



Monitoring Report on the  
Implementation of the Law on  
Prevention, Combating and Protection  
from Domestic Violence



Kvinna till Kvinna

The monitoring on the implementation of the Law on Prevention, Combating and Protection from Domestic Violence is in the frame of the project of National Network to End Violence against Women and Domestic Violence „ Combating violence against women in alignment with EU standards“ implemented with support from the Swedish foundation Kvinna Till Kvinna.

Main objective of the project is to establish effective legal framework and system to protect and support women against all forms of violence in accordance with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

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**Editor:**

Elena Dimushevska

**Author:**

Neda Chalovska-Dimovska

**Researchers:**

Kristina Plechikj-Bekjarova

Natasha Dimitrovska

Frosina Ivanovska

Maja Balshikjevska

Igor Jadrovski

**Translation:**

Nadica Pavlovska

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**List of Abbreviations:**

RM – Republic of Macedonia

ECHR – European Convention on Human Rights

The Law – Law on Prevention, Combating and Protection from Domestic Violence

National Network – National Network to End Violence against Women and Domestic Violence

MLSP – Ministry of Labor and Social Policy

MI – Ministry of Interior

MES – Ministry of Education and Science

MH – Ministry of Health

MJ – Ministry of Justice

CSW – Center for Social Work

LFLA – Law on Free Legal Aid

LSP – Law on Social Protection

SIA – Sector of Internal Affairs

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## **Introduction**

The purpose of this report is to provide overview of the implementation of the Law on Prevention, Combating and Protection from Domestic Violence (LPCPDV), making an effort to address the issue of its efficacy.

The need for preparation of this report stems primarily from the fact that the Law was promoted as a novelty in the system of protection against domestic violence, which was to provide effective protection of victims, and to ensure coordinated action of the institutions. The large number of cases where the institutions have failed to provide protection, which were published by the media and by the NGOs working in the area of domestic violence, also stressed the need for analysis of the functioning of this Law.

The absence of such a report prepared by the institutions imposed the need for its preparation by the civic associations working in the area of prevention and protection from domestic violence.

The report provides data on the activities undertaken by the institutions during the period from 1.1.2015 to 31.05.2016 through the answers received upon requests for public information, through the cases led by NGOs, and through the already available reports and analyzes made by civil society organizations. Additionally, data included in the draft of the sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women and the data available in the reports and analyzes of the State Statistical Office were also used. On this basis, the report provides an assessment of the current functionality of the Law on Prevention, Combating and Protection from Domestic Violence, as well as the entire system for protection of women victims of domestic violence as indispensable in evaluating the functionality of the Law.

Hence, the report provides conclusions, and general, as well as specific recommendations for changing this legislative solution and the system of protection that should provide greater efficiency in the implementation of the legal framework concerning the protection of victims of domestic violence.

## Methodology

Qualitative and quantitative approach was used for preparation of the analysis. The qualitative approach included interviews with 30 women victims of domestic violence, two focus groups with 13 civil society organizations that provide services to victims of domestic violence – one with associations that provide psychosocial assistance and support, and one with associations that provide free legal aid. In this manner, the report included information and experiences of victims of domestic violence directly confronting the system that should provide protection, as well as information and experiences from the relevant associations of citizens providing legal and psychosocial assistance to victims of domestic violence. With the qualitative approach information about the experiences of the stakeholders on the functioning of the system for protection from domestic violence were obtained.

The interviews with women victims of violence from different cities and towns in the country (Skopje, Shtip, Tetovo, Makedonski Brod, and Struga) included their experiences with the system of protection from domestic violence, including experiences of reporting to the Ministry of Interior, the centers for social work, and the civil society organizations. The interviews also included the experiences of women victims of violence with the court actions in cases when interim measure of protection against domestic violence has been requested, and the experiences from the implementation of the measures imposed by the court.

At the focus group for civil society organizations providing free legal aid to victims of domestic violence, which took place on 6.7.2016, participated representatives of the following organizations: Macedonian Young Lawyers Association, Health Education and Research Association - HERA, NGO Izbor – Strumica, Association for Emancipation, Solidarity and Equality of Women ESE, Eho Shtip, and Helsinki Committee for Human Rights of the Republic of Macedonia.

At the focus group for civil society organizations providing psychosocial help to victims of domestic violence, which took place on 13.7.2016, participated nine representatives of the following NGOs: Crisis Center “Hope”, National Council for Gender Equality, Organization of Women of the City of Skopje, HERA – First Family Center, Ambrela, Organization of Single Mothers – “One Can”. The focus groups were conducted following a previously prepared questionnaire, and the information and findings obtained by the NGOs are included in this report.



The thematic workshop, attended by representatives of the relevant institutions (Ministry of Labor and Social Policy, Ministry of Interior, Ministry of Health, Inter-municipal Center for Social Work – Skopje, Basic Court Skopje, Ombudsman) was held on 18.11.2016. The participants at the thematic workshop had the opportunity to state their opinion / views on the conclusion of this report and its recommendations, supported by sources / evidence from the experience and the activities in the field of protection and prevention of domestic violence. The information and the conclusions obtained from the institutions are included in this report.

The quantitative approach included use of requests for access to public information to relevant institutions, that is requests for information on the number of cases with initiated procedures for issuing temporary measures for protection from domestic violence, number of positive and negative decisions of the courts and duration of proceedings, requests for information to the Ministry of Labor and Social Policy and the Ministry of Interior on the number and gender structure of the reported victims, and for the taken measures for protection of the victims, requests for information to the Ministry of Justice on the number of requests for free legal aid of victims of domestic violence for initiating legal proceedings to pronounce provisional measures for protection against domestic violence and the number of approved requests. There was no response from the basic courts in Bitola and Tetovo, and from the Ministry of Health.

The obtained responses did not contain all the required information due to the absence of an appropriate system to generate statistical data through which the actions taken by the institutions could be tracked.

The analysis covers the period from the beginning of the implementation of the Law, i.e. the period from 1.1.2015 until 31.05.2016.

# Legal Framework

## 1. International Legal Framework

### 1.1 United Nations

The Universal Declaration of Human Rights<sup>1</sup> implies that all rights and freedoms proclaimed therein belong to every person, without discrimination. The principle of equality and protection from discrimination are pivotal for the international protection of rights and freedoms.

In terms of protection from violence against women and gender-based violence particularly important are Article 7 of the Declaration, which guarantees the right of all people to equality before the law and equal protection by the law, and Article 8, which regulates the right to effective legal remedies before the competent tribunals for acts violating fundamental human rights granted by the Constitution and law.

Article 2 of the International Covenant on Civil and Political Rights (1966)<sup>2</sup> guarantees the principle of equal treatment of rights recognized with the Covenant to all individuals regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. Furthermore, it regulates the right of every person to an effective legal remedy and ensuring enforcement on the basis of procedure upon legal remedy. Article 3 regulates the equal right of men and women to enjoy all civil and political rights under this Covenant. In Article 26, the International Covenant on Civil and Political Rights guarantees equality before the law, whereas the member states commit to ensure that the prohibition of discrimination against all persons guarantees equal and effective protection against discrimination on any grounds, including sex.

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<sup>1</sup> The full text of the Universal Declaration of Human Rights can be found at the following link (in Macedonian):  
<http://bezomrazno.mk/wp-content/uploads/2013/10/Univerzalna-deklaracija-za-pravata-na-covekot.pdf>

<sup>2</sup> The full text of the International Covenant on Civil and Political Rights can be found at the following link (in Macedonian):  
<http://bezomrazno.mk/wp-content/uploads/2013/10/Megjunaroden-pakt-za-gragjanski-i-politicki-prava.pdf>

Identical provisions are contained in Article 2 paragraph 2 and Article 3 (equal right of men and women to enjoy all economic, social and cultural rights) of the International Covenant on Economic, Social Rights and Cultural Rights (1966).

According to these international documents, states have an obligation to ensure equality between men and women in relation to all economic, social, cultural, civil and political rights, including protection from gender-based violence.

In the Convention on the Rights of the Child<sup>3</sup>, adopted in 1989, it is underlined that the rights it contains apply equally to male and female children.

In 1967 the Declaration on the Elimination of Discrimination against Women was adopted, recognizing discrimination against women in the realization of human rights. The non-binding Declaration sets the basis for the development and adoption of the Convention on the Elimination of All Forms of Discrimination against Women<sup>4</sup> (1979). The Convention combines into a single legally binding instrument the provisions requiring the elimination of discrimination based on sex in the fulfillment of civil, political, economic, social and cultural rights, and specific rights of particular importance to women and girls.

Articles 2-b and c of the Convention on the Elimination of All Forms of Discrimination against Women bind the member states: to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all types of discrimination against women; to establish legal protection of women's rights on an equal basis with men, and to ensure effective protection of women against any act of discrimination through competent national courts and other public institutions. Article 3 of the Convention refers to the need to take all the necessary steps to ensure full development and advancement of women in order to exercise equal rights with men.

Considering the severity of violations of women's rights in recent years in the country, the above mentioned documents signed and ratified by the Republic of Macedonia have been largely violated.

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<sup>3</sup> The full text of the Convention on the Rights of the Child can be found at the following link (in Macedonian):

<http://www.childrensembassy.org.mk/WBStorage/Files/konvencija%20celosna.pdf>

<sup>4</sup> The full text of the Convention on the Elimination of All Forms of Discrimination against Women can be found at the following link (in Macedonian):

<http://www.mtsp.gov.mk/WBStorage/Files/priracnik.pdf>

It is in this direction that the recommendations for overcoming this situation have been given by the committees at the United Nations competent for monitoring the compliance with these documents by the state.

In the period covered by this report, RM presented four reports to four different committees, i.e. in 2015 RM has presented: - Third Periodic Report of the Republic of Macedonia on the International Covenant on Civil and Political Rights, Third Periodic Report of the Republic of Macedonia on the Convention against Torture, and Combined Eight to Tenth Report of the Republic of Macedonia on the Convention on Elimination of Racial Discrimination, while in 2016 the Second to Fourth Periodic Report on the International Covenant on Civil and Political Rights was presented. The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights adopted and issued Concluding Observations on RM, expressing concern about the inadequate protection of women victims of violence and the lack of recognition of all forms of gender-based violence, the low number of convicted offenders of domestic violence, the low extent of penalties and the lack of support for victims of domestic violence, including shelters, legal aid and treatment for physical and psychological effects of this type of violence. The Committees have also ascertained the lack of systematic data on the state of domestic violence.

Based on these observations, the Committees have summarized the following recommendations to overcome the situation:

- To amend legislation in a way that will recognize all forms of gender-based violence;
- To provide effective legal protection and services for women victims of violence, especially appropriate accommodation for women victims of violence by an adequate number of shelters available in all parts of the country, especially for single mothers aged sixteen to eighteen, including Roma women and members of other communities;
- To recognize violence against women and children as a specific offense in the Criminal Code.
- To ensure effective implementation of the existing legal framework through timely, expedient and impartial investigation of cases of domestic violence and to punish perpetrators in accordance with the severity of their offenses.

- To raise awareness of the population, especially of persons belonging to minority groups, on the prohibition and the negative consequences of domestic and gender-based violence and to inform the potential victims about the available legal mechanisms for protection.
- Local authorities and bodies of law, as well as social and medical workers to be trained to recognize violence and to counsel the victims.

## 1.2 Council of Europe

Pursuant to Article 14 of the European Convention for the Protection of Human Rights (1950)<sup>5</sup>, all people should enjoy the rights and freedoms recognized in this Convention without discrimination, regardless of gender, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Protocol No. 12 (2000) to the Convention for the Protection of Human Rights and Fundamental Freedoms in Article 1 contains a general prohibition of discrimination on the enjoyment of any right set forth by law in countries that have ratified the Protocol.

In order to ensure compliance with the obligations under the Convention and its Protocols, taken by the states, European Court of Human Rights was formed (1959). In the area of gender-based violence, including domestic violence, the Court has adopted large number of decisions where it has determined that the ineffective protection of women from domestic violence constitutes a violation of the rights and freedoms set out in the European Convention on Human Rights, including the prohibition of discrimination.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) from 2011 is the first internationally binding document that focuses on violence against women and sets international standards for prevention and protection. The Convention establishes "violence against women" as a violation of human rights and a form of discrimination against women, defining it as "gender-based violence against women", that is violence directed against a woman because she is a woman or that affects women disproportionately (Article 3 paragraph 1-d). It sets the minimum requirements to be provided by the state regarding the protection of

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<sup>5</sup> The full text of the European Convention for the Protection of Human Rights can be found at the following link (in Macedonian): [http://www.echr.coe.int/Documents/Convention\\_MKD.pdf](http://www.echr.coe.int/Documents/Convention_MKD.pdf)

victims, which particularly include the right to information on the available support services and legal measures in a language they understand, legal and psychosocial counseling, financial aid, housing education, training and assistance in finding employment. The victims are guaranteed the right to appropriate legal remedies against state authorities which failed in their duty of taking the necessary preventive or protective measures within their powers and the right to demand compensation from the perpetrators of the offenses established in accordance with this Convention. Victims have the right to legal advice and free legal aid, under the conditions provided by the internal law.

### 1.3 European Union

The European Union pays particular attention to gender equality, and therefore to the protection against violence against women, including domestic violence. Equality before the law and the principle of non-discrimination are guaranteed by the Charter of Fundamental Rights of the European Union, the Treaty on the Functioning of the European Union, laying down that the European Union aims to eliminate inequalities and promote equality between men and women, the directives which prohibit discrimination on several grounds, including sex, in many areas, especially in the area of employment and access to goods and services.

Particularly important is the Directive 2012/29/EU laying down minimum standards on the rights, support and protection of victims of crime, which includes women victims of violence, including domestic violence. The standards set out in this Directive may be the basis for creating a system to support the victims of crimes, including women victims of gender-based violence on a national level.

## **2. National Legal Framework**

In the Republic of Macedonia the legal framework for the rights of women victims of gender-based violence, including domestic violence, consists of: the Constitution, ratified international documents, laws and bylaws. Article 9 of the Constitution of the Republic of Macedonia guarantees the principle of equality and prohibits discrimination on several grounds, including sex, while in other laws that contain provisions on gender equality regulate the protection from gender and race or separately for one of these grounds. Furthermore, paragraph 2 of Article 9 of the Constitution guarantees equality of citizens before the Constitution and

laws. Article 50 guarantees fundamental freedoms and rights, which lays down that every citizen may invoke protection of the freedoms and rights established by the Constitution before the courts and before the Constitutional Court of the Republic of Macedonia through a procedure based upon the principles of priority and urgency; Furthermore everyone's right to equal access to courts for protection of their rights and legal interests is guaranteed.

In terms of legal protection from domestic violence, the legal framework provides for the protection of the victim in criminal and civil proceedings. Prosecution of perpetrators of domestic violence is implemented in accordance with the Criminal Code and the Law on Criminal Procedure.

