds, of which it specifically states sexual orientation and gender identity.<sup>7</sup>

A new draft of the Law on Protection Against Discrimination was presented to parliament in 2018, which included sexual orientation and gender identity among protected grounds. The law was adopted in 2019 under President Pendarovski after initial refusal by President Gjorge Ivanov but was repealed a year later in May 2020. The law did not receive a constitutional majority when it was voted on and subsequently adopted, and the government did not commit to its enforcement over the last year, which left it vulnerable to repeal.<sup>8</sup>

### Political Landscape

President Pendarovski has indicated an intent to address LGBTI rights in his time in office on a few occasions. Pendarovski originally signed the Law on Prevention Against Discrimination after it had been voted on improperly, for which he accepts no blame. After the law was repealed, he expressed that he had known it to be problematic but had no choice but to sign it after it had been passed by a second vote in parliament.<sup>9,10</sup> He also met with the organizers of Macedonia's 2020 pride parade, which was held online due to the COVID-19 pandemic. Commending the activities of organizations and activists involved with promoting LGBTI rights, Pendarovski pledged to have the amended version of the Law on Prevention Against Discrimination included high on the parliament's priority list.<sup>11</sup>

Members of several political parties from the Macedonian Parliament formed the Inter-Party Working Group for LGBTI Rights in 2018. The mission of the group is "to make use of all mechanisms available in Parliament, to contribute for a society where sexual orientation and gender identity will not be an obstacle for the full enjoyment of their human rights."<sup>12</sup>

### Socio-Economic Landscape

Based on the Williams Institutes's Global Acceptance Index (GAI), social acceptance of LGBTI people in Macedonia has declined from 2000 to 2017. This correlates with the Williams Institutes's analysis that global social acceptance of LGBTI people has become polarized in the last decade, with the most accepting countries becoming more accepting and the least accepting countries becoming less accepting.

Despite declining social acceptance, Macedonia held its first pride march in 2019, which was most likely in accordance with its goal to join the European Union. Supporters of various right-wing organizations protested the parade outside an Orthodox Christian cathedral, promoting traditional family values.<sup>13</sup> The first Trans Visibility March was also held in 2019, organized by TransFormA, an organization dedicated to addressing the needs of the transgender community in Macedonia. There have been other pride events in Macedonia in previous years, but the march in 2019 was the first state-sponsored event.

### Societal Discrimination

There is no protection from discrimination for LGBTI minorities in the law. Although the new Law on Protection Against Discrimination was in effect for approximately one year, the few protections afforded by the government's minimal enforcement of the law were removed with the repeal of the law.

In June 2020, the Minister of Health announced that

trans healthcare would be covered by public insurance, but the decision was withdrawn after public backlash, including several transphobic articles. This constitutes discrimination against transgender individuals in healthcare as well as a disproportionate economic burden. Conversely, in 2019, then Prime Minister Zoran Zaev received public criticism for calling Bojan Jovanovski, a businessman detained for supposed extortion, a “faggot.” He later apologized.<sup>15</sup>

## ANALYSIS

Macedonia’s scores on the F&M GBGR and GBTR are unlikely to change in the next year as they have both been an F every year from 2011–2017. These scores are on par with the rest of Central/Eastern Europe/Eurasia with the exception of 2017, when the region of Central/Eastern Europe/Eurasia received a score of D, or “intolerant” overall, and Macedonia received an F. Macedonia is making some legal progress with regard to protections for LGBTI citizens (with the exception of the repealed Law on Protection Against Discrimination). Pride events and the Trans Visibility March also indicate progress on the societal level, but gaps in legal protections and continued bias-motivated hate speech and hate crimes result in Macedonia’s status of “persecuting” on the F&M GBGR and GBTR. There seems to be a lack of commitment to legal progress for the protection of LGBTI minorities, so despite incremental societal progress, the lack of legal backup permits hostile and discriminatory attitudes to persist.

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