

***Criminal Code (Official Gazette of the Republic of Macedonia No. 114/09)  
adopted in September 2009, amendments December 2018***

**Article 39 [Aggravating circumstances]**

(5) When the court metes out the sentence, it shall especially consider whether the crime has been committed against a person or a group of persons or property, directly or indirectly, because of his or their sex, race, skin color, class, member of a marginalized group, ethnic background, language, nationality, social background, religious belief, other types of beliefs, education, political affiliation, personal or social condition, mental or physical disability, age, family or marital status, property status, health condition, or any other ground foreseen by law or ratified international agreement.

(6) If the court does not apply the provision of paragraph (5) of this Article, it shall be obliged to explain the reasons for such decision.

**Article 122 [Hate crime definition]**

(42) A hate crime, as prescribed with the provisions of this law, is a criminal act against a person or legal entity and persons or property related to it, that is committed entirely or partially because of the actual or presumed characteristic of the person that refers to **race, colour of skin, nationality, ethnic origin, religion or belief, mental or physical disability, sex, gender identity, sexual orientation, political affiliation.**

**Article 123 [Murder]**

(2) letter 4) deprives another of life for self-interest, because of committing or covering up another crime, for ruthless revenge, **out of hate** or for other low motives.

**Article 130 [Bodily Injury]**

Whoever commits the crime **out of hate** will be punished with the punishment from paragraph (2).

**Article 131 [Severe bodily injury]**

(2) Whoever commits the crime referred to in paragraph (1) while committing domestic violence or **out of hate** shall be sentenced to imprisonment of one to five years.

### **Article 139 [Coercion]**

(2) If the crime stipulated in paragraph (1) is committed while perpetrating domestic violence or **out of hate**, the perpetrator shall be sentenced to imprisonment from six months to three years”.

### **Article 140 [Unlawful deprivation of liberty]**

(2) If the crime stipulated in paragraph (1) is committed while perpetrating domestic violence or **out of hate**, the perpetrator shall be sentenced to imprisonment from six months to three years.

### **Article 142 [Torture and other cruel, inhuman or degrading treatment and punishment]**

(2) If, the crime referred to in paragraph (1) causes the damaged party severe physical injury or other especially severe consequences, or it is committed **out of hate**, the perpetrator shall be sentenced to imprisonment of minimum four years.

### **Article 144 [Threatening the safety]**

(2) Whoever commits the crime referred to in paragraph (1) while perpetrating domestic violence or **out of hate** shall be sentenced to imprisonment of three months to three years.

(4) Whosoever, by means of information system threatens to commit a crime being subject to prescribed imprisonment of five years or more serious sentence against a **person because of their gender, race, colour of the skin, class, member of marginalized group, ethnic background, language, nationality, social origin, religious belief, other beliefs, education, political affiliation, personal or social status, mental or physical impairment, age, family or marital status, property status, health condition, or any other ground foreseen by law or ratified international agreement**, shall be sentenced to imprisonment of one to five years.

### **Article 155 [Prevention or disturbance of public gathering]**

(2) If the crime referred to in paragraph (1) is committed **out of hate** or by an official person by misusing his official position or authorization, he shall be sentenced to imprisonment of three months to three years.

### **Article 186 [Rape]**

(3) If because of the crime referred to in paragraph (1) a severe bodily injury, death or other severe consequences were caused or the crime was committed by several persons or in an especially cruel and degrading manner or **out of hate**, the perpetrator shall be sentenced to minimum imprisonment of four years.

### **Article 187 [Sexual assault of a helpless person]**

(3) If because of the crime referred to in paragraph (1) and paragraph (2) a severe bodily injury, death or some other severe consequences were caused, or if the crime was committed by several persons in an especially cruel or degrading manner or **out of hate**, the perpetrator shall be sentenced to imprisonment of minimum ten years or a life imprisonment.

### **Article 319 [Using force, maltreatment, endangering the security, damage of property to cause hatred, discord or intolerance]**

(1) Whosoever by force, maltreatment, endangering the security, mocking of the national, ethnic, religious and other symbols, by burning, destroying or in any other manner damaging the flag of the Republic of Macedonia or flags of other states, by damaging other people's objects, by desecration of monuments, graves, or in any other discriminatory manner, directly or indirectly, causes or excites hatred, discord or intolerance **on grounds of gender, race, colour of the skin, membership in marginalized group, ethnic membership, language, nationality, social background, religious belief, other beliefs, education, political affiliation, personal or social status, mental or physical impairment, age, family or marital status, property status, health condition, or in any other ground foreseen by law on ratified international agreement**, shall be sentenced to imprisonment of one to five years.