The legal framework for the protection of victims in civil proceedings is provided by the Law on Prevention, Combating and Protection from Domestic Violence, which was adopted in 2014 and entered into force on 1.1.2015. This law regulates the overall actions of the institutions and the associations of citizens in prevention of domestic violence and providing protection to the victims.

Particularly important laws closely associated with the system of protection of victims of domestic violence are the Law on Social Protection and the Law on Free Legal Aid. The Law on Social Protection establishes the right to financial support to women victims of domestic violence and accommodation of women victims in shelters. According to the Law on Free Legal Aid to victims of domestic violence, the application for free legal aid may be granted in any judicial and administrative proceedings, if it is related to matters of interest to the victim of domestic violence, and on rights related to social, health, pension and disability insurance, labor relations, protection of children, protection from offenses and property issues.

# **Law on Prevention, Combating and Protection from Domestic Violence**

## **Process of adoption of the Law**

On 27 December 2013 the Commission on Equal Opportunities for Women and Men in the Parliament of RM held its first public hearing to discuss about the need to create a new Law on prevention of domestic violence. After the discussion, the following conclusions were adopted:

1. Initiation of a new process to create the Law in which, besides representatives from the institutions, representatives from the civil society and the Parliament would be involved.
2. Preparation of proper analysis of the situation on the problems in implementation of the system for protection against domestic violence.

During 2014 the Ministry of Labor and Social Policy (MLSP) has started the process for the adoption of the Law, without prior analysis of the capacities for prevention and protection from domestic violence existing in the Republic of Macedonia, on the basis of which through the legal solution the current weaknesses in the different sectors that treat domestic violence would be comprehensively addressed. National Network to End Violence against Women and Domestic Violence was not invited to be part of the working group that drafted the law.

However, the National Network prepared comments to the draft-text of the Law and submitted them to the MLSP. General observations were that:

1. The Law is not gender sensitive, does not define domestic violence as gender-based violence and does not recognize girls and women as a particularly vulnerable group to gender-based violence.
2. The Law does not provide new and improved solutions to the problem of domestic violence, neither in terms of prevention nor in terms of protection of victims compared with the existing national protocols for prevention and protection from domestic violence, nor it provides for measures to strengthen the institutional capacities for care, support and treatment of domestic violence, which are a key weakness in the national response to domestic violence.



3. The role of the civil society organizations in providing protection from domestic violence is not clearly defined in the existing Law.

Despite the will to improve the proposed legislation, none of the essential comments or suggestions from civil society organizations was accepted. During 2015 the Law was amended twice<sup>6</sup> with provisions related to the powers of the centers for social work and misdemeanor sanctions in a process that was closed to civil society organizations. In 2015 5 bylaws were adopted by the competent institutions, as follows: 2 – Ministry of Labor and Social Policy<sup>7</sup>, 2 – Ministry of Interior<sup>8</sup> and 1 – Ministry of Health. These bylaws determine the manner of implementation and monitoring of measures for protection from domestic violence, assessment of the risk on the life and physical integrity of the victim, and the risk of recurrence of violence.

Joint Protocol on Cooperation between the relevant institutions and associations for the protection and prevention of domestic violence<sup>9</sup> was also adopted, with mechanisms of actions of all relevant institutions in cases of domestic violence whose purpose was to establish the conditions for the overall operation of the competent bodies for promoting the protection and assistance of victims of domestic violence. Representatives of the National Network participated in the working group preparing the text of this Protocol.

However, the Law and the entire system of protection remained without substantial changes, so the observations made on the first version of the Law remain to this date.

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<sup>6</sup> "Official Gazette of the Republic of Macedonia" No. 33 from 05.03.2015  
<http://www.slvesnik.com.mk/Issues/e048c05b469b4c4bb12a15588da27a25.pdf>

"Official Gazette of the Republic of Macedonia" No. 150 from 02.09.2015  
<http://www.slvesnik.com.mk/Issues/7efd6a20679240d499ccae5fbdceb856.pdf>

<sup>7</sup> Rulebook on the implementation and monitoring of measures for protection of victims of domestic violence taken by the center for social work and on the manner of monitoring of the imposed measures for protection; Rulebook on the execution of temporary protection measure - mandatory attendance of counseling for perpetrators of domestic violence ("Official Gazette of RM" 17/2015)

<sup>8</sup> Rulebook on assessment of risk to life and physical integrity of the victim of domestic violence and the risk of recurrence of violence; Rulebook on execution of the imposed interim measures to protect victims of domestic violence and members of her family ("Official Gazette of the Republic of Macedonia" No.28/15)

<sup>9</sup> "Official Gazette of the Republic of Macedonia" No. 143/15

## **Contents of the Law compared to its application**

The Law is divided into several parts which include prevention and protection from domestic violence. The first part of the Law gives a broad definition of what constitutes domestic violence, but does not define domestic violence as gender-based violence and does not recognize girls and women as a group particularly vulnerable to gender-based violence.

Furthermore, specific forms of violence are elaborated in the glossary that gives explanation on stalking and economic violence, which is a novelty in recognizing forms of domestic violence in the national legal framework. Positive novelty is also the definition of close personal relations as personal relations between persons who are or were in partner relation, without requiring those relations to be exclusively between a man and a woman. This goes a step further in protecting victims of domestic violence in same-sex relations, thus fulfilling the prohibition of discrimination on grounds of sexual orientation in the protection against domestic violence set forth in Article 4 of the Istanbul Convention.

Article 5 of the Law lists the competent authorities and institutions that should take measures to protect victims and prevent violence and should exercise mutual cooperation and coordination. The institutions and the competent court to impose provisional measures establish separate records of domestic violence. The structure and content of the form for exchange of data from relevant institutions about the marks needed to monitor the situation with domestic violence, as well as the manner of exchange of information by the institutions, are prescribed by the Minister of Labor and Social Policy.

*Despite the established legal obligation, the Republic of Macedonia did not succeed to improve the existing system of data collection to provide detailed statistics on domestic violence and to ensure availability of data to the public. Namely, the last attempt to overcome this problem by the state was made with the activities of the Joint UN Programme - "Strengthening National Capacities to Prevent Domestic Violence 2008-2011". Although all the funds for establishing a "unified system for collecting in central database to track incidents and trends of domestic violence" were exhausted, such system was not established in practice. Moreover, the situation of data collection is the same as it was in 2008, i.e. before the adoption of the first National Strategy. Also, the UN agencies have spent 120,000 Euros for this purpose, even without imposing an obligation to collect data on all relevant*

*institutions. This fact can be confirmed through the second National Strategy 2012-2015, which states that only the Ministry of Labor and Social Policy (MLSP) and the Ministry of Interior (MOI) collect data on cases of domestic violence.*

*There is no information that the IT-monitoring system for social services LIRIKUS<sup>10</sup> was upgraded (established application and database for social services in centers for social work - CSWs and social protection institutions), which is run by MLSP. The last publicly available analysis of data from this database is for the first half of 2015, i.e. the period from 1.1.2015 until 30.06.2015, where it is stated that the updating of data on already entered records of domestic violence in "Lirikus" is below the desired level. The analysis states that the reason for this is partly the process of renovation of part of the CSW in Macedonia and their relocation to other temporary premises, so that the input of data had been actually impossible. Other reasons, for which MLSP has more information, are the disproportionate number of skilled professionals in comparison to active cases in CSW (unequipped with human resources and staff, depending on which CSW is in question)<sup>11</sup>.*

The Law also establishes the right to companion of the victim, who may choose a person to accompany them in the proceedings. The companion may be any adult other than the person who is the perpetrator of domestic violence in the proceedings. The companion helps the victim in protecting their integrity in the proceedings before the officials and the institutions, assists in resolving their case and provides support.

*In practice, this provision is respected by the institutions and the courts and contributes to greater security of women victims with the purpose of protection. According to the experiences of NGOs, the right to companion is also respected by the courts in the procedures for imposing temporary measures for protection from domestic violence.*

According to the Law, every citizen is obliged to report knowledge of domestic violence to a police station, Centre for Social Work, civil society

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<sup>10</sup> The upgrade of the software system "Lirikus" is also foreseen in the project "Improvement of services for social inclusion" that MLSP has started implementing in July 2015  
<http://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/lzvestaj2015.pdf>

<sup>11</sup> The full analysis prepared by the Institute for Social Affairs is available at the following link (in MK):  
<http://zsd.gov.mk/%D0%B0%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0-%D0%BD%D0%B0-%D1%81%D0%B5%D0%BC%D0%B5%D1%98%D0%BD%D0%BE%D1%82%D0%BE-%D0%BD%D0%B0%D1%81%D0%B8%D0%BB%D1%81%D1%82%D0%B2%D0%BE-%D0%B2%D0%BE-%D0%BC%D0%B0%D0%BA/>

organization or at the national SOS-line. Additionally, a sanction is prescribed in the amount of 500 to 1.000 Euros in Denar counter value, for citizens who fail to report domestic violence.

*This provision is particularly disturbing and not consistent with Article 273 of the Law on Criminal Procedure, which does not impose an obligation to report crimes to the citizens, leaving them the possibility to report a crime that is prosecuted ex officio. Hence, it is unclear why the Law imposes such obligation.*

The Law prescribes reporting from officials and sanctions in the amount of 500 to 1.000 Euros in Denar counter value for the officials who fail to report domestic violence.

*According to the representatives of the institutions, this fine is very high in proportion to the amount of their salary and they think that the amount of the fine should be reduced.*

### **National Strategy for Prevention and Protection against Domestic Violence**

Article 15 of the Law stipulates that the Government adopts National Strategy for Prevention and Protection against Domestic Violence, for a period of five years. The National Strategy is prepared by the Ministry of Labor and Social Policy in cooperation with other ministries and institutions that are part of the system for prevention and protection from domestic violence. The Strategy should include an analysis of the situation and establish the goals and objectives for prevention and protection from domestic violence, - establish policies in the field of domestic violence, - expand the availability of measures for prevention, protection, assistance and support to victims, as well as measures for treatment of perpetrators, - establish measures, activities and implementers, - establish database in each ministry, - continuing education and training of professionals, - necessary financial resources to implement the strategy and resources.

*However, even though almost 2 years have passed from the adoption of the Law, such Strategy has not yet been adopted. The last Strategy covered the period 2012-2015 and was adopted before the Law on Prevention, Combating and Protection from Domestic Violence. The absence of such strategy is especially critical because with the strategy the concrete steps to improve the system of*

protection were to be envisaged, and specific budget plan for its implementation was to be prepared.

According to the response obtained from MLSP, the budget of MLSP in the field of domestic violence for 2015 was 2.188,372 Denars, whereas for 2016 it was 2.683,963 Denars.

According to available data on the sources of funding of citizens' associations in program activities against domestic violence<sup>12</sup>, in 2016 a total of 1.000.000 Denars were allocated. This amount is too small to provide compensation for actual costs of even a single association that works in the area of domestic violence, especially if it provides services to support victims of domestic violence. The necessary expenses of NGOs providing services to protect victims of domestic violence per year are shown in the following table<sup>13</sup>

TYPE OF SERVICE	ANNUAL EXPENSES (MKD)	EU
SOS help-line	1.334.000	21.700
Crisis center	1.686.000	27.414
Counseling center	1.558.600	25.343
Shelter center	2.190.000	35.610
Free legal aid	1.128.200	18.345
<b>TOTAL</b>	<b>7.896.800</b>	<b>128.412</b>

<sup>12</sup> Program activities are part of the Regulations on the manner and procedure for awarding grants to associations for specific activities in the field of social protection, available at the following link: <http://www.mtsp.gov.mk/content/pdf/Programa%20za%20igri%20na%20sreka%202016.pdf>

<sup>13</sup> The table was prepared by the National Network to End Violence against Women and Domestic Violence in cooperation with citizens' associations that provide different services for women victims of domestic violence

## **National Coordination Body against domestic violence**

Pursuant to the Law, the Government of RM has set up a National Coordination Body against domestic violence for a term of five years comprised of representatives from MLSP, MOJ, MOH, MOI, MOE, members of Parliament, the judicial system, Ombudsman and civil society organizations.

*The National Coordination Body against domestic violence was formed<sup>14</sup>, but does not operate due to the frequent change of Ministers of Social Policy, who should preside over this body<sup>15</sup>. The website of MLSP has no information about the members of this body, when exactly it was formed, whether the body has adopted rules of procedure and whether a report has been submitted on its work to the Government of RM. The National Network was asked to nominate representatives for membership in this body, but to this date no official notification has been received whether the proposed members have been accepted, and no official notification has been received on the members of the body.*

*Taking into consideration the dysfunction of the National Coordination Body, it can be concluded that there is no institutional monitoring on the situation of domestic violence. For this reason, no report has been prepared on the implementation of the Law, and no guidelines can be provided to enhance cooperation and coordination of the relevant institutions/associations on the basis of regular monitoring of examinations, notifications, information and assessments received from competent institutions and associations, as envisaged in the Protocol on cooperation between the relevant institutions and associations for protection and prevention of domestic violence.*

## **Prevention**

According to the Law, taking preventive measures to prevent and reduce domestic violence is the responsibility of the Ministry of Labor and Social Policy, the Ministry of Interior, the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, the local government units, and the NGOs.

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<sup>14</sup> The information on the establishment of the National Coordination Body against domestic violence was obtained at the thematic workshop with institutions conducted for this report, as well as through information provided in the draft of the sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>15</sup> This information was obtained from representatives of the institutions at the workshop.

Taking preventive measures is envisaged to be achieved through programs for understanding of gender equality and peaceful conflict resolution in the educational process, conducting campaigns and programs to raise awareness and to recognize the effects of domestic violence in the public and in the media, as well as introducing continuous training for the experts to carry out activities within their competence and gender-based violence.

*Within the part of raising public awareness aimed at prevention and protection from domestic violence, the project "Safety in schools" was implemented and a total of 25 educational workshops have been conducted to discuss the topic of domestic violence and child trafficking and child abuse<sup>16</sup>. Regarding preventive campaigns for raising awareness about the problem of domestic violence, the state has not conducted such a campaign since 2011. The activities in this section are realized only through participation of the Ministers of Interior and Labor and Social Policy in events and campaigns carried out by national and international organizations, especially during the global campaign "16 days of activism against violence against women", which is implemented between November 25 - International day for the Elimination of Violence against Women and December 10 - International Human Rights Day.*

In the area of prevention, providing expert advice and counseling work in counseling services for marriage and family is also covered. Furthermore, the local self-government units, in the field of prevention of domestic violence, should provide protection to victims in the community, establish care centers, counseling for victims and counseling for perpetrators of domestic violence, counseling for parents and children, counseling for marriage and family, and other forms of care and assistance to victims, as well as local SOS lines.

