

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON MACEDONIA¹

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- Suggested questions and recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References in the National Report are *in Italics*.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
Sexual orientation /gays and lesbians	Protections against discrimination in labour laws (72)		Sexual orientation not identified as ground for discrimination. Lack of protection for LGBT people (6). Stigma on openly LGBT still exists, esp. in rural communities (17). Possible legal recognition of same-sex partnership (29)
Trafficking Forced prostitution	Measures to improve legal and social system for combat and care. Center for victims (131, 133) Assistance and protection of victims. (134)		
Trafficking/sexual exploitation /violence against children	Programs and policies to combat trafficking (40) National Plan for children protection from all types of abuse, violence, and		

¹ These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org

	exploitation (74) Action Plan on prevention and dealing with sexual abuse of children and paedophilia (75) Strengthen of criminal-law (126). Center for foreigners to provide medical and psychological care and legal assistance. (129). Guardianship concept in Family Law (132). Measures aimed at social and economic development of victims (135)		
Transsexual populations			Lack of antidiscriminatory provisions (15)

Sexual orientation / gays and lesbians

The Sector for Equal Opportunities of Women and Men implements measures and activities for prevention and protection from any type of discrimination (discrimination based on sexual orientation, among others, and double discrimination against individuals due to unequal treatment in the field of labour, social protection and social insurance) in accordance with the Law on Equal Opportunities of Women and Men and the Directive 32002L0073 (Para 72, NR).

The Law on Labour Relations of the Republic of Macedonia prohibits any discrimination against job applicants or workers on grounds of () sexual orientation () or any other personal circumstance. Both direct and indirect discrimination is prohibited. The Law also prohibits harassment and sexual harassment. In case of discrimination, a job applicant or worker may claim damages and the burden of proof falls on the employer (Para 94, NR).

The Commissioner for Human Rights of the Council of Europe, (Commissioner/COE) Commissioner/COE noted that there are limited specific legal protection provisions available for discrimination on the basis of sexual orientation but not on the basis of gender identity. (Para 15, Summary). He reported that Article 9 of the Constitution guarantees citizens equality to enjoy their freedoms and rights irrespective of a number of grounds. Sexual orientation, however, does not appear expressis verbis nor is there scope for its interpretation as no other status reference exists. This lack of possibility to identify sexual orientation as ground for discrimination is a distinct shortcoming and results in lacking protection for lesbian, gay, bisexual (LGB) persons () (Para 6, Summary). The Commissioner/COE also indicated that the LGB community is afforded less protection, and a certain stigma is still attached to being openly LGB within certain parts of society, particularly within rural communities (Para 17, Summary). The Commissioner/COE noted that there should be a possibility of legal recognition of same sex partnership (Para 29, Summary).

Trafficking / Forced prostitution

In the course of 2006, the NRM Office prepared a legal analysis of the legislation with the aim of detecting the weakness of the legal system regarding the protection from and prevention of

trafficking in human beings and initiating criminal proceedings against perpetrators, as well as of making recommendations to improve the care for victims of trafficking in human beings (Para 131, NR). At present, the Ministry of Labour and Social Policy is drafting amendments and supplements to the Law on Social Protection which envisage non-institutional protection of victims of trafficking in human beings and establishment of a Center for Victims of Trafficking in Human Beings (Para 133, NR). In 2007, Standard Operative Procedures (SOP) were prepared for treatment of victims of trafficking in human beings and they were endorsed by the Government of the Republic of Macedonia. The SOP were introduced with the aim of providing assistance and protection to all victims of trafficking in human beings through single comprehensive approach based on the human rights of the victims (Para 134, NR)

Trafficking/ sexual exploitation of children / violence against children

In 2004, a Sub-Group for Fight against Trafficking in Children in the National Commission for Fight against Trafficking in Human Beings and Illegal Migration was formed. The office of the National Mechanism for Referral of Victims of Trafficking in Human Beings at the Ministry of Labour and Social Policy has been functioning since September 2005 (Para 40, NR)

The Government of the Republic of Macedonia adopted the National Action Plan on the Rights of Children (NPA) for the 2006-2015 period. The NPA priorities are: () protection of children from all types of abuse, violence, and exploitation. The National Commission on the Rights of the Child is in charge of the NPA implementation (Para 74, NR)

In November 2008, the Government of the Republic of Macedonia adopted the Action Plan on prevention and dealing with sexual abuse of children and paedophilia for the 2009-2012 period. This Action Plan provides for measures and activities for provision of assistance to and protection of children from sexual abuse and from paedophilia. It also envisages establishment and promotion of a coordinated system of cooperation among government institutions and between the Government and NGOs, covering thus all fields that deal with this issue.(Para 75, NR). () The amendments and supplements to the Criminal Code adopted by the Assembly on 4 January 2008 strengthen the criminal-law protection of child victims of trafficking in human beings. The terms "victim of a criminal act", "child pornography", "computer system" and "computer data" have been defined. A new criminal act - "trafficking in minors" - has been introduced (Para 126, NR)

As of 2001, a Transit Center for Foreigners has been functioning at the Ministry of the Interior, where every person who has been identified as a victim of trafficking in human beings is provided with medical attention, care and control by an IOM medical team. Furthermore, with the mediation of and financial support from this organization, the victims are also provided with appropriate and professional post-traumatic, social-reintegrative, psycho-social therapy and counselling by representatives of the Happy Childhood non-governmental organization, as well as free legal assistance, advice and representation (Para 129, NR)

In July 2008, amendments were adopted to the Law on Family by which after Article 177 a new Chapter B-a "Guardianship of minor victims of trafficking in human beings" is added, together with sixteen new articles (Para 132, NR)

The project "Economic strengthening of victims of trafficking in human beings", realized by the NGO "Happy Childhood", was completed in the middle of March 2007. () the Ministry of Labour and Social Policy logistically supported the activities through engagement of the office of the National Mechanism for Referral of Victims of Trafficking in Human Beings. Within these activities, 10 victims of trafficking in human beings were afforded training and education for hair stylists, cosmeticians and computer based accountancy. This was the first project of this type and, considering the results achieved in Skopje and Veles, it is planned to be realized in other towns in the country. Through the Employment Agency and active policies for employment

for different target groups, the Ministry of Labour and Social Policy will assist in their further reintegration in the society, through assistance and support for employment (Para 135, NR)

Transsexual populations

Commissioner/COE) Commissioner/COE noted that there are limited specific legal protection provisions available for discrimination on the basis of sexual orientation but not on the basis of gender identity. (Para 15, Summary).

Suggested questions and recommendations:

- Recommend that Macedonia expands the currently existing protections against discrimination based on sexual orientation to other areas beyond work and include also the category of gender identity in those dispositions, to protect the transgender community.

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- In cooperation with NGOs and community groups, design and implement trainings/discussions/education/information programmes for LGB people in Roma communities on issues of gender, identity, SRH and rights, sexuality, ITS/HIV/AIDS protection and others.

(For recommendation on Trafficking, see Guide on Women's Rights)