



NEWS REPORT

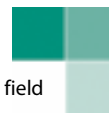
Date:	20 August 2011
Expert:	Biljana Kotevska
Title:	Commission for protection against discrimination finds a Pedagogy textbook discriminatory on grounds of sexual orientation
Country:	Republic of Macedonia
Context	
Issue at stake:	Discrimination on grounds of sexual orientation in education
Ground of discrimination:	Sexual orientation
Source:	National equality body
Field:	Education
Legislative provisions:	Art. 5, Art. 7, Art.25 of the Law on prevention and protection against discrimination (2010)

Content

Case: Coalition on sexual and health rights of marginalised communities (the Coalition) raised a case against the Ministry of Education and Science (MES) and a group of authors in front of the Commission for protection against discrimination (CPAD), claiming a Pedagogy textbook, in use for third year secondary education, contains discriminatory content¹ on grounds of sexual orientation. List of textbooks approved for use in primary and secondary education is compiled by the National Commission on Textbooks (NCT) established by the Government (these textbooks previously undergo a review procedure by special review committees selected by the NCT).

The Coalition claims legitimate interest on grounds of its organizations' objectives and mission. It asks from CPAD to establish discrimination on grounds of sexual orientation, by practice of use of the 'Pedagogy' textbook, to recommend to the MES to withdraw the textbook, and to publicly apologise for the discrimination on ground of sexual orientation; the Coalition also demanded that the 'CPAD compels the MES to revise all textbooks in use in the educational system in Macedonia [in order to clean the content from such discriminatory content].'

¹ Notably, the textbook in a chapter on "Contemporary principles of education", subchapter 'The backside of the sexual life', in its sections on 'Homosexuality and lesbians' states they are 'variations of sexual urge and its backsides, manifesting themselves in a turn of the individual towards a sexual partner from the same sex. It can be present at both male and females, although with females it is more rare. Amongst persons with such orientation with both sexes there are many neurotic and psychotic persons. For all abovementioned negative incidences [meaning also homosexuality and lesbians] with regards to sexual life point out to the fact that these participants in such, abnormal sexual life, are persons with psychotic difficulties and obstacles'. (Source: "Petition of the Coalition on sexual and health rights of marginalised communities submitted to the Commission for protection against discrimination. 18 March 2011, Skopje. *On file with author.*).



Decision of the equality body:Elaborating on its opinion and recommendation, CPAD sets two practice important standards by utilising the following legal possibilities:

- 1) CPAD underlines that although the deadline foreseen for initiation of a procedure has well passed (three months from the violation, or one year since learning about the violation), it shall evoke art.25, para.6 under which it can initiate a procedure event after this deadline if it finds the case to be of such importance that it is necessary and purposeful to undergo the procedure.
- 2) While looking into Art.3 on discrimination grounds the CPAD underlines that although sexual orientation is not explicitly mentioned as a ground for discrimination, it takes into consideration that the provision is an open ended one, which, in its opinion, clearly points out to other grounds established by law, or a ratified international treaty (later on in the text, it makes a reference to Art.14 and Protocol 12 of the ECHR and to the European social charter).

3)
In its opinion, CPAD established that the content of the text book presents harassment (which under national legislation is a form of discrimination)², creates a feeling of humiliation, and harms dignity of a group of individuals, on grounds of a discriminatory ground, conducted by the MES and the group of authors of the textbook. It issued a recommendation to the MES to revise the content of the textbook in relation to homosexuality, in a non-discriminatory and non-harassment manner.

In a reply to the communication from the CPAD, with which it notifies the MES of its opinion and recommendation, MES informs that the National commission on textbooks has accepted the opinion of the CPAD, and that a revision of the textbook has been completed. This commission has, as stated in this communication, notified the publishing house and the authors of the needed revision, and their obligation to prepare the textbook for the school year starting 2011, vesting also an obligation to submit to it a copy of the revised edition of the textbook.³

² Art.7 is on Harassment and is part of 'Chapter II: Forms of Discrimination'. (Law on prevention and protection against discrimination, 2010).

³ "Reply to the Ministry of Education and Science to the Opinion of the Commission for protection against discrimination. 12 July 2011, Skopje. *On file with author.*