*According to available information, in our country there are two centers for psychosocial support and counseling run by NGOs (both located in Skopje) and two counseling centers working with perpetrators, under the authority of the Ministry of Labor and Social Policy, located in Skopje and Kicevo. In 2015, 16 perpetrators were using the services of the counseling centers for perpetrators.*

*Additionally, according to the MLSP, in the country there are 30 counseling centers for marriage and family, 30 centers for social work that operate under a program adopted by the Social Affairs Institute. What remains debatable is*

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<sup>16</sup> This information was obtained from the draft sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women.

*whether the counseling services for marriage and family act in accordance with the requirements of the Istanbul Convention, which explicitly prohibits the procedures for alternative dispute resolution, including mediation and conciliation, in relation to all forms of violence covered by the Convention (Article 48, Prohibition of mandatory alternative dispute resolution processes or sentencing). Accordingly, these counseling services may not be considered specialized services to support women victims of various forms of violence.*

*At the moment, the only specialized center that provides psychosocial support and counseling to families in conflict relationships with domestic violence, or there was domestic violence in the past, is the First Family Center of Skopje. In the rest of the country there are specialized centers for psychosocial support and counseling to families and perpetrators of domestic violence<sup>17</sup>.*

## **Protection measures**

In this part, the Law establishes the protection measures to be taken by the institutions, civil society organizations and local self-government units.

### **Center for Social Work**

The Center for Social Work should take the following measures to protect victims: 1) accommodation in center for victims of domestic violence; 2) adequate health care; 3) appropriate psychosocial intervention and treatment; 4) psychosocial treatment in counseling center; 5) family assistance for regular education of child; 6) legal assistance and representation, and 7) economic empowerment of the victim through their active involvement in the labor market.

The Center for Social Work is obliged to immediately start proceedings, and no later than 24 hours after the obtained information to take measures to protect the victim.

One of the positive aspects of the Law is the introduction of multi-sectoral teams in cases where there is knowledge of endangering the life and health of the victim and family members. The multi-sectoral expert team consists of experts, representatives of the centers for social work, police and health institution on the

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<sup>17</sup> For more details about the First Family Center of Skopje, run by the association of citizens HERA, visit the following link: <http://hera.org.mk/>



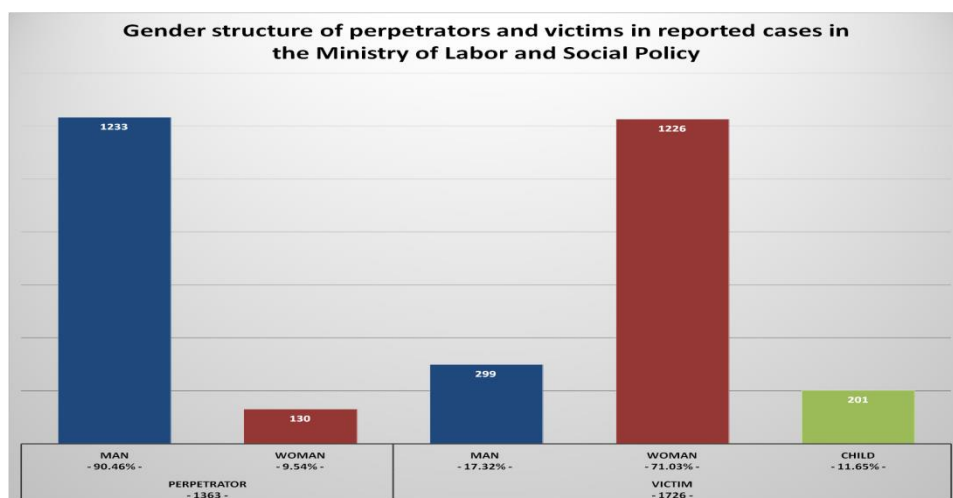
territory of competence of the center. The work of the multi-sectoral team of experts includes representatives of associations working in the field of domestic violence, who can propose and implement measures and activities from the safety plan to help the victim. The multi-sectoral team of experts is formed in the Center for Social Work which is competent by the permanent or temporary residence of the victim.

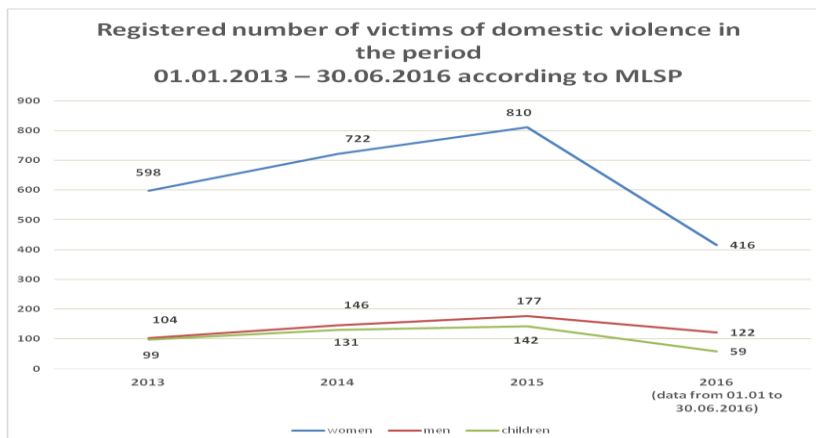
Psychosocial intervention, counseling and treatment is provided by experts in the Center for Social Work, association, counseling center for victims of domestic violence, counseling center for perpetrators of domestic violence, or counseling center for parents and children, in accordance with the Law on Social Protection.

Legal aid is provided by the experts at the Center for Social Work and in the civil society organizations. The victim exercises their right to free legal aid in accordance with the Law on Free Legal Aid.

The Center for Social Work, in cooperation with the Employment Agency of the Republic of Macedonia - competent center for employment, should take measures for economic empowerment of the victim through her active involvement in the labor market.

*During the reporting period, in the Ministry of Labor and Social Policy 1363 perpetrators of domestic violence were reported, of which 90.46% were men and 9.54% women. In terms of gender structure of the victims, 71.03% were women, 17.32% were men and 11.65% were children.*





*According to the presented data on registered victims of domestic violence by the centers for social work, it is obvious that the number of registered victims is growing every year. On the other hand, there is CSW in only 30 of the existing 84 municipalities in the country, making the services of the centers inaccessible in all municipalities, especially in the rural areas. The number of employed persons in the centers in 2015 compared to 2014 increased only by 41 employees, of which 2 social workers, 3 educators, 4 psychologists, 6 special educators, 4 speech therapists, and the remaining 22 were employed in other professions. The number of lawyers, however, in 2015 decreased by three employees<sup>18</sup>. Taking into consideration the wide range of competences of the centers for social work in the area of social protection compared to its human resources, it could be reasonably concluded that the centers for social work do not have the human resources to effectively implement the competences laid down in the Law on Prevention, Combating and Protection from Domestic Violence and to provide quality services.*

*In general, the employees in the centers for social work do not provide sufficient information about the actions of the police or the judicial authorities for protection from domestic violence. Part of the interviewed victims responded that the employees have been rude to them, and all respondents said they have not received enough information on the protection mechanisms. Part of the respondents felt discriminated against due to their status of victim of domestic violence.*

<sup>18</sup> The data on the capacities of the centers for social work is taken from the statistical summary: Population and Social Policy prepared by the State Statistical Office, available at this link (in MK): <http://www.stat.gov.mk/Publikacii/2.4.16.12.pdf>

***“Choose, you can’t report the case at two places, either there (association of citizens) or here... they actually ditched me nicely” -***

***“she doesn’t understand, why would you explain”***

***“Women come from the province, they clean houses and get by, you are from Skopje and graduated and you can’t manage. Finally you can find someone, women do anything.”***

***“You keep fighting all the time”, “well, he drinks, what can you do”, “don’t come here anymore, what can we do...”, statement of a Roma woman who has been roughly refused when asked assistance, even when accompanied by a representative from a civic association.***

*According to the respondents’ answers in the interviews, but also from the experience of NGOs, victims were not being informed whether CSW developed a plan to protect the victim and the children in cooperation with representatives of other relevant departments and had no information on how the implementation of this plan was being monitored.*

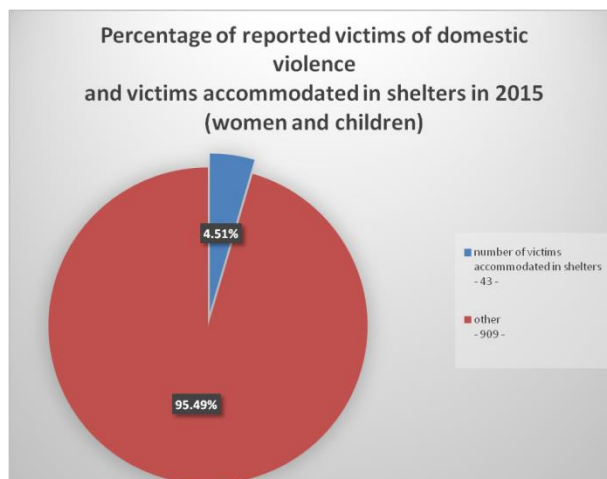
***“... the social services were not there at all, just sign a statement, thank you, that’s it. There wasn’t any engagement.”***

***“In general I am not happy with the actions of CSW because they did not do almost anything against him. They just talked to the children (Department of Marriage and Family) and stated their opinion for the court, which is normal, otherwise they did not advise me about anything.”***

*Regarding children with a father who was violent towards them, CSW has not determined meetings in controlled conditions in any case, and in some cases it has determined free model of meetings between the children and the father. Also, with some of the respondents CSW insisted on meetings between the father and the children, even though the children showed resistance.*

*Although the number of registered victims of domestic violence is on the rise, the capacity of accommodation centers remains unchanged. Namely, during 2015 only 4.51% of total number of female victims who reported violence were accommodated in the centers. Therefore, many women are not provided with accommodation in centers for domestic violence and they are not able to leave the*

home. Geographically, one shelter is located in Skopje, and the rest are located in Sveti Nikole, Kochani and Bitola. The two crisis centers run by NGOs are also located in Skopje. Taking this data into consideration, one can easily come to the conclusion that providing a safe place for women victims of violence is far from attaining the real needs and standards<sup>19</sup>.



The Institute for Social Affairs has prepared expert methodological Guidelines for the organization and work with victims of domestic violence at the Center for Victims of Domestic Violence. According to information of MLSP, services provided at the center for victims of domestic violence are: accommodation and subsistence to users of the facility for a specified period; psychosocial intervention and support to victims; health care; legal support; informing the victims about the rights that they can achieve; providing additional financial support and other activities depending on the needs of the users who are temporarily accommodated.

Three organizations provide free, national SOS help-line operating 24/7. According to information obtained by the MLSP, in 2015, in accordance with the Law on Games of Chance and Entertainment Games, two organizations providing services to women victims of domestic violence have been financially supported, that is the National SOS Help-Line and the Crisis Centre for intervention

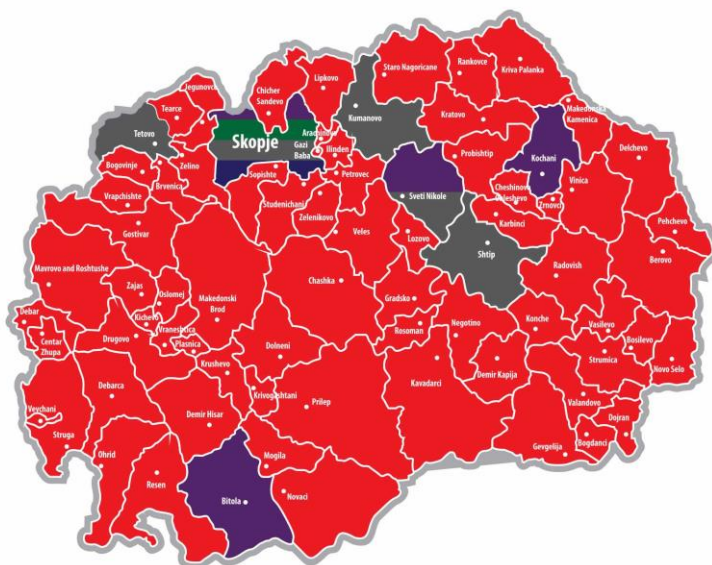
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<sup>19</sup> More details about the services provided at the moment in the country can be found in the analysis on the available services for women victims of domestic violence prepared by the National Network to End Violence against Women and Domestic Violence, available at the following link (in MK): [http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/06/Mapiran-e-na-servisi\\_final.pdf](http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/06/Mapiran-e-na-servisi_final.pdf)

accommodation. For 2016 we were not given information about which civic associations were financially supported by the MLSP.

None of the national help-lines provides service in all languages spoken in the communities.

**MAP OF EXISTING SPECIALIZED SERVICES FOR VICTIMS OF GENDER BASED VIOLENCE IN MACEDONIA**



**Legend:**

- Shelters for women victims of domestic violence
- National help lines
- Free legal aid
- Counseling centers for psycho-social support
- No service for women victims of violence exist

*Extremely alarming are the findings that in Macedonia there is no existing system of protection for women with disabilities who are victims of some form of violence against women and domestic violence and the few specialized services are not accessible and are not adapted for the needs of this vulnerable group<sup>20</sup>. Additionally, in the country there are no data on how many people with disabilities are victims of domestic violence.*

*Namely, the Ministry of Labor and Social Policy and the Ministry of Interior do not have disaggregated data and have no information on how many of the total number of reported victims of domestic violence are persons with disabilities.*

*According to representatives of MLSP at the thematic workshop, so far the monitoring of the work of the multi-sectoral teams shows positive results, especially in strengthening of inter-institutional cooperation, which affects the efficiency of the protection of victims of domestic violence. In their opinion, the positive results are particularly felt in the smaller towns where the cooperation between the institutions and citizens' associations is better compared to the larger cities. However, there is no official information on how many multi-sectoral teams have been formed so far, or what are the results of their work, due to the absence of an official report by the state on the implementation of the Law. In the responses of the interviewed victims of domestic violence and the citizens' associations who participated in the focus groups no example of forming a multi-sectoral team of experts in cases of family violence in the CSW was mentioned.*

*The Law prescribes economic empowerment of the victim through their active involvement in the labor market, but there is still no official information whether this measure is implemented in practice.*

*Victims of domestic violence are part of the target groups of the operational plans and active employment measures of the state. Users in the operational plan for 2016 are victims of domestic violence in the following measures: Program for conditional financial allowance for subsidized employment of disadvantaged individuals (victims of domestic violence accommodated in shelters or whose monthly family income per family member in the year before the year in which they are applying is lower than 50% of the last average net salary*

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<sup>20</sup> Studies worldwide show that 25% of girls and women with intellectual disabilities have a history of sexual violence. Another study, however, shows that 49% of people with intellectual disabilities in their lives will experience sexual violence 10 or more times.

