

ASSESSMENT OF THE KNOWLEDGE, ATTITUDES,  
PRACTICES AND NEEDS OF MEMBERS OF THE  
MACEDONIAN PARLIAMENT IN RESPECT TO  
**THE HUMAN RIGHTS OF LGBTI PEOPLE AND  
PROTECTION AGAINST DISCRIMINATION**

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## 1. INTRODUCTION

The lack of respect for LGBTI rights, in particular refusing to adopt laws and policies protecting this group against violence, discrimination and hate speech was pointed out as a problem by civil society organizations, regional and international human rights protection bodies, including the European Commission. Macedonia's Progress Reports in the EU integration process continually point to the need of improving the anti-discrimination legal framework and improving practices when investigating allegations of discrimination and violence against LGBTI people.<sup>1</sup>

The Parliament of the Republic of Macedonia, as a legislative body, has the competence to adopt new laws, amend and supplement existing laws, therefore support by the majority of Members of Parliament (MPs) is necessary to advance the legal framework promoting the rights of LGBTI people. The early election results of 2016 increased the expectations of LGBTI activists, as well as the international community, in regard to creating the political will to adopt laws and policies bringing Macedonia to fulfillment of obligations taken, as well as fulfill the continuous demands for advancing LGBTI rights.

In order to provide data on the knowledge, attitudes, practices and needs of the current Members of the Macedonian Parliament, the Health Education and Research Association - HERA, in partnership with Coalition Margins, conducted the Assessment of Knowledge, Attitudes, Practices and Needs of Members of the Macedonian Parliament in Respect to the Human Rights of LGBTI People and Protection Against Discrimination.

<sup>1</sup> European Commission. Progress Report Macedonia 2015, Brussels 2015.

## 2. METHODOLOGY

For the needs of this assessment, in the period July-October 2017, the research was implemented in the form of semi-structured interviews of Macedonian MPs. In order to provide insight into the legal and political context the MPs are working in, a desk analysis of political parties from the 2016 elections was conducted, as well as an analysis of the efforts of parliamentary political parties for improving the laws and policies for protecting the rights of LGBTI people, expressed through signing declarations and similar initiatives by civil society organizations, an analysis of the laws and bylaws of the Parliament of the Republic of Macedonia and an analysis of previous initiatives in the Parliament, related to the rights of LGBTI people.

At first, a sample was established, appropriate to the percentage of representation of the parties in Parliament, ethnicity and gender. This sample did not reach full realization because a large portion of the MPs of the political party VMRO-DPMNE<sup>2</sup> refused to participate in the interviews, did not respond to invitations and phone calls, or continuously delayed their participation. A representative from the Democratic party of Turks in Macedonia refused to participate in the interview because the views of his party on this issue are conservative, therefore his opinion was that he should not participate. Due to this, the research did not yield relevant data on the attitude, knowledge and practices of MPs of all parties, which limits our assessment.

A total of 13 MPs participated in research, representing the following political parties:

**Table 1. Number of MPs from political parties participating in interviews**

Political party	Women	Men	Total
VMRO-DPMNE	1	0	1
SPM	0	1	1
BESA	0	1	1
Democratic party of Turks in Macedonia	0	0	0
<b>Total opposition MPs</b>	<b>1</b>	<b>2</b>	<b>3</b>
SDSM	0	3	3
Alliance for Albanians	0	1	1
DUI	1	1	2
Independent MPs	1	1	2
LDP	1	0	1
DOM	1	0	1
<b>Total MPs from parties in power</b>	<b>4</b>	<b>6</b>	<b>10</b>
<b>Total</b>	<b>5</b>	<b>8</b>	<b>13</b>

<sup>2</sup> Only a single MP from VMRO-DPMNE participated in the interviews.

