



NORWEGIAN HELSINKI COMMITTEE  
DEN NORSKE HELSINGFORSKOMITE



**LLH**

**Norwegian lesbian, gay, bisexual  
and transgender organisation**

Prime Minister  
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Oslo 4 November 2014

The Norwegian Helsinki Committee (NHC), The Norwegian LGBT Organization (LLH) and Amnesty International Norway address you with this letter to express concerns for the situation for Lesbian, Gay, Bisexual, Trans and Intersex persons (LGBTI) in the Former Yugoslav Republic of Macedonia.

An attack on the Damar Coffee Bar 20 October 2014 in the Old Skopje Bazaar, during the celebration of the second anniversary of the opening of the LGBTI Support Center, left two people with injuries to their heads and bodies. This is the sixth attack on the LGBTI Support Center and its activities during the two years of its existence, and by now, criminal investigation has only been instigated in one case; for the attack on the LGBTI Support Center 2 March 2013.

Lack of political commitment to prevent and prosecute hate crimes may be perceived by homo- and transphobic forces as a signal that they do not have to fear legal consequences for their actions. The attack on Damar is a concrete example on how such sentiments manifest in violence against the LGBTI community.

The Former Yugoslav Republic of Macedonia Progress Report, issued by the European Commission in October 2014, particularly emphasized the need to investigate this series of attacks, and to address the overall problem of hate crimes in Macedonia. It also drew attention to the need for adopting legislation that provides protection against discrimination of LGBTI people.

On this occasion, we also want to draw attention to the draft constitutional Amendment XXXIII submitted to the Parliament by the Government of Macedonia on 1 July 2014 and adopted by the Parliament on 27 August. Amendment XXXIII introduces a constitutional definition of marriage as a union solely between a woman and a man. This is the second attempt, by the Government to introduce a constitutional definition of "registered cohabitation" or any other form of "registered life partnership" as a "life union solely between one woman and one man" (civil unions).

Legislation that explicitly exclude sexual and gender minorities from access to constitutional and legal rights granted to others may increase the stigma, homo- and transphobia and discrimination which is currently very present in the Macedonian society. Returning to our initial concern on the attack on Damar, we respectfully remind you of the grave consequences that homo- and transphobia may have for its target community.

We commend the statement made by the Minister of Justice Adnan Jashari on 16 October 2014, following the 13 October Venice Commission Opinion on the Amendments, that the Ministry will follow the Opinion and remove the part of Amendment XXXIII that deal with the regulations on civil unions. All though this was the most explicit recommendation made by the Venice Commission; this measure is, however, not sufficient to secure equality, safety and protection against discrimination for the LGBTI community.

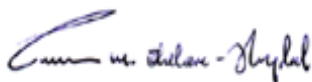
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We would like to take this opportunity to emphasize the important work done by the LGBTI Support Centre, the Helsinki Committee for Human Rights and the National Network against Homophobia and Transphobia and encourage you to follow advise on how to create a safe environment and life without discrimination and violence for LGBTI persons.

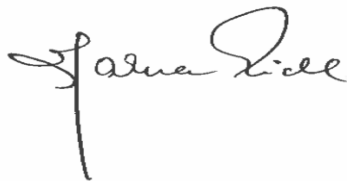
Our organizations subscribe to the recommendations set forward by these organizations to the Government, the Ministry of Interior, the Public Prosecutor`s Office and the competent courts on how to respond to such acts of violence:

1. *Public condemnation by the Prime Minister, the Minister of Interior and the Minister of Justice of hate violence against LGBTI people.*
2. *Quick resolution of the case, identification of the perpetrators and an efficient prosecution for violence, causing public danger, and racial and other discrimination caused by abusing organizations or individuals for their promotion of equality of all people.*
3. *Identification and prosecution of the perpetrators in the previous attacks on the LGBTI Center in the Old Skopje Bazaar.*
4. *Opening criminal investigation of the hate speech that followed after the attack on social networks. Investigation should also be launched against hate speech and calls violence against LGBTI people in media prior to the attack on Damar.*

This is an important occasion for your country to demonstrate its commitment to fundamental rights and freedoms for all. An important step of Macedonia`s further democratic development and path towards European integration is to demonstrate its commitment to the human rights obligations and inherit values of the European Convention of Human Rights, in particular article 14, which prohibits discriminating anyone in enjoying the rights set forth in the Convention.



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