*published by the State Statistical Office); On-the-job training with subsidized employment; Subsidized employment through exemption from payment of personal income tax. Again, it is only an opportunity for women victims of domestic violence. Furthermore, the active employment policies cover only the category of citizens reported as active jobseekers in the Employment Agency. These policies do not cover the inactive population, composed mostly of women, i.e. 54% of women in the Republic of Macedonia are economically inactive according to the State Statistical Office. Taking into account these data, we can conclude that these measures are restrictive and are not available for all women (rural women and women from ethnic communities are mostly registered as economically inactive, which means they do not have access to these measures).*

*The experiences of NGOs and women victims of violence do not give positive examples of women victims of violence being employed through the Employment Agency.*

***“While I am staying at the shelter, to find a job, so that I can stand on my feet, at least for a month, so that I can pay rent, then to take the children, to establish some home, as they say, but I didn’t get any help, only a promise of a job and that I will be able to settle these things, but nothing happened.”***

***“They will accommodate us nicely there, they will feed us, they will provide all the conditions, but in vain, they can’t keep us there forever... for a month and a half I couldn’t do anything about the job, but we don’t see the job as a job... there is no solution what the victim will do after one, two, six months, one year, she will be accommodated for a year and after that she doesn’t have a job, she doesn’t have an apartment, she doesn’t have anything... maybe they will find her a job to take care of elderly people and will pay her 5-6000, 10 000 Denars, and what will she do with these money, if she is alone OK, but if she has children it is not a solution.”***

*The number of reports submitted to the social inspection in cases of failure to act or improper actions by the centers for social work is very small. Namely, in the period from 01.01.2016 to 30.06.2016 only 7 reports were filled to the social inspection on the actions of the centers in cases of domestic violence, of which 4 in Skopje, 1 in Kavadarci, 1 in Shtip, and 1 in Probishtip. These figures show that the mechanism for supervision of the centers for social work is not used by the victims, mainly because of the insufficient informing, nor by the citizens’ associations.*

## Free legal aid

The Law on Free Legal Aid, which was adopted in 2010, aims to provide access to justice for vulnerable groups of citizens who are in social risk. According to Article 6 of the Law, free legal aid is provided in all judicial and administrative procedures.

Domestic violence is one of the areas for which free legal aid can be approved. For the victims of domestic violence seeking to be granted free legal aid, the Law provides an exception regarding filing of the statement, which in this case is not required to be signed by other members of the family with which the victim lives in the same household (Article 201 paragraph 3). In accordance with the Law, the request should be handled immediately. In cases of domestic violence free legal aid could include representation of the victim before administrative bodies - the Ministry of Labor and Social Policy and the Ministry of Interior, before the courts in divorce proceedings, proceedings for property, proceedings initiated for issuing temporary measures for protection from domestic violence and advocacy for victims in criminal proceedings as injured party.

Acting upon the request for free legal aid, an authorized official of the regional office of the Ministry is obliged to handle it immediately, taking into account the urgency of the issue in a proper procedure and no later than 12 days from the submission to complete it with the necessary documents and submit it to the Ministry. Then the request is sent to the Ministry, which is obliged to act upon the request within eight days from the reception of the case from the regional office of the Ministry.

According to the stated Articles, the procedure should be completed within 20 days from the submission of the application, which is quite a long time to decide for victims of domestic violence seeking legal assistance for issuing temporary measures for protection from domestic violence, or divorce procedure.

*One of the main problems in acquiring the right to free legal aid is the establishment of the status of victim. According to information received by the six authorized citizens' associations to provide free legal aid<sup>21</sup>, the victims are imposed*

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<sup>21</sup> According to the Law on Free Legal Aid "authorized association of citizens" is association which under the provisions of this Law meets the requirements for providing preliminary legal aid and



*the obligation to submit confirmations that they are reported and identified as victims of domestic violence in the Ministry of Interior and in the Center for Social Work. This practice is upsetting for the victims, who are not always willing to report in CSW and MOI, or in any institution. Due to this practice, many victims do not apply for free legal aid at the MOJ.*

*The exercise of the right to free legal aid is also limited due to the long time needed for adopting a decision upon submitted request<sup>22</sup>. Although the Law states that the deadline for adopting a decision is within 20 days, this deadline is not respected by the MOJ and the average time to decide upon requests for legal aid is 30-60 days<sup>23</sup>. In the period after the Law entered into force, 7 victims of domestic violence requested free legal aid from associations of citizens, but no request for free legal aid was filed due to the need for immediate response and providing emergency free legal aid.*

*Due to the inefficient procedure when approving free legal aid, women victims of domestic violence often obtain free legal aid from the citizens' associations, which provide free attorney in court proceedings for divorce, division of property, custody of the child, child support, or prepare their requests for issuing temporary measures for protection from domestic violence.*

*Besides the registered civil society associations that provide preliminary legal aid, most of the citizens' associations that provide legal assistance to women victims of domestic violence are not registered in the Ministry of Justice. This situation is mainly due to the conditions that need be met by civil society associations to be able to register as authorized associations, the narrow frame of preliminary legal aid provided by associations, which only covers legal advice and filing of the application for free legal aid and the minimum funding of associations by the state. Additionally, the registration does not mean that an association of citizens is specialized in providing legal assistance to victims of domestic violence because the Law on Free Legal Aid covers more areas where citizens can obtain protection.*

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which, based on the decision of the Minister of Justice, is authorized to provide preliminary legal aid pursuant this Law, and is registered in the Register of associations of citizens for preliminary legal aid.

<sup>22</sup> Press release by the network of citizens' associations providing free legal aid stating that the average time for approval of free legal aid is 45 days (in Macedonian):

<http://pristapodopravda.mk/wp-content/uploads/2016/09/Soopstenie-za-mediumi-Finalno1.pdf>

<sup>23</sup> This information is obtained by the statistics of authorized citizens' associations working in providing preliminary legal aid. The Ministry of Justice did not submit a response to the requested information regarding free legal assistance to victims of domestic violence.

*Regarding the access to justice for women in general, it can be concluded that efficient and effective provision of access to justice is lacking and the state does not ensure equal access to justice for women and men, that is the access to justice is not adapted to the specific needs of women. Discrimination against women based on gender stereotypes, stigma, patriarchal norms and gender-based violence impedes and/or hinders women's access to justice on an equal basis as men. State institutions are not sufficiently sensitive to gender-specific needs of women for providing equal access to justice<sup>24</sup>.*

*Access to justice in relation to issuing temporary measures for protection from domestic violence is further complicated by the fact that the victims and the institutions submitting proposals on behalf of the victims are not exempt from paying court fees, which are necessary to initiate court proceedings.*

## **Ministry of Interior**

Police officer, whenever there is reported domestic violence, is obliged to come to the scene and immediately prepare a police report, and no later than 12 hours after the intervention at the event.

The police officer should provide that the victim immediately gets adequate health care, when necessary, temporarily take the weapon away from the perpetrator and to initiate proceedings to revoke the weapon permit. The police officer is obliged within 12 hours to submit to the competent court proposal to impose temporary protective measure - removal of the perpetrator from the home and restraining order and a police report.

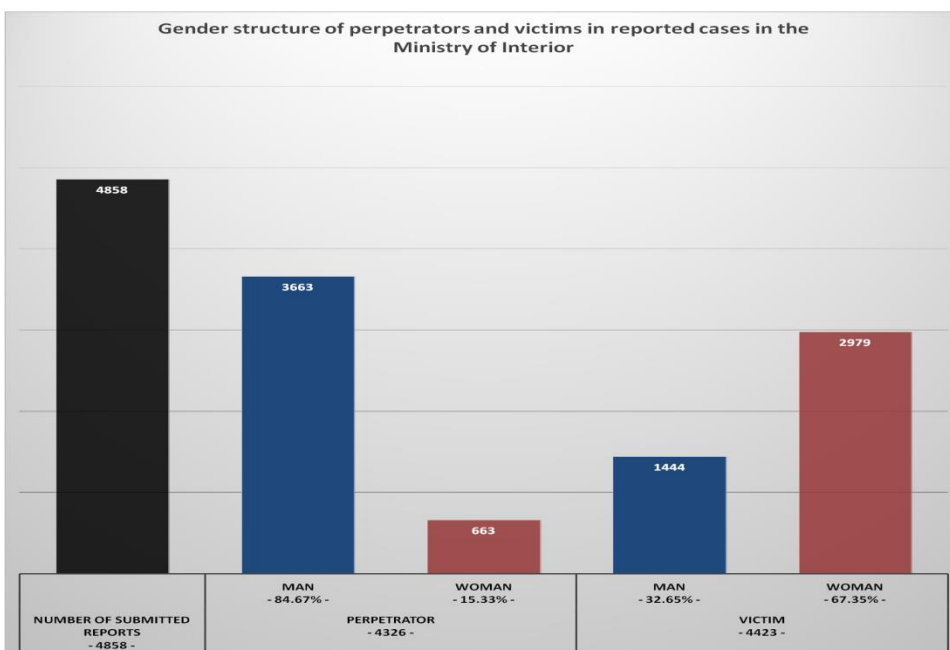
The Law also prescribes accompanying the victim to the apartment or other premises where the victim lives, when necessary, to take personal things that are necessary in the everyday life.

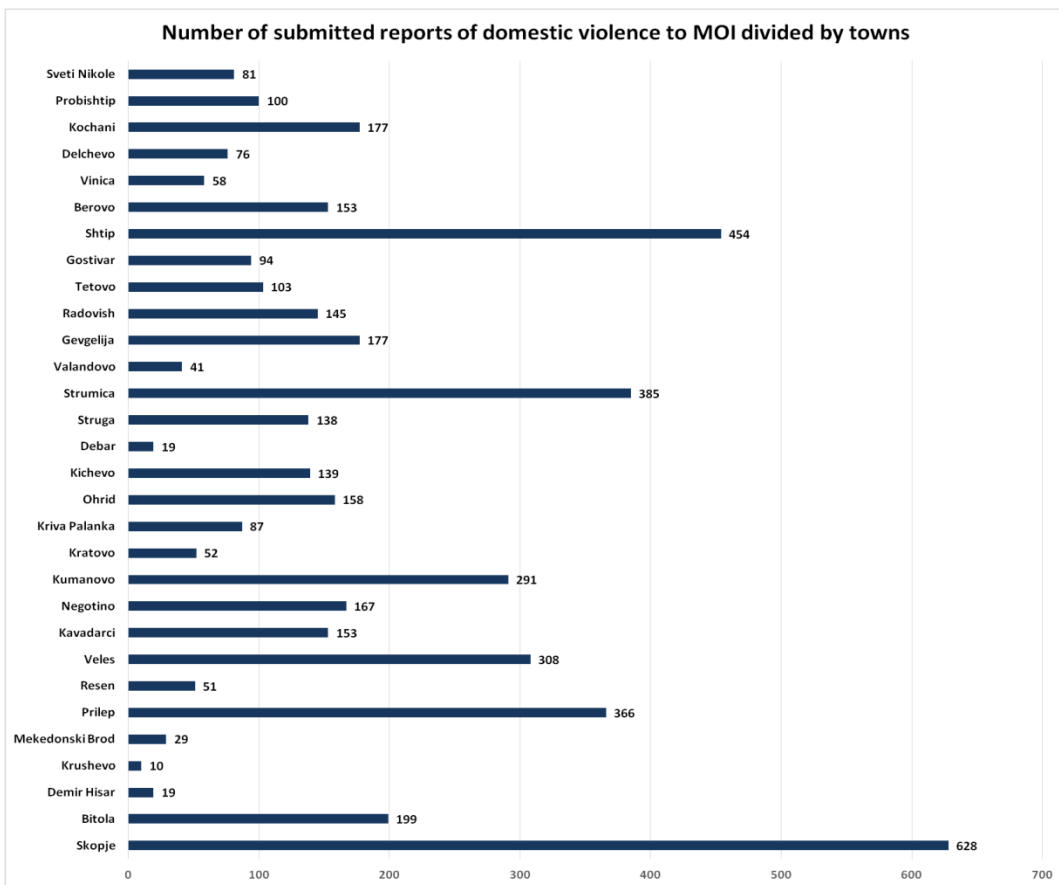
*During the reporting period a total of 4858 reports of domestic violence have been reported to the Ministry of Interior. In the response obtained from the MOI there is no data on the gender structure of victims and perpetrators from*

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<sup>24</sup> These conclusions have been taken from the analysis "Access to Justice for Women" prepared by the Association for Equal Opportunities "Equal Access" in cooperation with the Macedonian Young Lawyers Association. The analysis includes a survey of 102 people in four cities of RM to consider the attitudes and opinions of the citizens about access to justice for women.

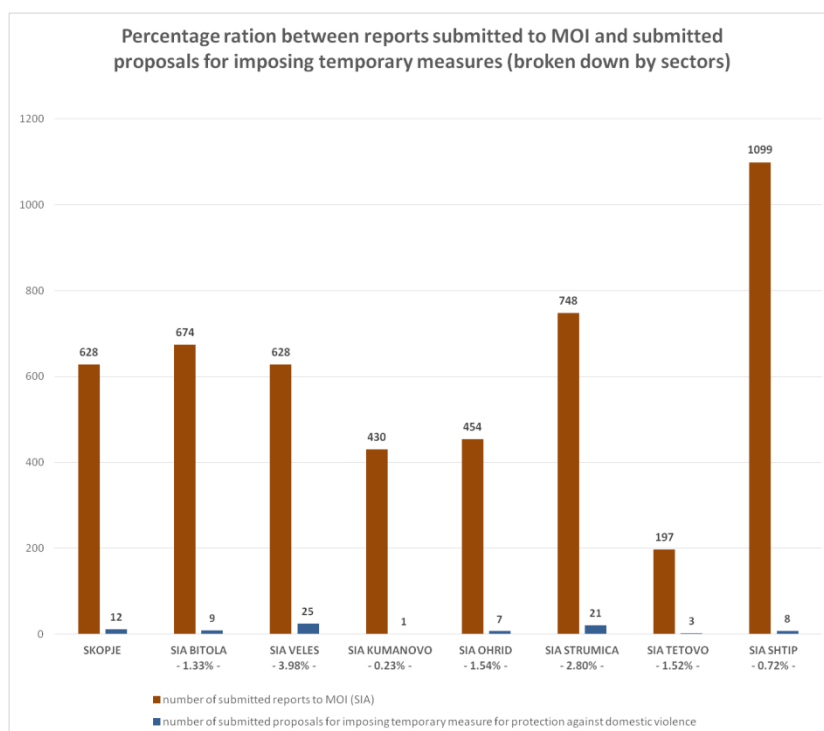
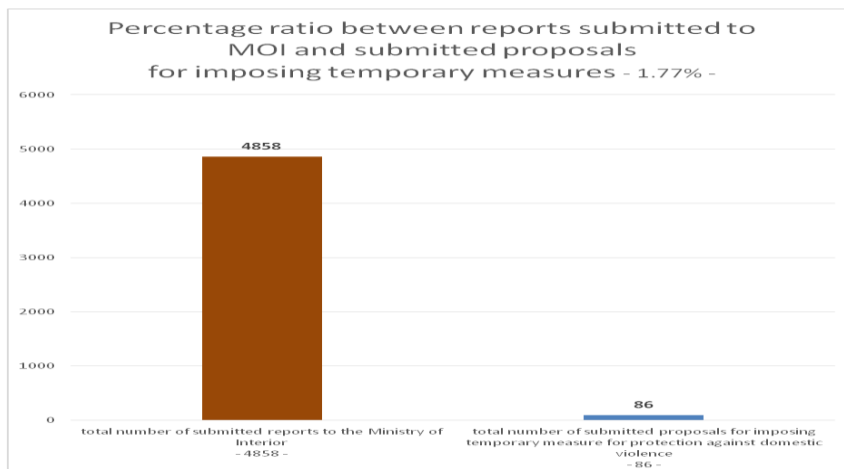
Sector of Internal Affairs-Skopje, therefore in the table below the percentage and gender structure of victims and perpetrators are missing the data from SIA Skopje. During the reporting period, 4236 perpetrators of domestic violence were reported in MOI, of which 84,67% men, and 15,33% women. In relation to the gender structure of the victims, 67,35% are women, 32,65% are men. The percentage of women victims of domestic violence again shows that domestic violence is gender-based violence. However, the percentage of male victims registered in MOI is significantly higher than registered male victims in MLSP, which indicates that men are more likely to report violence in MOI than in MLSP.