### 3. KEY FINDINGS

#### 3.1. KEY FINDINGS FROM THE DESK ANALYSIS OF LAWS, BYLAWS, POLITICAL PARTY PROGRAMMES AND CIVIL ORGANIZATION INITIATIVES

1. Members of Parliament, in line with the law and rules of procedure, have **broad possibilities for action in the direction of advancing LGBTI rights**, while the administrative and technical setup of the legislative body enables the possibility to operationalize the legal and procedural provisions. Apart from legislative competences, MPs possess other mechanisms which can be used to influence the advancement of LGBTI rights, such as **questions during a session, supervisory meetings, the work of parliamentary committees, establishment of inquiry committees for matters of public interest, establishment of workgroups, inclusion of experts in their work, conducting research and analyses**, as well as possibilities to involve civil organizations and citizens in the work of the Parliament. There is also the possibility for informal organization of MPs in groups, due to their uniting viewpoints on certain matters in the interests of the rights of citizens.

2. **The rights of LGBTI people are almost absent from the written programmes of parliamentary political parties**, with the exception of DOM, whose programme contains a separate chapter dedicated to LGBTI people. In the programme of LDP, discrimination on the grounds of sexual orientation is explicitly recognized. In the programme of SDSM, LGBTI people are only mentioned in a context of being a community targeted with hate speech and violence, while in the programme of VMRO-DPMNE, LGBTI people are not recognized as a community of interest whatsoever. DUI states their support for gender equality, but the same text emphasizes the importance of maintaining family values and the role of a woman within the family, which is contrary with the previously promoted concept of gender equality. BESA's programme does not recognize LGBTI people; instead, human rights are discussed only from the aspect of affirming ethnic Albanian matters. Even though we may draw the same conclusion regarding the programme of the Alliance for Albanians, it however, contains clear statements on respecting human rights of all citizens in accordance with European standards.

3. Most of the **political parties in the parliamentary majority supported civil organizations' initiatives in the pre-election period** via signing declarations, requests and similar documents for advancing the rights of LGBTI people and related matters. **SDSM, DOM and LDP supported the direct requests for advancing LGBTI rights**, such as legal changes and measures for protection against discrimination and violence, advancing the rights of trans people etc. From Albanian parliamentary majority parties, **Alliance for Albanians is the only party supporting the initiative for sustainability of the HIV programme and improving the curriculum for sexual and reproductive health and rights**, while DUI only supported the ratification of the Istanbul Convention. **VMRO-DPMNE did not sign any of the civil initiatives**, while **BESA only supported the ratification of the Istanbul Convention. (Table 2)**

**Table 2. Support of LGBTI rights- and related rights civil initiatives in the pre-election period by parliamentary political parties**

	SDSM	VMRO-DPMNE	DUI	BESA	DOM	LDP	AA	PEI	NSDP	GROM
LGBT people should have equal civil rights as all other citizens	Yes	No	No	No	Yes	Yes	No	No	No	No
Introduction of LGBTI-related content in secondary schools	Yes	No	No	No	Yes	Yes	No	No	No	No
Public condemnation of SOGI-based hate speech	Yes	No	No	No	Yes	Yes	No	No	No	No
Inserting SOGI into the Law on prevention and protection against discrimination	Yes	No	No	No	Yes	Yes	No	No	No	No
Legal changes for recognition of same-sex families <sup>3</sup>	Yes	No	No	No	Yes	Yes	No	No	No	No
Legal gender recognition <sup>4,5</sup>	Yes	No	No	No	Yes	Yes	No	No	No	No
Covering the medical expenses for gender confirmation by the Health Insurance Fund	Yes	No	No	No	Yes	Yes	No	No	No	No
Improving curricula by adding content regarding sexual and reproductive health and rights	Yes	No	No	No	Yes	Yes	Yes	No	Yes	No
Sustainable national HIV response	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Friedrich Ebert Foundation initiative "Oblige now! For days that come!"	Yes	No	No	No	Yes	Yes	No	No	No	No
Amendments of the Law on termination of pregnancy	Yes	No	No	No	Yes	Yes	No	No	Yes	No
Prevention and protection against various forms of violence against women and ratification of the Istanbul Convention	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes

3 In the questionnaire by Subversive Front, SDSM responded that they have no opinion on this issue, but gave their support by signing the Friedrich Ebert Foundation initiative "Oblige now! For days that come!"

