



**Republic of North Macedonia**  
**Information on the Implementation of the Convention on the Rights of the Child**  
**The right to education of LGBT and Roma children**

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NOTE: This information can be posted on the website of the Committee of the Rights of the Child for public information purposes.

**The Network for protection against discrimination** is a non-formal alliance of 11 CSOs<sup>1</sup>, working jointly on improving the legal framework, policies and practices concerning prevention and protection from discrimination on any ground, with focus on marginalized communities. Since 2010, the Network has been strategically litigating cases of discrimination, monitoring practices of state institutions and equality bodies, building the capacity of institutions and promoting the principle of equality.

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<sup>1</sup> Members of the Network are: Coalition Margins, Association for Health Education and Research HERA, Helsinki Committee of Human Rights, Healthy Options Project Skopje- HOPS, LGBTI Support Centre, Association for Support of People Living with HIV- Stronger Together, Macedonian Young Lawyers Association, National Network against Violence against Women and Domestic Violence, Association for Legal Education and Transparency L.E.T. Station, Association for Emancipation, Solidarity and Equality of Women ESE and Foundation Open Society - Macedonia.

## **Legal framework**

The Constitution of the Republic of North Macedonia stipulates that education is accessible to everyone under equal conditions. Primary education is compulsory and free.<sup>2</sup> The members of the communities have the right to receive instruction in their own language at primary and secondary level education.<sup>3</sup> The Law on the Promotion and Protection of the Rights of Members of Communities that Constitute Less than 20 % of the Population guarantees that members of communities shall have the right to education at all levels in their own language in accordance with the law.<sup>4</sup>

Discrimination, be it direct or indirect, against LGBTI people was prohibited under the Law on Prevention and Protection against Discrimination (LPPD) from 2019, but it was dismissed by the Constitutional Court, and currently there is a legal vacuum in the efficient protection of discrimination in the country. The Parliament is dismissed due to the elections scheduled for 15 July and it's undefined when the LPPD will be voted again.

Discrimination on the basis of any of the grounds listed in Article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities. Besides denying access to educational opportunities, there are many ways the State fails to comply with the principles contained in the Convention. For example, discrimination based on gender, sexual orientation and gender identity is reinforced by introducing a curriculum which is inconsistent with the principles of equality, by unsafe or unfriendly environments that discourage girls' or LGBT children to participate in the educational process.

## **Right to education of LGBTI and Roma children**

The aims of education, as according to the Convention is to achieve holistic development of the full potential of the child, including development of respect for human rights, an enhanced sense of identity and affiliation, and the child's socialization and interaction with others and with the environment.<sup>5</sup> "Education" in this context goes far beyond formal schooling, but rather towards embracing the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.<sup>6</sup>

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<sup>2</sup> Constitution of Republic of North Macedonia, Article 44 [https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns\\_article-constitution-of-the-republic-of-north-macedonia.nspix](https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix)

<sup>3</sup> Constitution of Republic of North Macedonia, Article 48 [https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns\\_article-constitution-of-the-republic-of-north-macedonia.nspix](https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix)

<sup>4</sup> Official Gazette no. 92/2008 from 22.07.2008

<sup>5</sup> U.N. Convention on the Rights of the Child (CRC), Article 29.

<sup>6</sup> U.N. Committee on the Rights of the Child (CRC), General Comment No. 1: The Aims of Education, CRC/GC/2001/1, 17 April 2011.

**Textbooks used in school curricula perpetuate homophobic attitudes.**<sup>7</sup> Discriminatory language pathologizing homosexuality (presenting homosexuality as an illness or medical disorder) is present in a number of Macedonian textbooks covering psychiatry, medical psychology, and psychology.<sup>8</sup> These textbooks contribute to marginalization, discrimination, and stigma against LGBTI people. According to a university textbook on “Criminological Psychology,” transvestites experience “uncontrolled impulses” and “unstoppable needs” to cross-dress, which can lead them to commit “very brutal” acts of violence against women if they are prevented from cross-dressing. The author then claims that these acts of violence are directed against women as a form of “revenge,” because nature has “punished” the transvestites “by not giving them a complete female form.”<sup>9</sup> Several psychology textbooks used at university, have discriminatory, homophobic content. They describe homosexuals as “the most common transmitters of AIDS” and suggest that “(h)omosexuality destroys the natural family, since it contradicts the sexual dimorphism of people.”<sup>10</sup> The textbooks claim that “scientific” research proves that homosexuality is not a normal, healthy alternative to heterosexuality.<sup>11</sup> The textbooks also abound in gender stereotypes that perpetuate gender inequality and incite violence against women. The textbook Sociology places women in the home where they have lesser possibilities to interact with the public and commit a crime, and qualify adultery and abortion as a crime.<sup>12</sup> Women are portrayed as mothers, teachers<sup>13</sup> or sisters/daughters who do not go to work, or are working at gender stereotypic jobs.<sup>14</sup> Female characters have a supporting role and are defined through the male character.<sup>15</sup>

