



# **Gender aspect and Victims of Gender Based and Domestic Violence in the Law on Social Protection of the Republic of North Macedonia**

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## INTRODUCTION

The Republic of North Macedonia is a social state pursuant to the basic provisions of the Constitution of RNM<sup>1</sup> Article 1: *“The Republic of Macedonia is a sovereign, independent, democratic and social state. The sovereignty of the Republic of Macedonia is indivisible, inalienable and nontransferable.”* Social justice and solidarity are one of the fundamental values of the constitutional order of RNM which need to be respected in the processes of adopting new legislation. Further, the Constitution stipulates the obligation of the Republic to guarantee social security to its citizens: *“The Republic provides for the social protection and social security of citizens in accordance with the principle of social justice<sup>2</sup>”*. Social justice is an important segment of the Constitution which points to the obligations of the state to provide social justice, solidarity and security to its citizens. The Constitution clearly stipulates the responsibilities of the State to its citizens including social protection of the most marginalized social groups. According to the constitutional provisions which serve as basis for future laws, the state is obligated to provide social protection to its citizens.

In theory, the legal solutions that emerge from the Constitution aim at promoting equality, protection and solidarity of its citizens, but also at preventing and reducing social inequality. As regards social protection, the main legal solutions related to social protection and justice include - the Law on Social Protection (Official Gazette of RNM no. 104/2019)<sup>3</sup> as the primary law that regulates the social protection system and organization: users of social protection, rights to financial aid and social services, procedures for realizing rights and use of services, provision of social protection, staff, financing and supervision over the provision of social protection and other issues of importance to the provision of social protection. Other laws that cover this subject matter are: the Law on Family, the Law on Protection of Children and the Law on Social Security of the Elderly, which complement the Law on Social Protection and broaden the scope of the social protection provided by the state.

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<sup>1</sup><https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf>

<sup>2</sup> Article 34 of the Constitution of the Republic of North Macedonia of 1991. See - <https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf>

<sup>3</sup>[http://www.mtsp.gov.mk/content/pdf/zakoni/2019/28.5\\_zakon\\_SZ.pdf](http://www.mtsp.gov.mk/content/pdf/zakoni/2019/28.5_zakon_SZ.pdf)

Additionally, RNM is a signatory to a number of international covenants including the International Covenant on Economic, Social and Cultural rights which obligates the state to ensure equal rights to men and women in all spheres of the economic, social and cultural life. The Convention on the Elimination of All Forms of Discrimination against Women is based on the principle of equality and nondiscrimination and obligates the state to undertake all necessary legislative measures to ensure full development and advancement of women.

Regarding gender-based violence, the state has adopted the Law on Prevention and Protection from Domestic Violence, but it does not provide comprehensive protection of victims of domestic violence<sup>4</sup> and is not fully implemented by all relevant actors and protection mechanism. This Law does not take into account all forms of gender-based violence, which deprives many victims of social protection. Since the adoption of the Law on Prevention and Protection from Domestic Violence (01.01.2015), the competent parliamentary committee has held no supervisory debate regarding the monitoring of the implementation of this Law.

However, in December 2017, with the ratification of the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence, RNM showed its commitment to the prevention and tackling of gender-based violence. The obligations arising from the ratification of the Convention entail legislative changes which would provide victims in RNM with access to health and social services, and appropriate compensation by the state for those who have suffered serious bodily harm.

The National Network to End Violence against Women and Domestic Violence was part of the working group within the Ministry of Labor and Social Policy for preparing the National Action Plan on the implementation of the Istanbul Convention, adopted by the Government in October 2018, as well as the working group for preparing the new law on prevention and protection from all forms of gender-based violence. It is expected that this law reflects the provisions and obligations from the Istanbul Convention within a legal framework which will comprehensively take into account the various forms of gender-based violence, prescribe appropriate measures for prevention and protection from

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<sup>4</sup>National Network to End Violence against Women and Domestic Violence (2016). Report from the monitoring of the implementation of the Law on Prevention and Protection from Domestic Violence. See [http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/12/Monitoring-na-zakon-za-SN\\_final.pdf](http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/12/Monitoring-na-zakon-za-SN_final.pdf)

domestic and gender-based violence, but also for an extensive system of protection and support of the victims. The text of the Law on Prevention and Protection from Different Forms of Violence against Women and Domestic Violence is prepared and is waiting for adoption in a parliamentary procedure.

