

**Macedonian Canadian Lawyers' Association**

c/o Paliare Roland LLP  
155 Wellington Street West  
Toronto, Ontario  
Canada M5v 3H1

Chris G. Paliare, O.Ont., LSM  
Tel: 416-646-4318  
chris.paliare@paliareroland.com

October 29, 2014

**VIA E-MAIL**

Prime Minister Nikola Gruevski  
Republic of Macedonia

Dear Prime Minister Gruevski,

**Re: Draft amendment to XXXIII**

As President of the Macedonian Canadian Lawyers' Association, I have been authorized to write to you and set out in the strongest terms possible our objection to proposed amendment XXXIII to the Constitution. Not only would the draft amendment prohibit same-sex marriage but it also intends to prohibit civil unions or any other registered form of life partnership for same-sex couples.

From a legal perspective the proposed constitutional definition of marriage is completely unnecessary since marriage in the Republic of Macedonia is already legislatively defined exclusively as the union between one man and one woman. Put differently, constitutionalizing these provisions has no rational legal justification and can only be justified, if at all, for some political gain, something that should never be part of a government program when human rights issues are at stake.

As I understand it, no one is seeking the legalization of same-sex marriage. Rather, the issue is whether or not it is appropriate to constitutionalize what is already effectively in place in the legislation in the Republic of Macedonia.

We as an organization are deeply troubled about the inappropriate precedent that this amendment to the Constitution will make. On a review of the opinion from the Venice Commission, it is also clear that the elevation of the definition of marriage contained in legislation to the status of a constitutional principle is unnecessary.

Personally, having spent half of my professional career fighting for the human rights of Macedonians in your neighbouring countries, I find it particularly abhorrent that Macedonia itself is now seeking to engage in constitutionalized discrimination of some

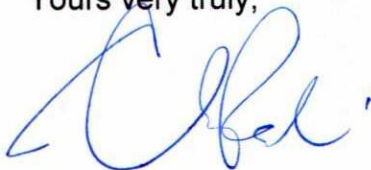
of its own people on its own soil. I attended the OSCE Conference on the Human Dimension in Moscow, Helsinki and Warsaw during the 1990's in addition to other conferences dealing with the violation of the human rights of Macedonians. This draft amendment XXXIII will only make it more difficult to try to persuade other countries that the protection of the human rights of Macedonians elsewhere are worthy of protection when our own country is engaged in blatant discriminatory conduct against same-sex partners.

Moreover, constitutionalizing the definition of marriage as proposed, inevitably leads to other citizens in the Republic of Macedonia looking at such same-sex unions and the individuals that are part of those same-sex unions as lesser members of your society. That inevitably leads to discrimination and violence against members of that community. On no less than six occasions the LGBT Support Centre in Skopje has been attacked over the last two years, from which five cases have no legal consequences. Moreover, just on October 23<sup>rd</sup>, 2014, at approximately 9:30 pm at the Damar Coffee Bar in Skopje another attack against the LGBTI Support Centre occurred. The thugs wore hoods over their heads and were armed with hard objects, as they were on other occasions (I have witnessed one of the attacks that was captured on video). This type of homophobic behaviour against our own people is simply unacceptable, certainly to those of us who live in a civilized Western democratic country. Six attacks in two years is not a record of which Macedonia should be proud of. None of the perpetrators of these crimes have been prosecuted and brought to justice. The proposed constitutional amendment does nothing but fuel this homophobic hate violence against some of our own citizens.

Finally, even from an economic point of view the proposed amendment makes no sense. Macedonia is actively trying to encourage foreign companies to establish businesses in the Republic. If key employees are in a same-sex marriage or their children are in such a relationship, it may be a determining factor in deciding to locate elsewhere. Companies have many choices as to where they can, and will, locate. As well, tourism will inevitably be adversely affected as those in a non-married, non-man and woman marriage will not feel comfortable spending their tourism dollars in a country that has constitutionalized a provision like amendment XXXIII.

Our organization urges you, in the strongest terms, to withdraw this draft constitutional amendment.

Yours very truly,



Chris G. Paliare  
President, Macedonian Canadian Lawyers' Association