There were a series of activities for introducing a legal mechanism for evaluation and revision of the curriculum and preventing discriminatory content that could fuel hatred and violence against women and girls, sexual, gender and ethnic minorities. The Law on Elementary Education prohibits discrimination based on ethnicity, gender, sexual orientation and gender identity of the students and their parents in different areas of the process, including the content of the educational programme and textbooks.<sup>16</sup> It provides a procedure for prevention and protection against violence that needs to be regulated with a by-law.<sup>17</sup> The failure of the school to abide by the provisions results with an administrative fine for the school and the principle.<sup>18</sup> Currently a working group is drafting the by-law, but there is no progress in the protection against violence and discrimination of LGBT children. A similar mechanism for protection against discrimination

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<sup>7</sup> Coalition, *Annual Report 2013*, *supra* note 9, at 64; *See also* Coalition, *Annual Report 2012*, *supra* note 5, at 68, noting concern expressed by EU Parliament.

<sup>8</sup> Coalition, *Annual Report 2013*, *supra* note 9, at 68.

<sup>9</sup> Coalition, *Annual Report 2012*, *supra* note 5, at 98-99.

<sup>10</sup> *Idem.* at 81.

<sup>11</sup> *Idem.* at 81-82.

<sup>12</sup> N. Stojanoski, M. Gjurovska, Z. Mitrevski. Sociology for second years of high school.

<sup>13</sup> Lj. Atanasova. Macedonian Language for IV grade elementary education, 2009, p. 5, 158, 160.

<sup>14</sup> For example, cashier, teacher, cleaner, etc.

<sup>15</sup> B. Kotevska. Stereotypes, prejudice and discrimination in education: Focus on primary education textbooks, 2016.

<sup>16</sup> Official Gazette of Republic of Macedonia no. 161/2019. Law on Elementary School 2019, art. 5.

<sup>17</sup> *Idem.*, art.64.

<sup>18</sup> *Idem.*, 1rt. 170

and violence does not exist in the Law on Secondary School where only discrimination based on sex, race, color, national and social origin, political and religious belief, economic and societal status are forbidden.<sup>19</sup>

Despite the numerous laws and policies that regulate the full access to education of Roma children, there is a significant problem in its implementation. In the school year 2008/2009, the Ministry of Education, the Bureau for Development of Education, introduced Romani language and Culture as an extracurricular subject for students in primary education.<sup>20</sup> Based on the Agency for Community Rights Realization<sup>21</sup>, in the school year 2016/2017 the Romani language was taught from 3<sup>rd</sup> to 9<sup>th</sup> grade in 13 schools in 5 municipalities. The latter findings can be substantiated also by the analysis of the Agency for Community Rights Realization, which shows that in the school year 2016/2017 only 23.98% (2244) of the total number of Roma students (9,356) had chosen the extracurricular subject of Romani Language and Culture.<sup>22</sup>

**Segregation of Roma children** occurs in several municipalities. Since 2010, the Ombudsperson has repeatedly pointed to the segregation in education on a linguistic and ethnic basis.<sup>23</sup> Particular emphasis was placed on the segregation of Roma pupils in separate schools and classes. The disproportionate representation and segregation of Roma in special education schools was also stressed. The Ombudsperson's reports underline the problem of noncompliance with the decision for residence-based enrollment in several primary schools in the country, and the fact that the children are enrolled based on the requests and wishes of their parents. The existing system for diagnosing and categorizing has proved inadequate and stigmatizing in practice. The enrollment in special education should be based on a categorization document. This piece of regulation is not complied with in our system and the Roma children get enrolled in the special education schools or classes within regular schools without categorization and without any tests of their abilities.

The most blatant examples of segregation in education on the grounds of ethnicity is the “Gjorgi Sugarev” School in Bitola, where exclusively children of Roma nationality are enrolled, which is against the national and international children's rights standards. The total number of students is 604, out of which 80% are Roma. From 2011 to 2016, the number of enrolled pupils in the first grade of non-Roma population dropped drastically, especially in the last two years. In fact, in the academic year 2015/2016, only 8 non-Roma students were enrolled, and in the academic year

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<sup>19</sup> Official Gazette of Republic of Macedonia no. p. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07, 49/07, 81/08, 92/08, 33/10, 116/10, 156/10, 18/11, 51/11, 06/12, 100/12, 24/13, 41/14, 116/14, 135/14, 10/15, 98/15, 145/15, 30/16, 127/16, 67/17 и 64/18. Law on secondary school, art.3.