4 In the questionnaire by Subversive Front, LDP responded that they have no opinion on this issue, but gave their support by signing the Friedrich Ebert Foundation initiative "Oblige now! For days that come!"

5 The demands in the document involved the following: legal and actual protection of LGBTI people against violence, discrimination and hate speech in the Law on prevention and protection against discrimination and the Criminal Code, adopting a National strategy against homophobia and transphobia, legal gender recognition regulation, amendments in the Law on family, covering the medical expenses for gender confirmation by the Health Insurance Fund.

## 3.2. KEY FINDINGS FROM THE INTERVIEWS WITH MEMBERS OF PARLIAMENT

### 3.2.1. KNOWLEDGE AND ATTITUDES OF MEMBERS OF PARLIAMENT ON MATTERS RELATED TO LGBTI RIGHTS

1. Interviewed MPs have **partial knowledge of the legal framework for protecting LGBTI people against discrimination**. The MPs recognize the Law on prevention and protection against discrimination, but lack specific info on what it regulates and which are the competent bodies. Some of the MPs see the problem in the functionality and autonomy of the Commission for protection against discrimination.

*The Commission is adequate as a body, but we are not satisfied from its manner of operation and the benefits and results thereof. There is probably a need to build the capacities of the Commission's members and provide greater funds in this respect, but according to me, the political will of the individuals therein is what matters.*<sup>6</sup>

2. The MPs have varying degrees of knowledge on hate speech and its regulation in Macedonia. **Only 4 of the interviewed MPs (31%) explicitly responded that hate speech is sanctioned, while 3 (23%) of them pointed to the Criminal Code** as a document regulating this matter, while 1 MP does not know which law specifically regulates this matter. Apart from the lack of a clear framework, interviewed MPs state that the practice of non-sanctioning hate speech is also a problem.

*Hate speech should be sanctioned, but I don't think this is performed in Macedonia.*<sup>7</sup>

3. Interviewed MPs **showed greater knowledge on laws sanctioning hate-motivated violence**. Almost all of them (92%) pointed out that hate-motivated violence is punished. They have varying levels of knowledge about the specific laws regulating this issue, but in clarifying their responses, the MPs identify a problem in the implementation of these laws.

4. When it comes to their level of knowledge of **specific information / facts regarding LGBTI people**, closely related to their viewpoints on LGBTI people, they **possess adequate knowledge**. Most of the interviewed MPs (69%) agree that homosexuality is not a disease. One of the interviewed MPs stated that he is not sure, while the remaining MPs (23%) clearly state that they believe homosexuality is a disease, to which one interviewed MP added that the term "congenital propensity" may be used, due to "disease" being too harsh of a term.<sup>8</sup>

**Regarding HIV-related matters, sexual orientation of children of same-sex parents, as well as a person's gender identity, the level of knowledge is lower, or the level of prejudice is higher.** These results of some MPs are due to the information published by the media, or lack thereof,

<sup>6</sup> Interview No. 4, MP from DOM.

<sup>7</sup> Interview No. 6, MP from DUI.

<sup>8</sup> Interview No. 12, MP from AA.



while those of others are due to personal prejudice related to LGBTI people. **(Table 3)**

For example, one of the MPs shared their critical viewpoint in regard to what the media is publishing about the topic of HIV:

*I don't have accurate statistical data, but I've heard that this is one of the main reasons for transmitting these diseases. Which does not mean it is true, perhaps heterosexuals are transmitting at a larger degree. If it were true, we would only have men who have contracted the disease.<sup>9</sup>*

**Table 3. Overview of the MPs responses in regard to contemporary and recognized scientific facts and information about homosexuality and transgenderism.**