*Regarding the duty of the police officers to submit a proposal to the competent court to impose temporary protection measure - removal of the perpetrator from the home and restraining order, it can be concluded that it is not respected sufficiently because such proposals have been submitted only in 86 cases.*

*The following tables show the percentage ratio between the total number of reports and the number of proposals for imposing provisional measures, broken down by sectors and regions.*

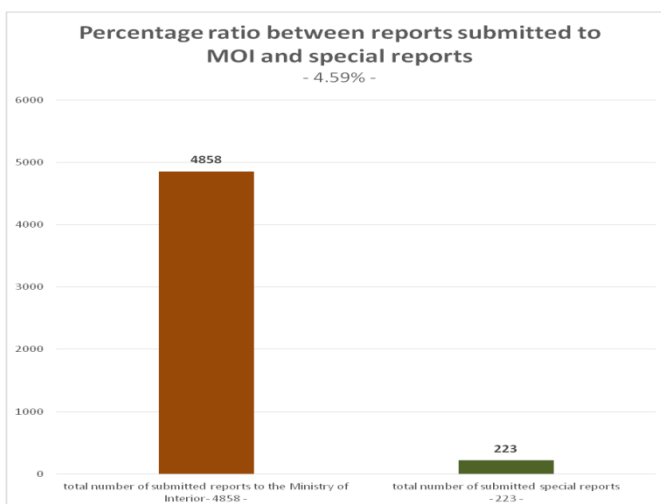


*The percentage of submitted proposals for imposing temporary measures for protection from domestic violence is highest in SIA-Strumica and lowest in SIA-Kumanovo. Through SIA-Kumanovo only one proposal to impose temporary measures for protection against domestic violence was submitted. Considering the fact that police officers are obliged to submit proposals to impose temporary*

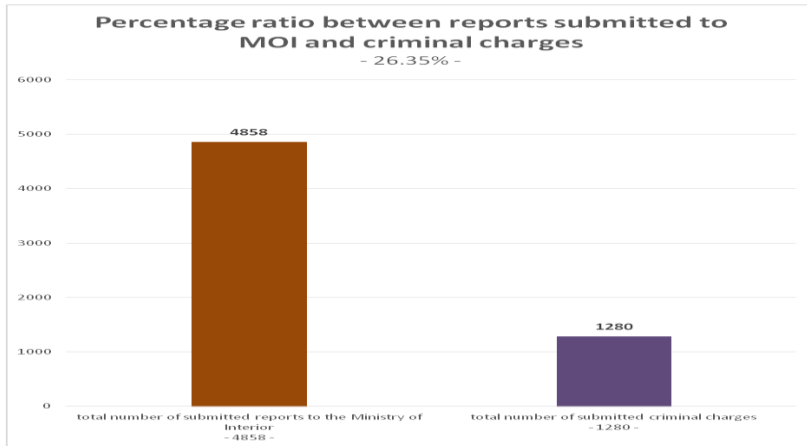
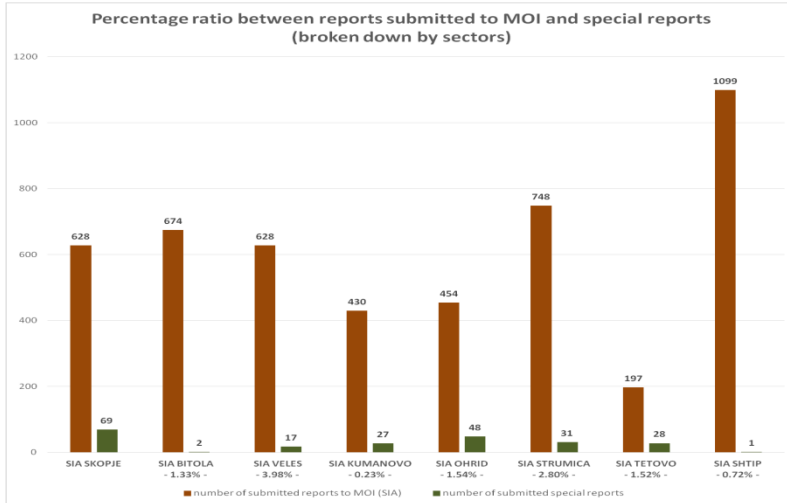
measures in cases of serious danger to the life and physical integrity of the victim of domestic violence and risk of repetition of violence, the percentage of 1.77% proposals is particularly low. This shows a low level of awareness among police officers about the threat to life and physical integrity of the victims, especially about the possibility of repeating the violence, which most often occurs.

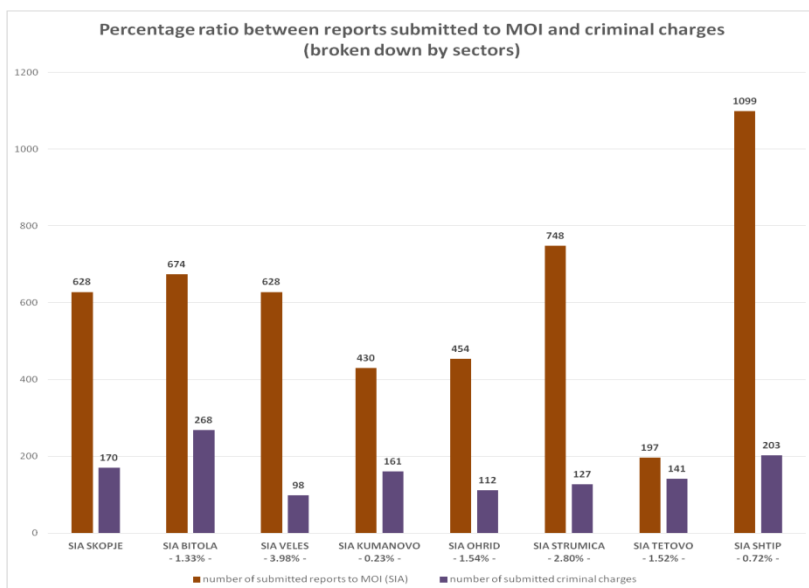
Even though criminal and legal protection from domestic violence is not the subject of this report, to get the full picture in terms of taking appropriate measures to protect women victims of domestic violence, in the request for information we asked the Ministry of Interior to respond on the number of submitted special reports<sup>25</sup> and the number of criminal charges brought to the Public Prosecutor. If we compare the percentage between submitted proposals (1.77%) with special reports submitted to the public prosecutor (4.59%) and the criminal charges (26.35%), it can be concluded that there is a low level of awareness on the possibility and the need for submission of proposals to the court.

Below are information about the correlation between the registered victims of domestic violence and criminal charges and special reports submitted to the Public Prosecution.



<sup>25</sup> Special reports are submitted to the Ministry of Interior in case of bodily injury, criminal act which is not prosecuted ex officio, but upon proposal of the victim.





*The duty of police officers to come to the scene in case of report of domestic violence is generally respected. However, the general impression that the interviewed victims of domestic violence and citizens' associations have is that still no appropriate actions are being taken to protect the victims who have decided to report the violence. Police officers talk to the victim and the perpetrator of violence, make a record and do not provide adequate information about the possibilities to protect the victim and her rights. There are several causes for the passive behavior of the police, especially the lack of awareness of the police officers on the provisions of the Law on Prevention, Combating and Protection from Domestic Violence and of the Rules of Procedure, the lack of information about available services for protection from domestic violence, the lack of coordination between institutions, and the unserious approach to domestic violence. Additionally affecting this situation is the fact that in the last four years 1900 policemen<sup>26</sup> were employed in the Ministry of Interior, without proper training and experience in dealing with cases of domestic violence<sup>27</sup>. According to statements given by victims and citizens' associations, in most cases, in the first reporting to the police the*

<sup>26</sup> Statement by the Helsinki Committee for Human Rights in the Republic of Macedonia on the number of employed police officers until 2015 (in Macedonian)

<http://www.mhc.org.mk/announcements/300#.WFHZC7IrLIU>

In 2016 600 new police officers were employed.

<sup>27</sup> This remark was given by representative of MOI at the thematic workshop.



*perpetrator received an oral warning and the event was registered as a complaint, or the perpetrator was fined for misdemeanor for disturbing public order and peace.*

***“No, they didn’t come, we called them so many times, they don’t want to come. They say: You just fight, what can we do...”***

***“They came immediately, yes, I think they took him and afterwards he calmed down. I don’t know how, what they said to him, but after he came back he hasn’t said anything to me, he just shut my electricity and water, but now the Court prohibited it, so there are no more problems.”***

***“Yes, yes, they came immediately, they made a record, they talked with me separately and with him separately, and they told me who to contact in the future. Afterwards we divorced and I haven’t called the police, but that time they acted correctly.”***

*Unprofessional attitude of the police is noticed in cases where perpetrators of domestic violence are police officers. This conclusion has been confirmed by the interviewed victims of domestic violence where the abusers are police officers and by the NGOs. In one of these cases, the victim was persuaded not to shame her husband and that criminal charges would be too expensive, as well as the fines for misdemeanor procedure. The same respondent was persuaded to reconcile with the perpetrator and to waive any charges.*

***“They came once and they immediately told me not to play any games, not to “embarrass” my husband in front of his colleagues, that it is humiliating. They told me about the long procedures in the courts and how much money I need for all these procedures... They told me to go back inside and make peace with him,”*** statement by woman victim of domestic violence.

***“Even though a temporary protection measure was imposed, MOI did not want to enforce it, telling the victim that appeal had been filed upon the decision to impose temporary measure, although the appeal does not delay the enforcement of the decision,”*** statement by representative of citizens’ association that provides free legal aid.

## **Health institutions**

The healthcare worker and the health institution are obliged immediately to examine and provide other medical treatment to the victim and issue the appropriate medical documentation for the observed damages and injuries.

In accordance with the Law, victims are exempt from paying for the medical care service and the documentation.

*Even though the Law prescribes exemption from costs, this provision is not implemented in practice, and health workers and victims of domestic violence are not aware of this provision. Thus, victims are forced to pay the costs for the medical care service and the documentation, which impedes their access to health intervention and further to the initiation of appropriate procedures for protection and proof of domestic violence. This is particularly affected by the inability to provide free health care for unemployed women victims of domestic violence, insured through their spouse, who at the time of the medical examination cannot prove that they have health insurance and have to pay for the health service as a private health service.*

*The possibility of granting one-time financial assistance for treatment depends on their financial situation, or the lack of any other tangible assets in their own name, which contributes to the uncertainty whether it will be granted.*

## **Citizens' Associations**

According to the Law on Citizens' Associations, an association registered for achieving its goals and objectives in the field of social protection, in accordance with its programs, can take protection measures independently or in cooperation with the Center for Social Work.

The association is obliged within 24 hours to inform the Center for Social Work competent according to the residence of the victim of domestic violence on the taken measures.

*MLSP keeps a register of associations of citizens registered for achieving goals and objectives in the field of social protection. Considering that social protection is a broad area covering many vulnerable citizens for which the registered associations take measures, the exact number of civil society*

*associations that provide measures to protect victims of domestic violence cannot be determined. Hence, it can be concluded that there is no special register of citizens' associations that provide protection measures to victims of domestic violence and their number of national level cannot be accurately determined. The exact number of reported victims of domestic violence in the civil society associations cannot be also determined since institutions do not keep such statistics.*

*According to available data of twenty-seven associations of citizens, members of the National Network, the associations of citizens provide most of the services for prevention and protection from domestic violence. Listed below are the services provided by the associations of citizens:*

- 1. National SOS help-line – citizens' associations have three national SOS help-lines providing assistance in Macedonian language.*
- 2. Shelters for women victims of violence – one shelter (accommodation up to 6 months) and one crisis center (accommodation from 24 to 48 hours), both in Skopje.*
- 3. Counseling centers (crisis intervention, psychological counseling, legal aid) – one counseling center and six registered centers for free legal aid. However, there are citizens' associations that are not registered for providing preliminary legal aid and they provide it to victims of domestic violence.*

*The interviewed women victims of domestic violence give best assessment of the associations of citizens in providing information on available services and the measures they can take for their own protection. Regarding the approach, all women said they were pleased with the reception in the associations and that they never felt discriminated against or judged. Most of the victims said they were accompanied by representatives of NGOs in the institutions.*

## **Temporary protection measures, pronouncing temporary protection measures and monitoring**

Temporary protection measures are being imposed on a perpetrator of domestic violence to stop violence, remove the consequences of the performed violence and taking effective measures against the perpetrator of the violence, to eliminate the causes for further domestic violence.

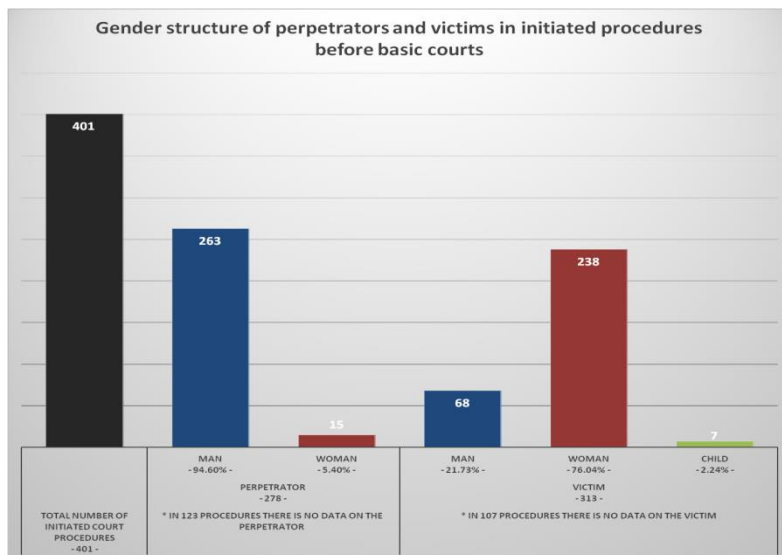
A proposal for imposing temporary protection measures may be submitted by the Ministry of Interior in cases where there is an immediate and serious danger to life and physical integrity of the victim and her family members without the consent of the victim, the victim and the CSW with the consent of the victim.

