



Република Северна Македонија

**Министерство за труд
и социјална политика**

- Сектор за еднакви можности -

Major Groups and other Stakeholders Questions and Answers as part of the Voluntary National Review of Republic of North Macedonia at the High-Level Political Forum on Sustainable Development under the auspices of the Economic and Social Council

New York, 30th July 2020

Question 1 – What specific actions are you undertaking to ensure the protection and prevention of discrimination against marginalized social groups, including legal gender recognition of trans people?

Answer

The main priorities of the Government of North Macedonia are:

- Introduction of the concept of equality and non-discrimination in all areas of social life, especially in the field of education, health, social protection, labor relations and justice,
- Strengthening the rule of law through impartial and non-discriminatory law enforcement; and
- Promotion of human rights and creation of institutional capacities for their effective protection

In this context, as a line ministry, we are dedicated and continuously working on creating policies and undertaking activities to deal with discrimination in the country.

In that direction, through a long and transparent process by consulting a number of stakeholders such as institutions at national and local level, citizens' associations, which are representatives of various marginalized groups, international organizations and the public in a period of two years was prepared and adopted a new Law on Prevention and Protection against Discrimination, a law that was in line with international standards. Namely, this Law was harmonized with all EU directives, international human rights standards as well as the opinions of the European Commission, the Venice Commission, the United Nations and the OSCE. The Law on prevention and protection against discrimination was adopted in May 2019 and for the first time explicitly recognized the sexual orientation and gender identity as grounds of discrimination, until May 2020 when The Constitutional Court of the Republic of North Macedonia with act no. 115/19 -1 dated 14.05.2020 repealed the law due to procedural reasons. The legal effect of the repealing decision is ex nunc, which means that the repealed normative act is eliminated from the legal order. From the moment the law was repealed by the Constitutional Court, in fact, the special protection that was explicitly regulated by this *lex specialis* was abolished.

Due to that at this moment, unfortunately, we do not have a Commission for Protection against Discrimination that we expected to work professionally with expanded competencies, to act on all submitted complaints as well as ex officio and finally start initiating misdemeanor



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proceedings in order to strengthen compliance with the law. Unfortunately, we do not have the Law according to which the action popularis lawsuit was introduced, by which the organizations whose activity is protection of human rights could initiate proceedings for protection against discrimination before the courts.

However, the system of protection against discrimination is not completely abolished by the repeal of the law and can never be completely abolished because the prohibition of discrimination arises from the highest legal act, the Constitution of the Republic of North Macedonia which guarantees equality of all citizens and prohibits discrimination. The legal framework for non-discrimination and equality, in addition to the Constitution, is contained in a number of other legal acts as well as ratified international agreements. At the same time, the Ombudsman remains one of the most accessible mechanisms for protection against discrimination for citizens.

The first commitment of the Ministry of Labor and Social Policy after the formation of the new Government and Parliament will be the re-adoption of the Law on Prevention and Protection against Discrimination which provides equal opportunities and equal protection for all.

However, The Ministry of Labor and Social Policy continued to work on the implementation of the Strategy for Equality and Non-Discrimination 2016-2020 in order to promote the rights of citizens and the LGBTI community and provide equal protection for all. This is the first strategic document whose mission is aimed at "Effective protection against discrimination and respect for the principle of equal opportunities and the prohibition of discrimination against any person and / or a group of persons, based on their personal characteristics, in particular vulnerable social groups, including LGBTI people"

In fact, it is important to promote that on the Rainbow Map for 2020: The Republic of North Macedonia is ranked 33rd position (out of 49), ie it has jumped by 12 positions compared to last year (position 45).

This is due to the following activities undertaken in the past period, which are:

At the proposal of the Ministry of Labor and Social Policy, a **National Coordination Body for Non-Discrimination and Equality was established**, in order to promote the concept of non-discrimination and equal opportunities and to monitor the situation in this field in all spheres of social life. The coordinating body is composed of 36 members, representatives of state institutions, local self-government units, associations, trade unions, employers' associations, independent experts. The Ministry of Labor and Social Policy coordinates the work of the Coordination Body, and a Program and Rules of Procedure have been prepared for the work of this body. The coordination body also includes organizations that advocate for the protection and promotion of the rights of the LGBTI community.