	True	False	Imprecise
According to the observations of modern science, homosexuality is a disease.	1	9	3
Homosexuality can be cured with adequate psychiatric and hormonal therapy.	4	8	1
Macedonia is among the European countries with the lowest percentage of gay men living as openly gay.	12	1	
In most cases, living under pressure to hide one's own gender identity and sexual orientation may be harmful for the individuals' general health and well-being.	13		
Experiencing love is similar for all people, regardless of their sexual orientation.	12	1	
Sexual intercourse remains the dominant manner of transmitting the HIV virus, while the first position is held by sexual intercourse of men having sex with other men.	7	4	2
Homosexual people living with a same-sex partner are just as happy as men and women in heterosexual marriages.	12	1	
It is likely that children living with same-sex parents will become homosexual themselves.	4	7	2
Sexuality is a private matter and there is no need for homosexuals to speak publicly about it.	4	11	
Homosexuality and transgenderism are western phenomena, uncharacteristic for Macedonia.	2	11	
People are born as either male or female and their identification as men or women depends on it.	3	7	3

<sup>9</sup> Interview No. 12, MP from AA.

5. All MPs, except one from the Socialist Party, **recognize LGBTI people as victims of discrimination and victims of rights violations.**

*Your question is ambiguous, I cannot give you an appropriate response, tradition is one thing, societal establishment is another, they do not fit in society and the society does not accept them. Therefore, there are such consequences.<sup>10</sup>*

Most of the MPs **believe that LGBTI people do not have adequate legal protection (92%) and that the institutions treat them unfavorably (77%),** even though most are not familiar with domestic laws containing a prohibition of discrimination on the grounds of sexual orientation, even though Macedonia has eight laws containing this provision.

6. **MPs have the lowest level of knowledge when it comes to the situation of transgender people** and the possibility for them to receive medical care and legal gender recognition. The information they have is derived from media reports on the first gender confirmation surgery in one of the private clinics in Macedonia, but they lack information on whether and how this issue is systemically regulated. **Nearly half of the interviewed MPs are unfamiliar with the challenges transgender people are facing.** Only a single MP pointed out the problem with legal gender recognition in respect to transgender people's documentation.

*They can't change their documents. There was a case in the XX high school when a student was unable to receive their certificate with their name and surname changed. Due to unclear legislation, the school had a problem resolving this issue.<sup>11</sup>*

7. Most (85%) of interviewed MPs believe that in Macedonia, the group of citizens most exposed to discrimination are Roma people, and that ethnicity-based discrimination is the most prevalent. **More than half of the MPs (54%), apart from other citizens, see LGBTI people among the most heavily discriminated against citizens,** while 3 MPs also pointed to the people with disabilities.