Regarding legal protection, the Law established short deadlines by which the courts must act on the proposals for temporary measures. According to the Law, the court immediately, and no later than 24 hours after receipt of the proposal by the Ministry of Interior and the police report, without holding a hearing, should decide to impose temporary protection measure - removal of the perpetrator from the home and restraining order. Upon the proposal of the victim or the Centre for Social Work for imposing a temporary measure of protection, the court will act immediately, and within seven days of receipt of the request will adopt a decision. The court within 24 hours, without holding a hearing, decides on imposing a temporary protection measure in case of suspicion of serious danger to life and health of the victim or a family member on the basis of expert findings and opinion of the CSW.

*During the reporting period, according to data from twenty-three basic courts in the country, 401 proposals for imposing temporary protection measures for protection from domestic violence have been submitted. According to available data regarding the gender structure of the victims,<sup>28</sup> 76,04% were women, 21,73% men, and 2,24% were children, whereas perpetrators are 94,60% men and 5,40% women. These figures once again show that most of the victims are women and most of the perpetrators are men.*

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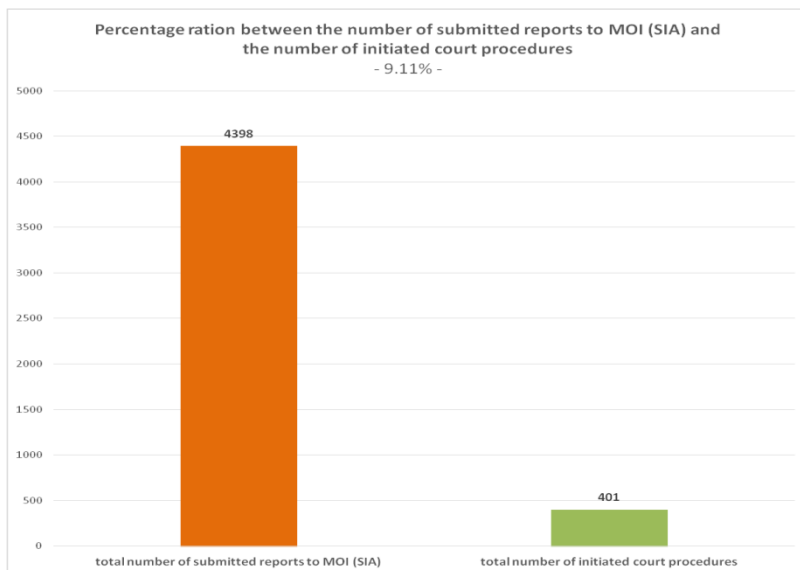
<sup>28</sup> Most of the responses received from courts the contained incomplete data regarding gender structure of victims and perpetrators, duration of court proceedings and decisions of courts.



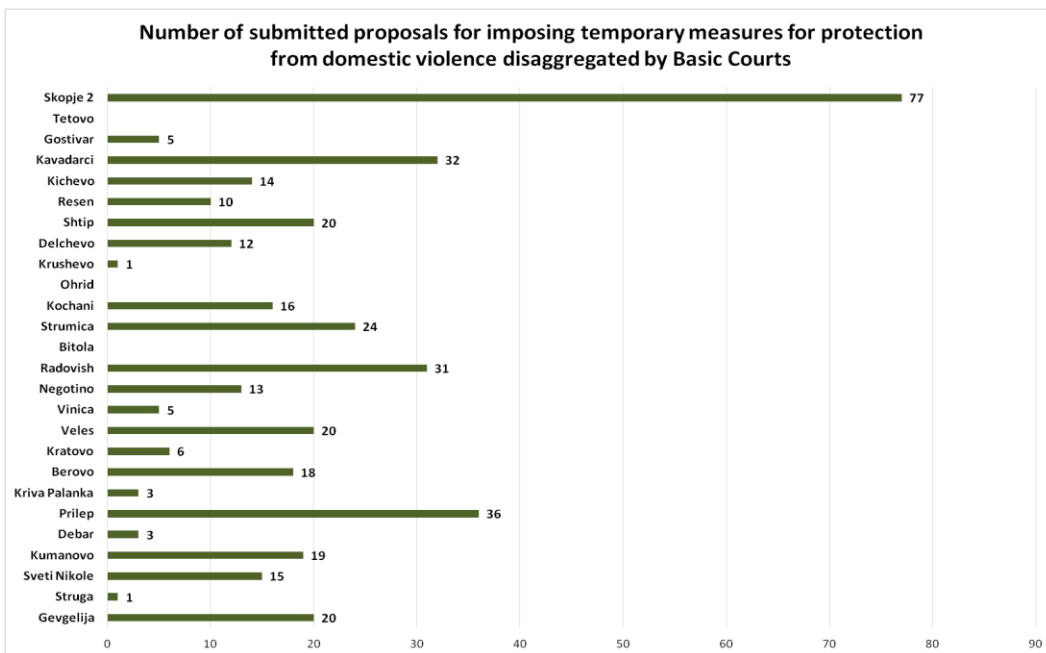
Although information is missing from three basic courts (Bitola, Tetovo and Ohrid<sup>29</sup>) the total number of submitted proposals to the other courts indicates insufficient use of temporary measures for protection from domestic violence. This conclusion is confirmed by comparing the number of reports of domestic violence in the Ministry of Interior and the number of proposals for issuing temporary protection measures for domestic violence to basic courts. Namely, a total of 4398 cases of domestic violence have been reported to MOI<sup>30</sup>, whereas only 401 procedures to impose temporary protection measures against domestic violence have been initiated in the courts.

<sup>29</sup> The data from Basic Court - Ohrid can not be used due to the inability to summarize the obtained data.

<sup>30</sup> This is the number of reported cases in the MOI without the towns of Ohrid, Bitola and Tetovo, because in these towns there are no data on the number of proposals for issuing temporary measures for protection from domestic violence to basic courts.

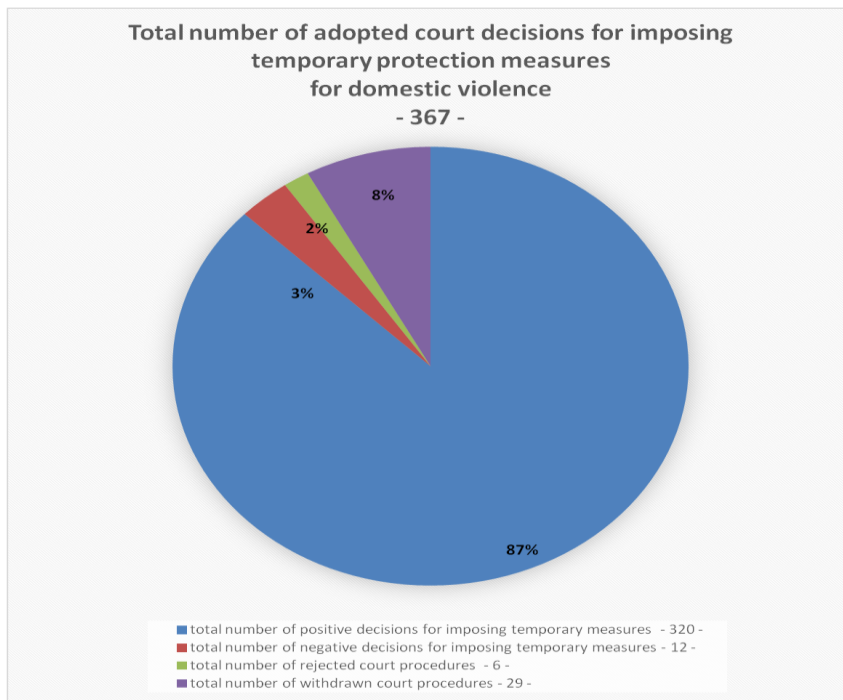


The largest number of proposals for imposing provisional measures has been submitted to Basic Court – Skopje, while the lowest number was in Struga and Krushevo. It is expected that the largest number of proposals were in Basic Court - Skopje, given the fact that the city of Skopje has the largest population, but rather worrying is the fact that the Basic Court in Struga has submitted only one proposal to impose temporary measures. The number of submitted proposals in Radovish, Kavadarci and Prilep shows greater awareness on the existence of the possibility of submitting proposals to impose provisional measures, as well as increased activity by CSW in these towns.



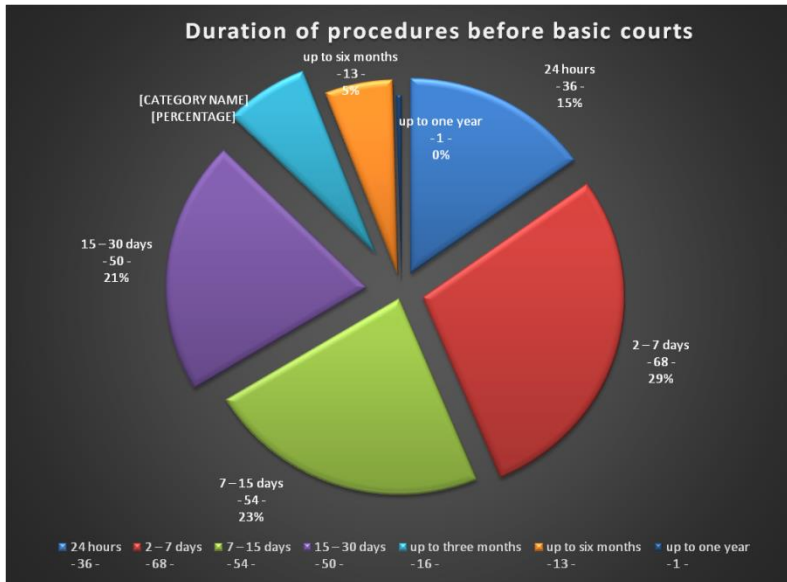
**Number of submitted proposals for imposing temporary measures for protection from domestic violence disaggregated by Basic Courts**

According to the analysis of the available data in 367 procedures, for the most part, i.e. 87% of the procedures, the proposals were accepted, 3% were rejected, 2% were dismissed, while 8% of the proposals were withdrawn. Such statistics shows a positive tendency of acceptance of the proposals, which is especially important in the area of protection of victims. However, there are still cases of withdrawal of the proposals by the victims, which can depend on many factors, including the delay of the proceedings and dealing with the perpetrator, non-sensitized approach to the victim by the judge, fear of the perpetrator.

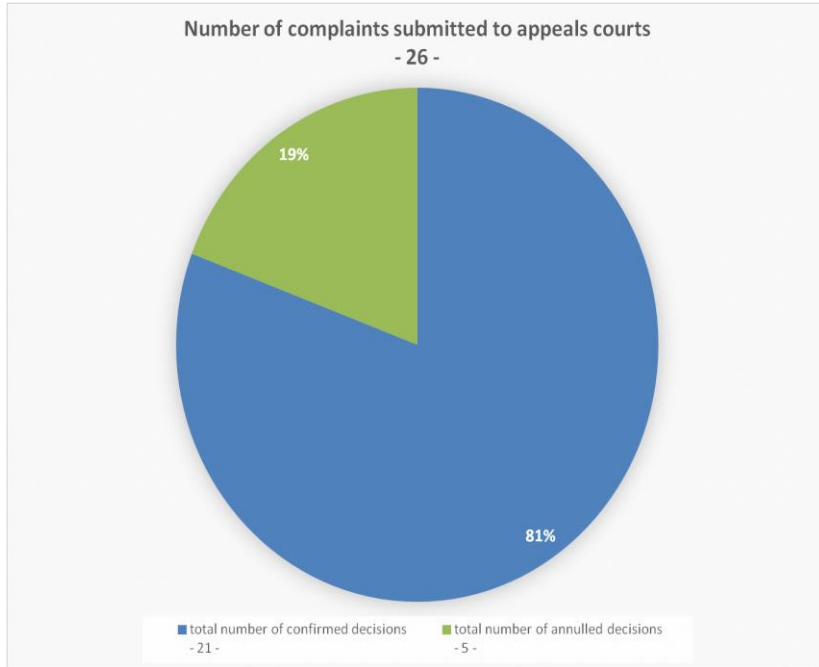


The long duration of the proceedings for imposing temporary measures of protection against domestic violence adversely affect the protection of the victim, due to the fact that the Law prescribes short deadlines for action by the courts in these proceedings. According to the data obtained from the courts on 238 positive decisions, it can be concluded that the percentage of judges who act outside the legal deadlines is higher than those who respect the deadlines. Particularly worrying is the data on the existence of proceedings with the duration of more than 30 days, i.e. 7% of the proceedings lasted up to three months, 5% up to six months, and there is one example with the duration of one year.

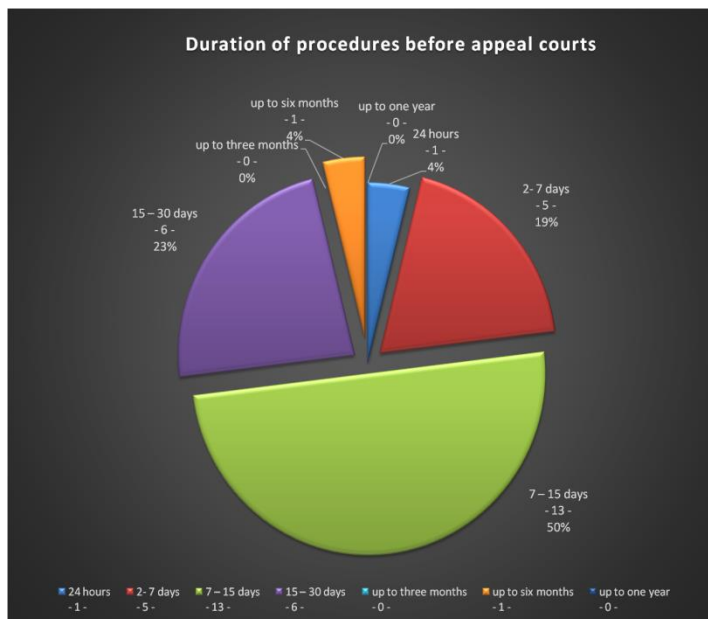




The discontented party may lodge an appeal against the adopted decisions, and if it is submitted it does not stop the enforcement of the temporary measure, if it has been pronounced. According to data obtained from the appellate courts, the right to appeal against the first-instance decisions has been used only in 26 cases, of which 81% of first-instance decisions were confirmed, and 19% of decisions have been abolished. Given the fact that in most of the first-instance proceedings, the court ordered temporary measures of protection against domestic violence, the small number of appeals suggests that the perpetrators do not complain upon the adopted decisions. This situation may be affected by several reasons, including legal costs, lack of information about the consequences of a breach of the temporary measure, whether the perpetrator has been informed on the possibility to appeal, especially in cases where a measure of mandatory treatment has been imposed and the perpetrator has been placed in a psychiatric hospital.