The aim of this document is to review the new Law on Social Protection, which entered into force in May 2019 and is a part of the social reform led by the Ministry of Labor and Social Policy. The analysis addresses the extent to which the Law takes into account women's need i.e. the extent to which the gender aspect is considered in the preparation of the legal provisions related to victims of domestic and gender-based violence (gender-sensitivity of the Law). Additionally, special focus is placed on the provisions of the Law which relate to victims of gender-based violence and domestic violence in terms of services for support, financial support, and other form of social support specifically designed for this target group.

## SOCIAL PROTECTION IN THE REPUBLIC OF NORTH MACEDONIA

In 1992, soon after the independence of the Republic of Macedonia, the first law that included segments related to the social system was the Law on Family<sup>5</sup>. The same year, the Program for Socially Marginalized Groups was introduced in order to reduce poverty of the most vulnerable families. According to the MLSP<sup>6</sup>, the allocation of cash contributions defied with the program in the transition period were not sufficient for a decent life, taking into account the changes the society was facing including the high unemployment rate, closure of production facilities, inflation, etc.

The first Law on Social Protection entered into force in 1997 and for the first time the social protection system was clearly prescribed. However, the Law does not take into account the victims of domestic and gender-based violence, nor does it contain provisions addressing any form of domestic violence.

Almost 20 years later, in 2009<sup>7</sup>, a new Law on Social Protection was prepared which regulated the system and organizations of social protection, the rights to social protection, financing and the procedures for realizing the rights to social protection. Compared to the law of 1997, this law regulated protection of victims of domestic violence in 9 articles, namely:

- Article 11 - This article covers the obligations of the City of Skopje and its municipalities in the provision of social protection for victims of domestic violence through non-institutional and institutional forms of social protection, housing and rising awareness of the population about the need for social protection according to the provisions of the law.
- Article 31 specifies the categories (including victims of domestic violence) that are entitled to non-institutional protection such as the daily centers and the centers for victims of gender-based violence.

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<sup>5</sup>Law on Family - "Official Gazette of the Republic of Macedonia" no. 80/92

<sup>6</sup>Social reform - Foundation phase. See [http://mtsp.gov.mk/fazi-ns\\_article-faza-na-osnovanje.nspix](http://mtsp.gov.mk/fazi-ns_article-faza-na-osnovanje.nspix)

<sup>7</sup>Закон за социјална заштита (2009). "Official Gazette of the Republic of Macedonia", no.79 of 24 June 2009. See [http://mtsp.gov.mk/WBStorage/Files/zakon\\_so\\_zastita\\_osnoven.pdf](http://mtsp.gov.mk/WBStorage/Files/zakon_so_zastita_osnoven.pdf)

- Article 32 relates to the right to housing in a foster family and specifies the categories of children eligible for placement in a foster family, including children victims of domestic violence.
- Article 43 defines the persons eligible for placement in a social protection institution, including children victims of domestic violence.
- Article 132 specifies the different typed of non-institutional centers for social care for vulnerable categories (including victims of domestic violence)
- Article 144 refers to the center for victims of domestic violence and the relevant information related to the center.
- Article 151 covers the Counseling Center which needs to provide psychosocial services and treatment of the different categories that use the Counseling Center, including victims of domestic violence.
- Articles 152 and 157 refer to the SCOs that can provide social protection services and undertake measures for protection of victims of domestic violence, in accordance with the Law on Family.
- Article 208 of the Law refers to the Center for Social Work (centers for social work) and defines the competences of the centers for social work regarding undertaking measures for protection and sheltering of victims of domestic violence in accordance with their authorizations arising from other regulations.

Although the law of 2009 takes into account the victims of domestic violence, it does not include provisions relating to financial support and comprehensive social support for victims of domestic violence.

A decade later, in 2018, taking into account the poverty rate<sup>8</sup> (22% in 2017), the Ministry of Labor and Social Policy started the social reform process based on the principles of equality and inclusion of all vulnerable categories. The aim of the new reform package was to enable greater financial stability of the most vulnerable categories by increasing the social assistance and introducing a minimum guaranteed income which would include child, education and energy allowance, the amount of which would be determined on a case-by-case basis depending on the social risk the household is in. According to the MLSP, the reform aims at relieving 30.000 households from poverty<sup>9</sup>.