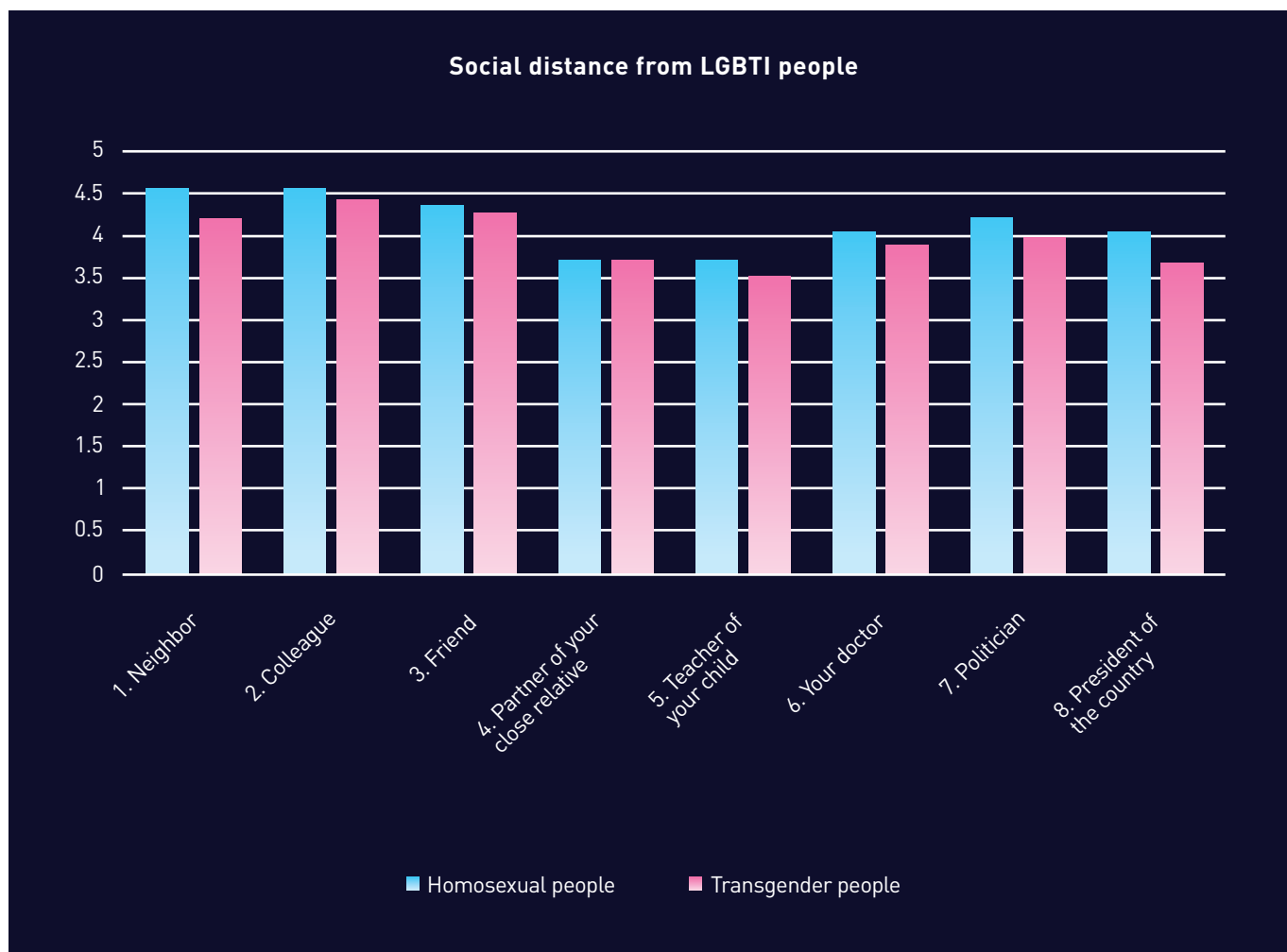
8. Social distance from LGBTI people

Most of the interviewed MPs show a **low level of social distance from people with different sexual orientation and gender identity.** Social distance from transgender people is slightly higher and it varies depending on the role of the transgender person in question. One MP showed a high level of social distance regardless of the role of a homosexual person, and a slightly higher level from transgender people, in particular when the person in question is a politician. Some MPs show **an increase of social distance from medium to high when the person with a different sexual orientation or gender identity has the role of a teacher or partner of a person close to them,** while one MP stated that the distance increases when the person in question is a doctor, politician or president of a country.

<sup>10</sup> Interview No. 11, MP from SPM.

<sup>11</sup> Interview No. 13, MP from LDP.

Figure 1. Social distance from LGBTI people



Overview of MPs responses to the question: to what degree would you accept a homosexual or transgender person in the aforementioned circumstances, where 1 is "I would not accept them at all", and 5 is "I would accept them entirely".

### 3.2.2. PRACTICES OF THE MPS IN THE REPUBLIC OF MACEDONIA IN VIEW OF PROTECTION OF HUMAN RIGHTS, NON-DISCRIMINATION AND RIGHTS OF LGBTI PEOPLE

1. For most of the MPs this is a first mandate, while for some it is their second. Most MPs have not yet had an opportunity to participate in debates, speak in Parliament or ask a question related to LGBTI people, however most of them (62%) expressed readiness to do so in the future. None of the MPs have participated in a training on LGBTI rights, while six MPs have already had contacts with LGBTI organizations.