*Although the Law does not prescribe a deadline in which the second-instance courts must decide on submitted appeal, from the obtained data it can be concluded that the second-instance courts decide urgently in these proceedings. In 73% the appellate courts decided within seven days, in 23% within 30 days, while one proceeding lasted six months.*



Regarding the enforcement of temporary protection measures the victims in general are not satisfied, which is also confirmed by NGOs. The greatest dissatisfaction is expressed towards MOI due to the lack of appropriate responses in cases of violation of the interim measures. The absence of an effective system for monitoring the implementation of the interim measures could also be a reason for further non-use of this mechanism of protection, whose one of the goals is to prevent future violence against victims. In addition, inefficiencies in implementing the measures could be one reason for the low number of appeals against the decisions that impose provisional measures of protection.

## General conclusions:

- The adoption of the Law set a legal basis which was to ensure effective protection against domestic violence. One of the positive changes is the inclusion of the temporary measure of protection against domestic violence – removal of the perpetrator from the home. However, there is absence of a substantial change in the protection system, the services for victims and cooperation and coordination remained the same as in the previous years and did not contribute to the effective implementation of the Law, nor to the temporary measures for protection from domestic violence.
- Although the Law prescribes that the institutions and the competent court should establish separate records of domestic violence, in accordance with the regulations on protection of personal data, however, there has not been yet established a unified data collection system to monitor trends and incidents of domestic violence. The already established IT monitoring software system for social services "Lirikus" (application and database for social services in the centers for social work and social protection institutions) has not been regularly updated by the employees in the CSW, and therefore it cannot provide accurate data on the number of victims and the services provided to victims. In addition, the data from the "Lirikus" database does not include the cases reported in the associations of citizens, and they are not available to citizens' associations working in the field of domestic violence.
- According to the presented data and the opinions expressed by women victims of domestic violence, the principle of urgency in the work of the institutions in cases of violence in general is not being respected. The ineffective protection of women victims leads to severe consequences on the life, often with fatal outcome. This is proved by the increased number of cases of femicides (killing of women) in the period from 1.1.2015 until the present date.
- There is a lack of information about the rights, the protection measures and the procedures for exercising these rights, as well as about the available services for assistance and protection of victims of domestic violence.
- The right to companion is generally respected in all institutions, including the judicial proceedings for imposing temporary measures for protection of victims of domestic violence.

- National Strategy for Prevention and Protection against Domestic Violence, for a period of five years, pursuant to Article 15 of the Law, has not been adopted. The last Strategy covered the period from 2012 to 2015 and was adopted before the Law.
- The functioning of the National Coordination Body against domestic violence is facing severe obstacles in its operation due to the legal requirement that the body is chaired by the Minister of Labor and Social Policy. This particularly affects the accomplishment of the purposes of the Law, in particular the coordination of the institutions and their cooperation in the fight against domestic violence.
- Until now no report has been prepared by the state for the implementation of the Law and the effects that were to be achieved in the improvement of the protection of victims of domestic violence. According to the Protocol on cooperation between the relevant institutions and associations for the protection and prevention of domestic violence, the annual report on the work and proceedings in cases related to domestic violence in the previous year should be prepared by the National Coordination Body. Taking into consideration that this body has not been formally established, such a report cannot be expected for 2015.
- The lack of a national strategy for prevention and protection from domestic violence particularly affects the implementation of preventive measures under Article 17 of the Law. In this reporting period, the state has not conducted a campaign to raise the awareness and the understanding of the general public to recognize the consequences of domestic violence. Such campaigns are implemented by national and international organizations, especially in the period from November 25 - International Day for the Elimination of Violence against Women - to 10 December - International Human Rights Day.
- In relation to the protection measures to be undertaken by the competent CSW, the general conclusion is that the employees do not have the capacities for their effective implementation, and women still feel discriminated and judged by the staff at the centers.
- The system of measures to provide protection to the victims does not function on several levels, especially due to:
  - the insufficient number of centers for accommodation of victims of domestic violence and poor accommodation facilities;

- the limited access to health care, particularly for unemployed women who have health insurance through their spouse in cases where he is the perpetrator;
  - the limited facilities for psychosocial intervention and treatment, resulting in victims mostly receiving this service from citizens' associations;
  - the inadequate legal assistance and insufficient information to victims about their rights, resulting in victims mostly receiving this service from citizens' associations;
  - the inaccessibility to existing services and services, especially for women from rural areas.
- There is no uniformity in the conduct of the police officers in cases of domestic violence. Although in general the obligation to go to the scene in cases of domestic violence is respected, however, most of these cases end up as complaints without criminal proceedings being initiated or submitting proposal to impose interim measure of protection - removing the perpetrator from the home and restraining order. In this regard, it can be stated that the Rulebook for assessment of the risk on the life and physical integrity of the victim of domestic violence and the risk of repetition of violence, adequate risk management, the form of the police report and the proposal for imposing a temporary protection measure and removal of the perpetrator from the home and restraining order are not respected.
  - Police officers rarely inform the victim about their rights and what measures can be taken for their protection. This is due to the lack of a system for protection of victims' rights in the broadest sense, but also the lack of awareness of police about the current system for protection of victims.
  - The nonsensitiveness on acting in cases of domestic violence of part of the police officers is due to the lack of training for new police officers, employed in the period from 2012 to 2014.
  - The legal provision for exemption from payment of costs for medical service and documentation for victims of domestic violence is not being respected. For this provision there is a general lack of information and health services are charged by healthcare providers.
  - The existing shelters for women victims of violence (Skopje, Bitola, Sveti Nikole and Kochani), which are property of the state, and the two

intervention shelters run by NGOs, do not meet the needs for accommodation of women victims of domestic violence, given the fact the total capacity of the six shelters is 30 beds. Such conditions do not meet the minimum standards and requirements for effective protection and assistance to victims of this type of violence. In this regard, it can be concluded that the standards laid down in the Rulebook on norms and standards for establishment and commencement of work of institutions for social protection – center for victims of domestic violence adopted in 2007, are not being respected.

- The procedure for exercising the right to free legal aid cannot be considered effective, which affects the access to justice for women victims of domestic violence. The legal deadlines for adopting a decision upon request for free legal assistance are not being respected and the procedure takes 30 to 60 days. In addition, victims must bring a confirmation that they have been reported and identified as victims of domestic violence in the Ministry of Interior and the Center for Social Work, which is restrictive and disturbing practice for the victims who do not want to report the case in the institutions.
- The number of proposals for issuing temporary measures for protection from domestic violence is still low compared to the number of registered victims of domestic violence in MLSP and MOI. This situation is affected by several factors, especially the lack of information to the victims that they themselves may submit a proposal to the court, failure to submit proposals by the centers for social work and the police officers, limited access to justice for victims due to the payment of court fee to initiate proceedings for imposing sanctions.
- The timeframe of 24 hours for court decision in cases where a proposal for imposing a temporary measure is submitted by the Ministry of Interior and seven days when the proposal is submitted by the victim or the Centre for Social Work contribute to respect of the principle of urgency of the procedure. However, there is still a large percentage of cases where these deadlines are surpassed, affecting the efficiency in protecting the victim.
- The Law does not specify a deadline for deciding of the second-instance courts on appeals against the decisions of first-instance courts for temporary measures. According to information received by the appellate courts, most of the proceedings upon appeal end in one month, which is a positive practice.

- There is a general dissatisfaction among the victims of the execution of temporary protection measures due to the breach of the measures by the perpetrators and their non-sanctioning.
- There is a general lack of information from the institutions and the courts about the possibility of protection from domestic violence perpetrated by current or former partner with whom the victim has not lived (close personal relations are personal relations between persons who are or were in partner relations).
- Particularly disturbing is the legal possibility for misdemeanor sanction for citizens who fail to report knowledge of domestic violence. In Article 12 the citizens are imposed the duty to report knowledge of domestic violence to institutions or civil society organizations. This provision does not comply with the Law on Criminal Procedure, which does not impose an obligation to the citizens to report crimes, leaving the possibility to the citizens to report a crime.
- The signing of the Council of Europe Convention or Istanbul Convention by Republic of Macedonia in 2011 was a step forward in expressing the political will for a real fight against violence against women, including domestic violence. However, five years after the date of signing this Convention has not been ratified. This leads to the conclusion that the state is not yet prepared to make appropriate changes to implement the standards set out in the Convention in the prevention and protection of women victims of gender-based violence, including domestic violence.



## **General recommendations:**

1. Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence

2. Prevention

- Raising public awareness of the various forms of violence against women, especially domestic violence, and the stereotypes and justifications that are based on culture, customs, religion and make violence against women acceptable, with campaigns supported by the state.
- Cooperation with NGOs, the media and the private sector to promote zero tolerance for domestic violence against women.
- Opening counseling centers for perpetrators of domestic violence available in several municipalities.
- Updating the curricula at all levels of education (with content such as: equality between women and men, non-stereotypical gender roles, mutual respect, gender-based violence, and the right to personal integrity).
- Training of professionals (design and implementation of training programs for competent professionals working with victims or perpetrators to detect and prevent such violence, to prevent secondary victimization and promote equality between women and men).
- Training of police officers in order to sensitize them in dealing with women victims of domestic violence and understanding of the problem.

3. Integrated policies and data collection

- Taking measures to adopt and implement effective, comprehensive and coordinated policies concerning combating and prevention of domestic violence. Commitment to allocate financial and human resources to properly implement the programs and policies, including financing of NGOs working on this issue.
- Improving the system for collecting data on victims of domestic violence through systematic collection of disaggregated statistical data in different sectors and keeping statistical records of domestic violence disaggregated by relevant indicators, in particular gender of the perpetrator and the victim, place of execution, relation between perpetrator and victim, prior imposed interim protection measures, type of violence, type of injury, sick

leave and absence from work, type of obtained service, duration of the service.

- The system of data collection must include data from citizens' associations and be available to citizens' associations.
- Urgent adoption of the National Strategy for Prevention and Protection against Domestic Violence, whose preparation will include citizens' associations working in this area.

#### 4. Protection and support services

- Ensuring sustainability of services by developing a program of support by the state and defining a system for their financing by the state in partnership with local governments and citizens' associations working in this area.
- Specialized support for victims of domestic violence in the form of medical, psychological assistance and legal counseling, placing the needs and safety of the victim as a priority in the proceedings, as well as availability of shelters and free help-lines.
- Opening specialized shelters for women victims of violence, available in each region, with one place per 10,000 inhabitants; or if the shelters are part of a social intervention strategy, there should be room for one family per 10,000 women.
- A minimum of one free national SOS help-line, operational 24 hours 7 days, with support in all languages used in the community.
- Crisis centers for assistance to victims of rape, at least one per 200,000 women.
- Centers for victims of sexual violence, at least one per 400,000 women.
- Strengthening the capacities of the CSW through employment of new professionals who would act in cases of domestic violence. Adequate training of all employees in the CSW for dealing with women victims of violence.
- Existence of a code in healthcare electronic system through which victims of domestic violence will be released from paying any compensation for the health service.

## **Specific recommendations for improvement of the legal framework**

- Defining domestic violence as gender-based violence and recognition of girls and women as a particularly vulnerable group to gender-based violence.
- Defining intimate partnership violence and the measures to protect victims and punish perpetrators.
- Legal establishment of the existence of a special register of citizens' associations that provide services to victims of domestic violence.
- Deletion of Article 12 which impose obligation on citizens to report domestic violence.
- Change of Chairman of the National Coordination Body.
- Existence of deputies of each member of the National Coordination Body, including the Chairman, to guarantee its continuous functioning.
- The accommodation of women victims of domestic violence should not be limited only in cases where there is a serious threat to the life of the victim and psycho-social support in centers should be mandatory service to be made available to victims.
- More active involvement of the municipalities in the fight against domestic violence by opening counseling and accommodation centers for women victims of violence.
- Specialization of services for the citizens' associations for providing legal aid and direct support from the state for their services, without the requirement to be registered association of citizens under the Law on Free Legal Aid.
- Associations of citizens to obtain legal basis to issue confirmations to women victims of domestic violence that they reported the case in order to be able to exercise their rights.
- Transferring part of the competences from the CSW in the area of protection measures to citizens' associations which will be financially supported by the state.
- Establishment of legal deadlines within which second-instance courts must act upon an appeal against a decision of first-instance court in the procedures for issuing temporary measures for protection from domestic violence.

- Existence of special fund for financial support to women for payment of court fees in the event of submitting a proposal to impose temporary protection measures, or exemption from legal fees in cases to initiate such proceedings.
- Removal of misdemeanor sanctions for not reporting domestic violence by a citizen and reduce misdemeanor penalties for perpetrators, citizens' associations and authorities and officials who act in cases of domestic violence.

#### Black numbers

During the period from 2001 to August 2016 32 femicides (killing of women because they are women) were registered. 15 of these killings happened in the period from 2013 to 2016<sup>31</sup>.

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<sup>31</sup> The data are given according to unofficial statistics for femicides, run by NGOs, due to the absence of an adequate system of registering of femicides by the state.

## Annex

### **CASE STUDY 1**

J.S. together with her children is victim of domestic violence by her husband, to whom she has been married for 19 years. They have three children, two daughters (19 and 13 years old) and one son (16 years old). The family lives in a family house in one of Skopje neighborhoods. Their basic income is provided with temporary work engagements. The husband is farming his own land and breeds livestock in the countryside, at the estate of his father, who is deceased. The family house where the whole family lives is also on his father's name. Legal inheritor of the two properties is his mother, who lives in a village and who is also a victim of violence by her son.

The violence against J.S. first occurred at the begging of their life together, and it intensified from 2012 when the husband started drinking more and, usually drunk, performed sexual, psychological, physical and economic violence against his wife. The violence was most frequently manifested by using insulting and abusive words towards his wife, humiliation, expulsion from the house, prohibition to work and leave the house, breaking objects in the house, physical threats with a knife or other objects etc. The children almost always witnessed the violent behavior, and sometimes he would lock them in a room and not let them out.

About the violence J.S. first notified the non-governmental organization "Hope" through the SOS help-line for victims of domestic violence. There she was advised to report the violence in the Intermunicipal Center for Social Work-Skopje and, if needed, to ask for accommodation in a shelter because they were only able to offer crisis accommodation of 24 hours. The victim was accommodated in the crisis center "Hope" several times, together with the youngest daughter, because the older daughter and son refused to leave their home. J.S. went to CSW-Skopje where at first she just gave a statement and report was prepared without taking any concrete measures. The officials at CSW said that they were not able to do anything because she did not have any visible injuries, even though when she reported the violence for the first time she had a bruise on her eye. They advised her to call the police when she would experience violence, because the police are obliged to apprehend him.