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<sup>8</sup>Calculations of the Sate Statistical Office. The rate applies after allocation of social transfers. See - <http://www.stat.gov.mk/pdf/2018/4.1.18.112.pdf>

<sup>9</sup>Interview with Mila Carovska, Minister of Labor and Social Policy. See <https://faktor.mk/intervju-so-carovska-kreiravme-socijalna-reforma-za-drzava-bez-siromashni-deca>

This Law was prepared by the MLSP in consultations with all stakeholders and CSOs. The Law was initially prepared by the social department within the Ministry and submitted for wider consultations to CSOs for additional comments, remarks and recommendations.<sup>10</sup> Moreover, the Law was published on the Unique National Electronic Register (ENER). The package of laws on social protection was passed by the Assembly on 21 May 2019.

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<sup>10</sup>According to the information received from the Ministry of Labor and Social Policy and the information published on the official website of the Ministry- See [http://www.mtsp.gov.mk/maj-2019-ns\\_article-carovska-sobranieto-gi-izglasa-paketot-na-zakoni-za-socijalnata-reforma-isplatata-na-zgolementa-pomo.nsp](http://www.mtsp.gov.mk/maj-2019-ns_article-carovska-sobranieto-gi-izglasa-paketot-na-zakoni-za-socijalnata-reforma-isplatata-na-zgolementa-pomo.nsp)

## THE LAW ON SOCIAL PROTECTION AND DOMESTIC VIOLENCE

Guided by the Constitutional rights, the legislation in the field of social protection and the commitments of the state regarding the Istanbul Convention, it is expected that the new Law on Social Protection is gender sensitive in all of its aspects and contains special provisions with regard to victims of domestic and gender-based violence. The Law itself specifies that all *terms and expressions used in this Law are gender-neutral and refer to both males and females (Article 5)*. Having regard of the complexity of domestic violence, the multiple consequences on victims, their children, family units and society, the Law should ensure that victims of domestic violence receive social protection in terms of their economic status, institutional and non-institutional support and prevention from poverty and further deterioration into poverty.

Generally, the Law encompasses victims of domestic violence in several segments:

- **Article 32** specifies that the perpetrator's income and property shall not be taken into account in determining the amount of the minimum guaranteed financial aid to which a family member is entitled.
- **Article 62** specifies the amount of the one-time financial aid for victims of domestic violence, namely: up to 15.000 denars for urgent protection and sheltering of a person-victim of domestic violence and up to 12.000 denars for health care and medical treatment for a person-victim of domestic violence.
- **Article 66** regards the right to health care of a person-victim of domestic violence subject to a measure of protection in line with the regulations from the area of prevention and protection from domestic violence and human trafficking (victims of human trafficking).
- **Article 73** specifies the counseling services that include counseling work for the purpose of preventing, alleviating and overcoming the consequences from the social problems of individuals and families including psychosocial support for victims of domestic violence and psychosocial treatment for perpetrators of domestic violence.
- **Article 83** specifies the temporary sheltering which provides protection and expert help to persons in a crisis situation for the purpose of overcoming the situation with domestic violence and their social integration, including victims of domestic and gender-based violence. The service is provided for a period of three months, with a possibility of extension to additional three months, and in exceptional circumstances when the situation has not been overcome, for up to a year.



- **Article 90** refers to specialized sheltering which provides sheltered persons with general sheltering and support until their social problems have been overcome, and which is provided by caretakers who have undergone specialized training. Service users can also include children victims of domestic violence.
- **Article 92** relates to urgent sheltering which represents a short-term accommodation in a family of persons who require urgent protection until more appropriate forms of protection are identified, but no longer than 30 days. Users of this service can include children from conflict families and victims of violence.
- **Article 103** refers to the Center for Social Work which can accommodate a child in a dormitory or another institution, if the Center establishes that it is in the best interest of the child to continue his/her education. This category includes children victims of domestic violence.
- **Article 255** - Social protection institution maintains records of users i.e. persons who have realized a right or service in accordance with the law, including victims of domestic violence.

## GENERAL OVERVIEW OF THE PROVISIONS OF THE LAW

This part of the analysis provides a general overview of the provisions of the law related to victims of domestic and gender-based violence. The following part gives a broader analysis of the one-time financial aid as one of the key segments introduced with this law. The general overview refers exclusively to the provisions related to victims of domestic and gender-based violence, excluding children victims of these forms of violence due to the different psychosocial needs of women and children of domestic violence, respectively.

