

From: Permanent Mission of the Republic of Macedonia in Geneva

Geneva, June 25, 2013

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Via Fax: 022 917 90 06

**Attention to:
Jane Connors – Special Procedures Branch**

**UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS
- OFFICE -**

Letter enclosed.



PERMANENT MISSION OF THE
REPUBLIC OF MACEDONIA
Geneva
Chief of Mission

Geneva June 21, 2013

Dear Ms. Kiai and Ms. Sekaggya,

I have the honour to address you in reference to your joint urgent appeal of May 17 2013, where you have brought up the case of an alleged physical attack and threats against the Association "I.GBT United" and the Coalition for Sexual and Health Rights of Marginalized Communities.

At the outset, in this first letter addressed to you regarding the above-mentioned case, please allow me to underscore that the Republic of Macedonia fully respects its obligation under the International Legal documents (that includes the International Covenant on Civil and Political Rights). In addition, I would like to inform you that all International Agreements that are ratified in accordance with the Constitution are an integral part of the legal system of my country, which may not be amended by law.

Through the work of the HRC and other bodies in the HR system of the United Nations, Republic of Macedonia is active participant into the processes of further promotion and protection of the Human Rights in particular the rights of freedom of assembly and association as well as the rights of Human Right Defenders that we are considering as a essential HR vehicle for the development of democracy. Furthermore, I would like to mention that we have co- sponsored the HRC's resolutions 13/13 and 21/16.

Ms. Maina Kiai
Special Rappreteur on the
rights to freedom of peaceful assembly and of association

Ms. Margaret Sekaggya Special Rapporteur on the
situation of human rights defenders

UN Human Right Council
Special Procedures Branch
GENEVA

trainings and conferences for in-line bodies at the national and local levels that operate in the area antidiscrimination.

At the Ministry of the Interior (Mol) there is a centre that provides continuous training of employees at the Mol on various subjects related to human rights within their competences. Since 2009, trainings have been conducted for fight against discrimination and protection of human rights while performing policing duties.

In cooperation with the UNICEF, a series of training courses has been conducted for the Law on Juvenile Justice and juvenile rights.

A non-discrimination campaign was organized, aimed at raising public awareness about the importance and significance of antidiscrimination as a social process. The campaign included a series of promotional activities, public events, direct meetings with citizens and journalists and panel discussions.

For the purpose of preparing for the practical implementation of the Law on Prevention of and Protection against Discrimination, the project "Implementation of the Law on Prevention of and Protection against Discrimination" was carried out in cooperation with the British Council in the Republic of Macedonia. The project included several trainings and educational seminars for promotion of the Law and creating conditions for its successful implementation. Regional workshops have also been organized, focusing on improving interdepartmental cooperation when processing cases of discrimination, whereas meetings have also been held with the Mayors of 12 municipalities, which discussed the memorandum of cooperation on promotion of the concept of non-discrimination between the local self-government and the Ministry of Labour and Social Policy.

Q. 5 and 6: (Other Legal aspects) According to the Constitution, the Constitutional Court protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the grounds of gender, race, religion or national, social or political affiliation.

The right to appeal is a constitutionally guaranteed right in the Republic of Macedonia. Namely, Article 15 of the Constitution guarantees the right to appeal against individual legal acts issued in first instance proceedings by a court, administrative body, organization or other institutions carrying out public mandates.

This constitutional provision has been incorporated in all procedural laws. The right to appeal is a fundamental principle contained in the Law on Courts, the Law on Criminal Procedure, the Law on Civil Procedure and in the Law on Non-Contentious Procedure. The dissatisfied party has the right to appeal against rulings of first instance courts. Courts of Appeal deliberate upon appeals against rulings of first instance courts under their jurisdiction.

Q. 1 and 2: As per the case brought up in your letter, I would like to inform you that no entity has filed a case against the first instance Court in Bitola, nor against the Office of the Public Prosecutor, regarding the both incidents, which have been reported to you.

Q. 1 and 3: The Police Units have registered the events of 20 April, 2013, in Bitola and started its investigation, which is underway. The ongoing investigation is in the phase of collecting data against perpetrators under allegation of physical attack and insult that have been committed against two persons on 20 April, 2013. At this stage, in accordance with the Law, the investigation shall identify the perpetrators and together with other findings will bring the case for further prosecution to the Office of the Public Prosecutor.

In reaction to the data collected, on 24th of April, 2013, Unit of the Police started the investigation about the posts on the social network "Facebook" where was made explicit reference to the alleged incidents, with messages that allegedly included threats and insults versus the members of the LGBT United. The preliminary report of the Police Unit discloses that the posts have been withdrawn from the network's pages, immediately. Now, the Police are investigating and trying to find out the IP addresses of persons that have posted the aforementioned alleged messages. Thus far, I would like to assure you that all of the measures in accordance the relevant laws are undertaken by the competent police units.

Q. 3 and 4: Further to your questions, I would like to underline that the Criminal Code guarantees criminal law protection against discrimination and inequality. The Chapter 15 of the Criminal Code - Crimes against human rights and freedoms - sanctions the following crimes: Article 137: Violation of the equality of citizens; Article 144: endangering the security; Article 319: Causing national, racial, or religious hate, discord, and intolerance.

Q. 5: Please, also allow me to highlight some (amongst others) activities that the Republic of Macedonia is making in order to ensure the protection and promotion of all Human Rights, particularly of the rights of marginalized groups.

The **Law on the Prevention of and Protection against Discrimination** prohibits any direct or indirect discrimination, invocation and stimulation of discrimination and helping in discriminatory treatment on the grounds of: sex, race, skin colour, gender, belonging to a marginalized group, ethnic origin, language, citizenship, social origin, religion or confession, other types of belief, education, political belonging, personal or social status, mental and physical disability, age, family or marital status, property status, health condition or on any other grounds established by law or by ratified international agreements.

Upon the adoption of the **Law on Prevention of and Protection against Discrimination**, a large number of activities were implemented for its promotion among the public and for awareness raising, complemented by a great number of

I hope that all aforementioned provides sufficient information about the first instance reaction and the general undertakings (legal, procedural and governmental) by the institutions in the Republic of Macedonia relevant for the case reported to you.

Dear Ms. Kiai and Ms. Sekaggya,

I would also like to inform you that I will provide you with all additional information regarding the case, as soon as it will be received by the Permanent Mission of the Republic of Macedonia to the UN Office in Geneva.

Please, accept the assurances of my highest consideration.

Sincerely,

Dusko Uzunovski
Minister Counselor
Charges d'Affaires a.i.