According to the statements of the victim, the police was called many times, but the officials of MOI would say that they could not do anything because they could only apprehend him if there was a physical assault, however even in

cases of physical assault many times they were not able to apprehend him because they did not have any free prison cells. Even though there were visible traces of violence (broken objects in the house, the children visibly upset etc.) they did not do anything. In such cases they would only warn the perpetrator, and they would advise the victim to leave the house with the children to be safe. Sometimes the policemen would take the perpetrator only for a couple of hours, letting him go early in the morning. Several times, after calling the police, the perpetrator would run away from the house, so when the police officers would arrive at the scene they would say that it is not their duty to search for the perpetrator.

Main reason for the inaction of the police, according to the victim, was the friendly behavior of the police officers towards the perpetrator because he knew some of them. Once the perpetrator realized that the police did not react, the violence intensified.

In October 2012, at J.S.'s workplace, the husband, intoxicated, repeatedly hit J.S. in the head causing her injuries on the head and the face and concussion. The same day, J.S. by herself went to the University Clinic for Surgical Diseases where she was admitted for medication and released the following day. With the discharge letter from the hospital, she went to the Police Station in Avtokomanda, but she was offered no protection and again she was told to call when she would have a problem. Then she called Crisis Center "Hope" where they advised her to report the violence in CWS-Skopje. For that criminal offence, Basic Court Skopje 1 – Skopje, on proposal of Public Prosecution, after almost two years, in July 2014, pronounced the perpetrator alternative measure of conditional sentence of imprisonment of 3 months, which will not be executed if the defendant for a period of 2 years does not commit a new criminal offense. For the same offense, on the proposal of CSW-Skopje, the Court pronounced the perpetrator the following interim protection measures:

- prohibition of threatening to commit domestic violence against the spouse and the children;
- prohibition on harassing and disturbing;
- prohibition to make calls on the mobile phone of his wife;
- order for compulsory treatment for alcoholism in the Psychiatric Hospital.

The perpetrator did not comply with the provisional measures and did not appear to compulsory treatment, after which the violence continued. Whenever there were new episodes of violence, the family would call the police and would

show the measures pronounced by the court to the police officers, and the police officers would claim that the breach of the measures was not that serious so that they would be able to lock him up, or that there should be court order to apprehend him. They would advise them to go to the CSW, and in the CSW the officials would say that the police are obliged to apprehend him when violence occurs.

In June 2013, after previous argument, J.S.'s husband reached for the kitchen knife with the intention to kill her, but she managed to escape to the neighbors. The perpetrator was detained overnight in the police station in Kisela Voda. After less than two months, the Department of Juvenile Delinquency and Domestic Violence of SIA Skopje sent a notice on the event to CSW-Skopje in order to act and issue expert opinion. On the proposal of CSW-Skopje, Basic Court Skopje 1 – Skopje, in October 2013, imposed the following temporary protection measures to the perpetrator with the duration of one year:

- prohibition of threatening to commit domestic violence against the spouse;
- prohibition on harassing and disturbing the spouse;
- order for compulsory treatment for alcoholism in the Psychiatric Hospital – Skopje.

CSW-Skopje in February 2014 sent a notice to the Public Prosecutor's Office that the provisional measures were violated since he did not report for treatment. The Public Prosecutor's Office in February 2014 rejected the criminal complaint filed by MOI SIA-Skopje because the wife has dropped the prosecution proposal.

Considering the fact that the violence did not stop, J.S. during 2014 continued to report the violence in the Crisis Center "Hope" and the CSW-Skopje with a request to find a way to implement the measures. The oldest daughter also reported the violence in CSW-Skopje asking all the competent authorities to take action. According to the statements of the victim, CSW-Skopje only once visited the family home, and it was immediately after the triple murder in Kavadarci. In her opinion, it was only then that the officials from CSW seriously took their case.

In November 2014 the perpetrator threatened to kill his wife with an axe, but his mother, who was present in the room, prevented his intention. J.S. managed to escape through the window and called the police from the neighbors' house. The police did not come, after which the victim called Crisis Center "Hope" and they called the police, which promptly came and apprehended the perpetrator. Since

then, whenever there were incidents the family called Crisis Center "Hope" because the police reacted faster to their calls. About this event SIA-Skopje sent a notice to CSW-Skopje to present the event to them and take actions. After less than a month, CSW-Skopje prepared opinion and proposed to re-impose the same interim protection measures to protect J.S. and her minor children.

Towards the end of 2015 and early 2016 violence by the husband occurred again. CSW-Skopje directed the family to the Police Station Avtokomanda and offered them to be accommodated in a shelter, but the victim refused because the children did not want to leave the home. The family directly approached the Crisis Center "Hope" and they called the responsible person for the case at the CSW-Skopje with a request to report to the Chief of the Department of Domestic Violence requiring that the criminal charges are reintroduced to the Public Prosecutor because the offender repeatedly breached the interim measures of protection. After that intervention a proposal was submitted to the PPO, and J.S. was called to the PPO accompanied by the responsible person for the case from the CSW.

In February 2016, the victim with the youngest daughter was sheltered one night at the Crisis Center "Hope". She refused to call the police because they have not done anything, but with her approval, the responsible persons of "Hope" contacted the inspectors from SIA-Skopje and sent a notification to CSW-Skopje. This time, the case in CSW-Skopje was taken by another official and according to the statements of the victim, since then the things started to move in the desired direction, only then CSW took concrete measures for the perpetrator to have psychiatric treatment in Bardovci. Namely, the official from CSW sent a J.S. to report to the Inspector at the Police Station - Prolekje, which immediately turned to the Public Prosecution. PPO sent a letter to the Basic Court where they stated that they would call the offender. Meanwhile, the perpetrator once more committed violence, and the family called the police again. While the police arrived, the victim went to the doctor to get referral for her husband for treatment of alcoholism in the Psychiatric Clinic in Bardovci. When the police arrived in the evening, using the referral from the doctor, called an ambulance with whom the offender was taken to Bardovci. After a few days the Court summoned the wife and the daughter to make statements, after which the Court established the measure of compulsory treatment for alcoholism with duration of one year, and at the request of the wife, withdrew the prison sentence of three months.



General conclusion that can be drawn from this case is that the competent institutions (SIA-Skopje and CSW-Skopje) on several occasions dealt with the report of domestic violence inappropriately and incompletely, especially the reports came from the victim herself, not from Crisis Center "Hope". The police repeatedly only warned the offender, without taking other concrete measures to protect the family. The perpetrator has not complied with the imposed measures, and CSW-Skopje only acted to inform SIA-Skopje. It is noticeable that after the intervention of Crisis Center "Hope", the reaction of the two institutions was always more diligent.

## CASE STUDY 2

H.M. is victim of domestic violence by her former partner, with whom she had a relationship of almost 3 years. After the relationship ended, the former partner for a longer period exerted physical and psychological torture over H.M. The violence was manifested by sending threats through text messages and through the social network "Facebook" and by daily following and stalking of H.M. outside her home and her workplace. The perpetrator threatened not only to H.M.'s life, but also to her family and her partner, so that he was stalking them in the late evening hours, verbally abusing them with threats and insults. Moreover, the perpetrator several times scratched the front door of the house of the victim with a knife, for which there is evidence - video footage from a camera placed privately by the family of the victim. H.M. and her family reported these disturbances several times to the Police Station – Karposh, for which only two cases were recorded.

In June 2015, serious threat to the life and body of H.M. occurred. Namely, the perpetrator had come to H.M.'s workplace waiting for her to get out on her break, and when she came out, he called her for a talk. During the conversation he pulled out a knife and began threatening her on her life and her current partner's life. The victim, in the presence of witnesses, called the police, after which the perpetrator walked away from the scene. Police team from SIA Centar-Skopje and members of unit "Alfa" arrived after 20 minutes, compiled an official note, records, and took statements from the victim and her colleague who had witnessed the event. Besides coming to the scene, the police officers did not take any other action, and the case was closed as a complaint. H.M. found this out after she visited SIA Centar-Skopje independently to inquire about the case. H.M. was not even given the number under which the case was registered. In this case, the police officers did not act in accordance with the law; they did not compile a record of the charge, did not take appropriate actions, did not gather information and evidence, and did not compile criminal charges case to forward to the Public Prosecution. This indicates unprofessional behavior of police officers, especially since they had knowledge that the perpetrator had been previously reported by the victim and had previously been legally convicted, and furthermore, he continually threatened the victim and her partner, for which there are reports to the police and evidence. The charges refer to serious offenses such as: attempted breaking in the apartment, threats to life, damaging items and so on.

Due to the unlawful actions by police officers, the victim filed criminal charges to the Public Prosecutor's Office – Skopje, after which PPO Skopje, in September 2015, submitted an indictment against the defendant for committed criminal act, threatening with a dangerous weapon during a fight or quarrel. In October 2015, Basic Court Skopje 1 – Skopje adopted the verdict with which the defendant was found guilty and sentenced to imprisonment for a period of 4 months.

In spite of the pronounced sentence against the perpetrator, he did not stop with the harassment and the threats to the victim and the persons close to her. In February 2016, the perpetrator again stalked H.M. waiting for her near the building in which she lives, and when he saw her returning home, he started running after her. After this, H.M. and her family reported the case to Police Station - Aerodrom, after which the police officers were able to locate the perpetrator and filed a misdemeanor charge of disturbing the public order and peace. In March 2016, H.M. independently submitted a proposal for issuing temporary measures for protection from domestic violence to the Basic Court Skopje 2 - Skopje, after which the Court pronounced the following temporary protection measures to the perpetrator: prohibition to threat of committing domestic violence; prohibition of harassing, disturbing, telephoning, contacting or otherwise communicating with the victim or members of her family; prohibition to approach her residence and workplace at less than 100 m.

This case points to the inadequate response of the police officers who, despite reasonable doubts about the existence of several criminal offenses, did not act in accordance with the Law on Criminal Procedure nor with the Law on Prevention and Protection against Domestic Violence, given that the perpetrator is former boyfriend of the victim. Thus they directly put at risk the lives of H.M., her partner and later husband, and her family, for a longer period of time allowing them to live in fear of the constant threats and harassment by the perpetrator of domestic violence.

### CASE STUDY 3

S.S. is victim of domestic violence by her partner, with whom she had a relationship of 15 months. According to S.S.'s statements, from the very beginning of their relationship she was physically, mentally and sexually abused by her partner, but she did not report the violence anywhere because she feared for her life and the life of her family, due to the fact that her partner is a member of the Army of the Republic Macedonia and has official weapon. In one instance, S.S. was forced to have an abortion by her partner.

S.S. reported the violence for the first time in December 2015, when after a verbal altercation in a restaurant in Strumica, the perpetrator took her out of the restaurant and began hitting her with fists and kicks to the head and body. After this, the two were taken to the police station in Strumica where, after a short conversation, the perpetrator was released, and the victim was retained in the police station for 8 hours. The victim was not informed about her rights by the police officers, she was not allowed to make a phone call, and she was not told that she has the right to a defense lawyer. After 8 hours in the police station, S.S. alone took the bus to her hometown Shtip. The same day, S.S. called the duty station of Emergency Medical Unit in Shtip and reported injuries inflicted by perpetrator. According to the medical report of the Emergency Unit, bodily injuries were determined, and the patient was referred to the departments of Orthopedics and Psychiatry at the Clinical Hospital - Shtip. The Department of Orthopedics determined superficial injuries and hematoma, while the Department of Psychiatry determined reactive anxiety-depression after a stressful situation.

After all the examinations, S.S. reported the domestic violence in the police station in Shtip. There she talked with a police officer who told her that they would call the perpetrator for a conversation and warning. She was not satisfied with the reaction of the official, and reported the violence again in the police station in Shtip after two days. This time she talked to the police inspector for domestic violence, who acted in accordance with the competences and instructed the victim to go to the hospital and document the injuries. Record of receiving a report for criminal act bodily injury while performing family violence was prepared by the officials.

After reporting the violence to the police station in Shtip, S.S. called the Intermunicipal Center for Social Work - Shtip to report domestic violence. Upon admission, the official employed at the Centre was not sure how to fill in the

report of domestic violence and after consultation with the colleagues she sent the client to them. Upon admission by the other officials at the Centre, S.S. was first asked whether the potential perpetrator of domestic violence is a family member or spouse. After S.S. told them that it is neither the former nor for the other, the officials told her that she cannot report the case since it is not a matter of domestic violence. It did not help when S.S. told them that the case had already been reported to the police and there it had been registered as inflicting bodily injury while performing domestic violence.

In January 2016, S.S. independently submitted a request for pronouncing temporary protection measures to the Basic Court in Shtip, in accordance with the Law on Prevention, Combating and Protection from Domestic Violence. The Basic Court in Shtip rejected the proposal for issuing temporary protection measures against domestic violence, considering that there is no danger to the physical integrity and safety and health of the proposing party, as a victim, therefore in this case the legal requirements stipulated in the Law on Prevention, Combating and Protection from Domestic Violence have not been met. Following an appeal to the Appellate Court - Shtip against the decision of the Basic Court in Shtip, the Appellate Court refused the appeal as unfounded.

Inconsistencies in the acting of several institutions can be ascertained in this case. First are the officials from the police station in Strumica, although the victim was detained for disturbing public order and peace, they did not inform her about her rights, did not allow a phone call, and did not offer medical assistance.

The officials of the Intermunicipal Center for Social Work - Shtip did not recognize the case as domestic violence and acted contrary to the provisions of the Law on Prevention and Protection against Domestic Violence.

Furthermore, the Basic Court – Shtip, rejecting the proposal for issuing temporary protection measures, as the sole reason for the rejection of the proposal reported the statements of the witnesses heard during the procedure, without taking into account the material evidence submitted with the proposal, which could have proven that domestic violence was committed against the proposer of the measures. Most surprising is the fact that the first-instance court did not take into consideration the Report of the Ministry of Interior SIA-Shtip where the Ministry acted in accordance with the Law on Prevention and Protection from Domestic Violence and found that against the proposer was committed domestic violence.

National Network to End Violence against Women and Domestic Violence was formed in 2010, by 20 civil society organizations working in the field of prevention and dealing with the issue of violence against women and domestic violence. The current number of member organizations of the Network is 27.

The **mission** of the Network is coordinated actions of civil society organizations in order to improve the policies and practices for dealing with the issue of violence against women and domestic violence. The Network strives to recognize women's human rights and their affirmation in the Republic of Macedonia.

The **vision** is to create a society free of violence where women would be able to fully realize their potentials and ability to create a society of equal opportunities.

**Contact:**

National Network to End Violence against Women and Domestic Violence

VOICE AGAINST VIOLENCE

Str. Hristo Smirnenski 16/a, 1000 Skopje

Tel. +389 70 376 324

e-mail: [coordinator@glasprotivnasilstvo.org.mk](mailto:coordinator@glasprotivnasilstvo.org.mk)

webpage: [www.glasprotivnasilstvo.org.mk](http://www.glasprotivnasilstvo.org.mk)