The first article related to domestic violence is Article 32 which sets the amount of the guaranteed minimum assistance for a member of a household and which stipulates that perpetrators of domestic violence are not eligible to the right of minimum assistance. This Article specifies that the income and property of registered perpetrators of domestic violence is not regarded as income of the applicant in determining the eligibility to and the amount of the minimum assistance in accordance to the Rules of Procedure. Moreover, the perpetrator of domestic violence is not considered a member of the household. The purpose of this Article is presumably to deter perpetrators from conducting domestic violence. According to some studies, 82%<sup>11</sup> of the victims of domestic violence in RNM are women, based on which this provision is gender-sensitive and aims at protecting women. Yet, this measure does not guarantee protection from domestic violence and if perpetrators are deprived from the guaranteed minimum assistance, then this may have a negative impact on the economic status of both the recipients of social assistance and the victims of domestic violence. This measure may be abused if the perpetrator and the victims continue to live together after temporary protective measures against domestic violence have been issued or a criminal proceeding has been effectively concluded. Namely, the victim may be forced to realize this right with the perpetrator as the end user. Another difficulty that might arise from this measure is the duration of the procedure for proving that a person is a perpetrator of violence, which is followed by the procedure for realizing the right to minimum guaranteed financial aid. It can therefore be concluded that this measure does not ensure the initial financial aid that a victim needs in order to decide to leave the violent partner. Research indicates<sup>12</sup> that the level of

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<sup>11</sup> Според студијата на Националната мрежа против насилство врз жените и семејно насилство “Предизвици за процена на трошоците од семејно насилство во Република Македонија” од 2016 година. Види [http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/06/Procena-na-trosoci.final\\_.pdf](http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2016/06/Procena-na-trosoci.final_.pdf)

<sup>12</sup>Evidenceandpolicyreview: Domesticviolenceandpoverty A ResearchReportfortheJosephRowntreeFoundationByEldinFahmy, EmmaWilliamsonandChristinaPantazis, University of Bristol School for Policy Studies. See - [https://research-information.bristol.ac.uk/files/128551400/JRF\\_DV\\_POVERTY\\_REPORT\\_FINAL\\_COPY\\_.pdf](https://research-information.bristol.ac.uk/files/128551400/JRF_DV_POVERTY_REPORT_FINAL_COPY_.pdf)

dissatisfaction related to poverty may additionally increase the risk of domestic violence, which makes this provision detrimental to women. This measure should under no circumstances replace the need of the state to invest in comprehensive services for perpetrators of violence. This means establishment of counseling centers for psychosocial treatment of perpetrators of domestic violence in all regions of the country. Article 73 covers this part and stipulates counseling services for the purpose of preventing, mitigating and overcoming the consequences of domestic violence such as psychosocial support for victims of domestic violence and psychosocial treatment of perpetrators of domestic violence. As regards the availability of this type of specialized support for victims which the state needs to provide regardless of whether they are accommodated in the centers for temporary sheltering or not, there are two counseling centers located in Skopje which provide psychotherapeutic support for victims of domestic violence and their children.

One of the centers also provides psychosocial treatment for perpetrators of domestic violence. According to the minimum standards of the Council of Europe, there should be one counseling center for every 50.000 women the services of which should include psychological support, legal counseling and informing about rights in accordance with the existing laws.

Regarding this measure, after a certain period of application of this provision, the MLSP should make an evaluation of the effectiveness of the measure in decreasing domestic violence in the category of persons-recipients of some of the rights from the Law on Social Protection.

Article 83 refers to the temporary sheltering of women victims of domestic violence and gender-based violence which provides protection and professional help for the purpose of social integration for a period of 3 months, in exceptional circumstances to 6 months, but no longer than a year. This Article is gender sensitive because it recognizes the importance of social integration of victims of domestic violence. Also, this Article is the only one that stipulates protection of victims of gender based violence. However, the prescribed duration of the accommodation of 3 months is not an appropriate time frame for support of victim in the reintegration process. The positive aspect is that the temporary accommodation allows for prolonging the accommodation to 6 months and, in exceptional circumstance, to a year, which indicates that the law recognizes victims as a heterogeneous group i.e. that not all victims will have the same circumstances and possibilities in a certain time period to be integrated in the society. As regards the temporary sheltering, it should be additionally regulated with internal guidelines related to the rights and obligations of the victims of domestic violence while they are

temporarily accommodated by the state. This is important in the context of their former employment, contacts with close family members, finances they would have at their disposal during their temporary accommodation, educational reintegration of underage children, if they have any, and the contacts with the other parent, with special precautionary measures if the other parent is also a perpetrator of domestic violence.