The Ministry of Labor and Social Policy in cooperation with the Ministry for Foreign Affairs supported a regional conference in October 2018 Under the motto "Despite everything, the future is ours!", **The first regional conference on LGBTI people was held in Skopje**, where the promotion of the rights of LGBTI people was discussed, with an emphasis on ed-



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ucation and the rights of transgender people. Within the conference, the Ministry also organized a Ministerial meeting with the ministers from the region.

Established working group (Ministry of Justice for Amendments to the Law on Personal Records for gender legal recognition. For further harmonization of the domestic legislation in the field of non-discrimination with the international standards (after receiving a verdict from the Strasbourg Court) for discrimination, especially in the part of reducing the discrimination of the LGBT population, a special working group has been established to start the process of preparing amendments due to the gender legal recognition through amendments to the Law on Personal Records.

Conducting trainings of public administration on nondiscrimination and against hate speech. At the initiative of the members of the National Coordinative Body, in 2018 and 2019, MLSP started conducting basic trainings for representatives of the state administration bodies on "non-discrimination and against hate speech". These trainings were continuously conducted in 2019 and this year, but due to the situation with COVID 19 they were postponed for September 2020 or next year 2021.

National conference for improving the situation of the LGBTI community (June 27-28, 2019 in Skopje) organized by the Government of North Macedonia/Ministry of Labor and Social Policy. In cooperation with the SOGI Council of Europe Unit and ERA the Ministry of Labor and Social Policy in June 2019 has hosted the first National conference on the rights of LGBTI people in the country organized by governmental officials. The conference was opened by the Minister of Labor and Social Policy, Minister of Interior and the Minister of Health. Also regional participants have attended for to exchange of good practice. The conference brought concrete conclusions and practical solutions to improve the situation and rights of LGBTI people in the country, exchanged experience and good practice in order to improve the situation of the LGBTI community in the region and promoted the Regional Declaration for the promotion of LGBTI people.

The Pride Parade was held for the first time in the country on (June 30 2019) and it was supported by government structures, by taking speech by the Minister of Labor and Social Policy Ms. Mila Carovska. Also this year 2020 at the online pride parade in Skopje our state secretary Ms. Jovana Trenchevska has given support by taking speech and answering questions to the LGBTI community in North Macedonia.

The Ministry of Labor and Social Policy within its competences has provided Financial support from the National Budget in 2019 for the first shelter center (**Safe House**) for victims of violence members of the LGBTI community. This financial support will continue.

This year 2020 due to the COVID 19 situation, the Ministry of Labor and Social policy has given support to the civil society (NGO Subversive Front) for establishing the first **SOS line** for LGBTI victims of violence.



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As a conclusion from the National Conference held in June 2019, the Government has committed through the Ministry of Labor and Social Policy to work on **National action plan for the promotion of the rights of the LGBTI community**. In accordance with the commitments of the MLSP, we have started activities in accordance with which we expect to have a National Action Plan prepared by the end of this year 2020 to promote the rights of the LGBTI community.

This Action Plan will contain several priority areas such as:

- Improving the status of members of the LGBTI community by improving the legal framework
- Strengthening the capacities of the relevant institutions for protection and promotion of the rights of the members of the LGBTI community
- Development of specific areas for intervention to promote the rights of members of the LGBTI community such as the areas of health, education, employment, access to rights, housing and culture
- Raising community awareness of LGBTI rights and tolerance of diversity

It is also important to emphasize that we have started with the preparation of the Methodology for **collecting statistical data** in accordance with the Law on Prevention and Protection against Discrimination, which is the obligation of all state institutions to collect interest data regarding all grounds of discrimination, including sexual orientation and gender identity.

Question 2 – What specific actions are you undertaking to ensure access to education, health and employment for all?

Answer – Specific actions regarding education, health and employment for LGBTI people will be included in the National Action Plan which is expected to be adopted by the end of 2020.

Question 3 – Finally, what is the plan towards eradicating all forms of inequality by 2030 to make sure that no one is left behind?

Answer – With the National Action Plan all forms of inequality will be introduced through specific activities expecting promotion the rights and providing equal opportunities for the LGBTI population in society and especially in the field of education, health, employment, housing and access to justice.