2. **None of the interviewed MPs would abstain from voting when it comes to LGBTI rights** and they add they would vote in accordance with their personal beliefs, not with instructions by their party. Only 15% responded that **the views of the party are also important**.

*If my viewpoints differ from the viewpoints of my political party, I shall fight to change them within the party. Honestly, the viewpoint of the party, at least in this polarized moment between two parties, shall have to be respected. However, I shall try to bring the viewpoints closer together.<sup>12</sup>*

3. MPs show the most support for protection against violence, while the least support for the right to adopt children. One should have in mind that in the Republic of Macedonia, the matters of same-sex marriages and adoption of children seem abstract and distant, hence the responses to these questions are declarative statements given outside of the political context. **Protection against violence and hate speech has greater support than the protection against discrimination on the grounds of sexual orientation and gender identity**. This is most likely due to the fact that the amendments of the Law on prevention and protection against discrimination have been initiated, while the new proposal law, now including sexual orientation and gender identity has been the subject of public debates, hence the parties had their opportunity to make specific decisions which would soon reach their implementation. Interviewed MPs from the parties in power and MPs from Albanian and opposition parties give their support for the protection against discrimination of LGBTI people, while one MP from VMRO-DPMNE is against it, and another opposition MP has no specific response. **(Table 4)**

4. There is greater abstinence and lesser support of matters concerning transgender people. The issue of **legal gender recognition** related to the change of sex marker and personal number in personal documentation **receives greater support (85%) than the medical gender confirmation procedures (62%)**, which is likely due to the budget implications. Legal gender recognition is seen as a personal right of citizens to identify or not identify with the sex assigned at birth and as a right to their self-determination. **(Table 4)**

*If a person demands this, then why not. A citizen pays for their ID and passport. If a man says: No, I'm a woman, I want an F marker - then why not?<sup>13</sup>*

<sup>12</sup> Interview No. 9, MP from SDSM.

<sup>13</sup> Interview No. 8, MP from DUI.

**Table 4. MPs' responses on supporting individual laws and policies for advancing LGBTI rights**

Questions	Number of MPs who have responded:			
	I would propose and support it	I would support it	No	It depends/ Maybe/ I don't have a viewpoint/ I would support it if...
Inserting sexual orientation and gender identity in the Law on prevention and protection against discrimination	6	5	1	1
Prohibition and sanctioning of hate speech based on SOGI	8	4		1
Prohibition of violence and hate crimes based on SOGI in the Criminal Code	9	4		
Inserting SOGI in the Law on prevention and protection against domestic violence	9	4		
Adopting a National strategy against homophobia and transphobia (the proposal is not among the options offered, because the Ministry of Labor and Social Policy proposed it)		12	1	
Financial support for campaigns and cultural events for promotion of LGBTI rights from the budget of the Republic of Macedonia	5	4	3	1
Financing psycho-social support services for LGBT victims of violence (accommodation in a shelter centre, psycho-social counseling, free legal aid etc.) from the budget of the Republic of Macedonia (the proposal is not among the options offered, because the Ministry of Labor and Social Policy proposed it)		12	1	
A policy/measure enabling trans people have gender confirmation surgery done in Macedonia	4	4	2	3
A law enabling legal gender recognition in the documents of trans people in Macedonia	6	5	2	
Would you support / participate in a Pride parade in the Republic of Macedonia	8		4	1
Law on registered same-sex partnerships in the Republic of Macedonia	6	3	3	1
Law on same-sex marriages in the Republic of Macedonia	5	3	4	1
Legal amendments enabling same-sex couples to adopt children	2		6	5

### 3.2.3. NEEDS OF THE MPS IN THE REPUBLIC OF MACEDONIA IN ORDER TO IMPROVE THEIR ROLE IN PROTECTING HUMAN RIGHTS, NON-DISCRIMINATION AND RIGHTS OF LGBTI PEOPLE

1. MPs state that there are numerous obstacles in their work in respect to advocating for the rights of LGBTI people. However, many of them **think that the obstacles are not significant, emphasizing the improvement of the situation** and the increase in political will of the Government to change the situation. Some of the MPs stated that the unnecessary delay and “blockage” of the Parliament by VMRO-DPMNE was one of the main obstacles, which caused a lack of possibility for dialogue and a constructive debate. An MP from the parties in power stated that another obstacle would be the actions of MPs in accordance with their party, rather than advocating for their individual viewpoints, because LGBTI-supportive MPs may be found both in the parties in power and in the opposition, but in Parliament they must act as instructed.