<sup>20</sup> Educational plan for primary education, Bureau for development of education, available at: [https://www.bro.gov.mk/wp-content/uploads/2019/08/Nastaven\\_plan-devetgodishno\\_2019-2020.pdf](https://www.bro.gov.mk/wp-content/uploads/2019/08/Nastaven_plan-devetgodishno_2019-2020.pdf)

<sup>21</sup> Analysis for the situation in educational system of the students from the communities in the Republic of Macedonia (now known as North Macedonia), page 9, [aopz.gov.mk/wp-content/uploads/2018/05/АНАЛИЗА-за-образование.pdf](http://aopz.gov.mk/wp-content/uploads/2018/05/АНАЛИЗА-за-образование.pdf)

<sup>22</sup> Analysis for the situation in educational system of the students from the communities in the Republic of Macedonia (now named 'North Macedonia'), page 11, available at: [aopz.gov.mk/wp-content/uploads/2018/05/АНАЛИЗА-за-образование.pdf](http://aopz.gov.mk/wp-content/uploads/2018/05/АНАЛИЗА-за-образование.pdf)

<sup>23</sup> Ombudsman's reports

[http://ombudsman.mk/EN/annual\\_reports.aspx](http://ombudsman.mk/EN/annual_reports.aspx); [http://ombudsman.mk/EN/special\\_reports.aspx](http://ombudsman.mk/EN/special_reports.aspx)

2016/2017, during the first enrollment period, five non-Roma students were enrolled and then transferred to another school. According to the decision for residence-based enrollment, almost all the children from the “Bair” residential area, which is predominantly populated with Roma people, should enroll in the this school, although the school “Todor Angelevski” is also in the immediate vicinity. On the other hand, parents of non-Roma children do not abide by residence-based enrollment and enroll their children in primary schools in other residential areas.<sup>24</sup>

## **Comprehensive Sexuality Education**

Comprehensive sexuality education is not integrated into the curricula of both primary and secondary schools. Some health aspects related to the sexual and reproductive health are covered by the subject Biology. The topics mostly include information on human reproduction, puberty, the physiology of the reproductive organs, and vague information on HIV/AIDS. Evidence-based information on modern contraceptive methods and abortion is rarely included in these classes.

Sexual and reproductive health issues are to some extent also covered during a subject called Life Skills that covers issues such as physiological changes of the reproductive organs, contraceptives, STIs, HIV/AIDS, abortion, personal intimate hygiene, sexual difference and orientation, sexual harassment, human trafficking, gender sensitivity, personal relationships. Information on concepts of gender and gender equality, sexual pleasure, homophobia and discrimination based on sexual orientation are insufficient and outdated.

According to a research conducted in 2014, out of 330 students 81% o received information related to the sexual and reproductive health during Biology classes, while only 39.14% of the information was received during Life Skills classes. This is primarily due to the fact that Life Skills is not a mandatory subject and a teacher can choose what specifically will be taught during this subject. Based on our monitoring and the studies conducted in the last couple of years, the topics related to sexual and reproductive health have rarely been part of the school lessons included in Life Skills education, especially due to lack of training of teachers to teach CSE topics.<sup>25</sup>

The 2018-2025 National Comprehensive Strategy for Education highlights that in most schools Life Skills education is not appropriately implemented and regularly taught and, as a result, the Strategy suggests that steps are taken to ensure a proper implementation.<sup>26</sup> However, there are no specific measures or mechanisms outlined how this should be done in practice.

Based on the research on the views and opinions of parents on the introduction of teaching content for CSE, between 82% and 96% of the 800 parents/guardians agreed that young people should study topics that are part of the comprehensive sexuality education.<sup>27</sup>

In November 2019, the Government introduced a pilot program for comprehensive sexuality education in the 9th grade of primary education. According to the National Action Plan for piloting CSE, the project is expected to begin in September 2020 and be carried out in four

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<sup>24</sup> “Analysis of the public policies on the rights of the Roma in the Republic of Macedonia”

[https://mhc.org.mk/wpcontent/uploads/2017/07/analysis\\_of\\_the\\_public\\_policies\\_on\\_the\\_rights\\_of\\_the\\_roma\\_in\\_the\\_republic\\_of\\_macedonia.pdf](https://mhc.org.mk/wpcontent/uploads/2017/07/analysis_of_the_public_policies_on_the_rights_of_the_roma_in_the_republic_of_macedonia.pdf)

<sup>25</sup> HERA- Health Education and Research Association research [istrazuvanje-2014-mkd.pdf](#)

<sup>26</sup> [Strategija-za-obrazovanie-ENG-WEB-1.pdf](#)

<sup>27</sup> [Istrazuvanje\\_seksualna-edukacija\\_ANG\\_compressed.pdf](#)

elementary schools by the end of 2021 (two in urban areas, one in a rural area and one school where the majority of students are from minority ethnic communities).