*...a change of culture, viewpoints and mentality of the largest political parties. They are, in some way, fortunately or unfortunately, those who move society, even in regard to creating opinions on various matters. When in a certain political party the tension over these matters loosens, and when there is a lesser need to earn political points on these matters, then we shall be on another level which shall produce positive results both for MPs, Parliament and the entire society.<sup>14</sup>*

2. **Some of the MPs expressed their willingness to use all mechanisms available** to them in order to improve LGBTI rights, while, **some see themselves as support of MPs who would initiate such measures**, and others require more information or they would engage more actively and support initiatives depending on the topic, i.e. they **would support measures for advancing civil rights such as protection against discrimination and violence**. The MPs see their role in intensifying the cooperation with civil organizations, support of legislative initiatives, particularly the anti-discrimination law, organizing commission debates in cooperation with civil organizations, asking procedural questions and participating in debates and discussions. In this part, an opposition MP stated that the Inquiry committee for protection of civil rights and freedoms has not held a session in eight years and that efforts need to be made to revitalize this committee, creating space for opening LGBTI matters.

3. The MPs believe that **in order to advocate for LGBTI rights more successfully, additional capacity-building activities would be helpful**, such as trainings, experiences from other countries, cooperation with institutions, civil organizations and public-awareness raising measures.

<sup>14</sup> Interview No. 9, MP from SDSM.

## 4. CONCLUSION

The MPs have adequate legal and procedural mechanisms at their disposal to actively advocate for advancing LGBTI rights. In line with the analysis of the political parties' programmes and their efforts in the pre-election period, the current parliamentary majority does have the political will to work to promote LGBTI rights within its competences.

The parliamentary majority consists of political parties at the centre, or centre-left, which explicitly support protection of LGBTI people against discrimination, violence and hate speech. Most MPs from Albanian parties, including BESA also give their support on these matters. VMRO-DPMNE and BESA are opposition parties with the most MPs, and in the future they may emerge as opponents to the advancement of LGBTI rights, while using these matters to self-promote as protectors of "family values".

The MPs who participated in this assessment have limited or partial knowledge on the existing legal framework for protection against violence and discrimination, but most of them show a low level of social distance, i.e. the level of prejudice and stigma is not high. Most MPs recognize LGBTI people as victims of discrimination and violence and believe that the situation should be improved in several areas, by improving the legal framework, but also by awareness-raising activities. In regard to the rights of transgender people, the MPs have little information on the needs and the situation, therefore they are more reserved in regard to supporting specific laws or policies as response to the needs of transgender people, even though most of the MPs show readiness to support a law enabling easy access to legal gender recognition. Even though in smaller numbers than those in favor of protection against violence and discrimination, some MPs also support extramarital and marital communities between same-sex partners, however, not the adoption of children.

In accordance with how the Parliament has been operating so far, the MPs act in line with their parties' viewpoints and decisions, while parliamentary discussions on LGBTI rights have so far been a motive for hate speech and inter-party quarrels with opponents. Most of the interviewed MPs show willingness to make active efforts to improve the situation for LGBTI people and make use of parliamentary mechanisms, as well as their societal position as MPs. The adoption of the Draft Law on prevention and protection against discrimination, containing sexual orientation and gender identity, is seen as the next step toward advancing LGBTI rights, and the MPs of the parliamentary majority and BESA have given their support thereof.



Kingdom of the Netherlands



*Citizens for change!*