Following the Action Plan, the Bureau of Educational Development and the Association HERA, at the beginning of 2020 prepared the school curricula for the CSE pilot and the guideline materials for teachers. Due to the coronavirus epidemic at the beginning March, the selection of schools, collection of data among students for development of evaluation instruments and the training of teachers have been cancelled. All these preparation activities had to be realized in the first half of this year in order to launch the pilot programme in September 2020, which in these conditions will be impossible. On the other hand, as from April 2020 there is still no official response from the Ministry of Education and the Bureau for Educational Development on how the pilot CSE programme will continue in the future, despite the coronavirus pandemic.

However, the decision of the Government does not refer to the introduction of CSE as a mandatory subject, which would actually increase the effect and significance of its introduction.<sup>28</sup>

## **Bullying in schools**

The child's right to education is not only a matter of access but also of content. Education with its contents firmly rooted in the values of Article 29 of the Convention is an indispensable tool for for all children and their efforts to achieve, in the course of their life, a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalization, new technologies and related phenomena.<sup>29</sup> The school is key and very often the only place for affiliation of young people under risk, where they expect support and motive for promotion.<sup>30</sup>

There is a trend of decreased attachment of children to schools in comparison to the results from 2002. Only 30% of 15-year old students like going to school. LGBT children do not follow this trend, which confirms the presupposition that the school is an important resource for support of the different and vulnerable children.<sup>31</sup> They are four times more frequently harassed by the peers in schools and this is a trend constantly rising, with a tendency to become normalized. The harassment includes various forms, such as emotional, physical, sexual and cyberbullying.<sup>32</sup> Almost 30% of LGBT boys are three times more frequently victims of cyberbullying than their heterosexual peers.<sup>33</sup> LGBT children receive lesser support by their families and are more frequently exposed to domestic violence and violence in their surrounding. The findings from

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<sup>28</sup> [BZgA Comprehensive Country Report online EN.pdf](#) / [BZgA Country Report MK.pdf](#)

<sup>29</sup> U.N. Committee on the rights of the child (CRC), General Comment No. 1: The Aims of Education, CRC/GC/2001/1, 17 April 2011.

<sup>30</sup> Lina Kjostarova Unkovska. Inequalities in the health and rights of LGBT youngsters of 13 and 15 years of age in North Macedonia, 2018, p. 29.

<sup>31</sup> *Idem*, p. 30.

<sup>32</sup> *Idem*, p. 30-31.

<sup>33</sup> *Idem*, p.35.

HBCS show that LGBT boys are four times more exposed to physical and twice more exposed to emotional violence in the home until the age of 13 or 15, compared to their homosexual peers. These findings demonstrate that LGBT boys in North Macedonia are the most vulnerable subgroup of the most marginalized community of LGBT people. Harassment, exclusion from the peer group, and the lack of recognition and support from the family and the teachers are factors directly linked to the mental health of the children. LGBT boys more frequently experience symptoms of anxiety, low energy and languidness that affect their physical and mental health and result in weaker immune system, self-exclusion, isolation and suicidal ideas.

**In light of this information, we hope that the Committee will consider addressing the following questions to the Government of the Republic of North Macedonia:**

What measures will be taken to ensure prompt adoption of the LPPD and establishing an equality body that will protect children from discrimination?

What measures are taken for greater promotion and affirmation of the extracurricular subject 'Roma language and culture' among the Roma communities across the country?

When is the Government planning to introduce textbooks in Romani language and Culture for 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grade for primary education?

What measures are planned or taken for tackling the segregation of Roma children in elementary schools and in special education schools?

What measures and activities has the State Party undertaken to review school curricula and to remove homophobic and transphobic content in textbooks that maintain stereotypes and prejudice against LGBT people at all levels of education?

What measures has the State Party put in place to eliminate violence based on gender, sexual orientation and gender identity and protect children victims of violence in schools?

What measures have been taken by the Ministry of Education and the Bureau for Educational Development to ensure continuity in the implementation of the pilot project on Comprehensive Sexuality Education in elementary schools, taking into consideration the decision by the Government of North Macedonia on 5th November 2019?