As regards the access to temporary sheltering for victims of domestic/gender-based violence, it is important to mention that the current situation with temporary sheltering - shelter centers, is a cause for concern. The total number of shelters in the country is 7, 4 of which are located in Skopje. The other 3 shelter centers are located outside of Skopje and are regional, but they do not cover the entire territory of RNM. One of the sheltering centers located in the City of Skopje is a crisis center which provides urgent sheltering of victims of domestic violence for a period of 24 to 48 hours. The time frame is appropriate for urgent sheltering until a more adequate longer term sheltering is found. Unfortunately, this type of centers is almost non-existent in other towns, which leaves victims of domestic violence from other towns in the country deprived of appropriate care and the capacity of the only crisis center which operates on the territory of the City of Skopje is not enough to serve all victims of violence in Skopje.

This is especially problematic because the legal provision is in favor of the victims of domestic violence, but the lack of accommodation capacities does not actually encourage victims to leave their homes. Victims coming from places that do not have shelters are forced to leave the place where they usually have social support and relocate to new places which might cause additional difficulties in terms of their support, logistics and social reintegration. Existing studies show that women in many instances remain with the perpetrator due to the lack of financial means<sup>13</sup> for survival - this means that even the women who have left their partner often return to the violent environment due to absence of financial sustainability

It is exceptionally important that the state urgently invests in sheltering centers for victims of domestic and gender-based violence, according to the recommendations from the Istanbul Convention for the minimum prescribed standards, namely one bed for every 10.000 citizens, which means that the state should open at least 20 shelters with a minimum of 8 beds per shelter<sup>14</sup>. These obligations arise from the Istanbul Convention and having ratified and adopted it the state should directly implement them in our legislative

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<sup>13</sup>IlzeSlabbert - DomesticViolenceandPoverty: SomeWomen'sExperiences<https://doi.org/10.1177/1049731516662321>

<sup>14</sup>Национална мрежа против насилство врз жените и семејно насилство (2016). Мапирање на достапните услуги за жени жртви на насилство во Република Македонија. Види [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)

system as a minimum standard for advancement of the rights of victims of domestic violence especially because in its provisions the law regulates the criteria for persons who are eligible to be sheltered in these centers.

Article 92 refers to urgent placement which is a service of short term fostering in a family of persons who require urgent protection, until appropriate forms of protection are found, but for no longer than 30 days. Users of this right may also be children from conflict families as well as victims of violence. This measure may be assessed as gender sensitive because it recognizes the urgency of protecting the victim from the perpetrator. It also gives victims a period of 30 days to find a place to stay and a solution to problems related to accommodation/employment, etc.

## ONE-TIME FINANCIAL AID – KEY PROVISION OF THE LAW ON SOCIAL PROTECTION

Just like the previous Law on Social Protection that was in effect from 2009 until the adoption of the new current law, it offers one-off financial aid of up to 15,000 denars for emergency protection and sheltering and up to 12,000 denars one-off financial aid to meet the needs of victims of domestic violence to exercise their right to health protection and medical treatment. This segment of the analysis gives special consideration to the one-off financial aid provided for in this law as one of the most important segments of the law related to the protection of victims of domestic violence.

Experience shows that victims of domestic violence base their decision to leave their home on their financial power and are presumed to depend heavily on the social protection system in terms of financial support. Therefore, the retention of the one-time financial aid specifically intended for victims of domestic violence is a positive aspect of the new law. However, one should not neglect the pronounced gender component of victims who would seek one-time financial aid. In cases where women decide to leave their home, they are usually accompanied by their minor children and this should be taken into account when defining the amount of the one-time financial aid. When determining the amount that will be approved for victims of domestic violence, it is necessary that several important issues are regulated with by-laws, and to consider each case individually. Namely, the basic term that should be introduced and recognized in the rulebooks is a woman victim of domestic violence. Furthermore, the amount of the one-time financial aid should not be fixed, but depend on the victim's current situation in terms of housing, employment, income on various grounds, number of children living with her, etc. The basic postulates that the Ministry of Labour and Social Policy will have to take into account when granting one-time financial aid are the following: **women are the main victims of domestic and gender-based violence, the economic situation of women in RNM, the amount of the consumption basket and the amount of the average monthly salary.** The individual approach of each applicant should be key, taking also into account the requirements and needs of the applicant for one-time financial aid.

Then, based on the information received, the amount to be approved aid should be determined. In addition, consultations with victims who have gone through the process of leaving the home and reintegration are key factors in determining the most appropriate amount of the one-time financial aid.

The unfavorable economic situation of women in the labor market - the female inactivity rate of 55.7% indicates that large percentage of women do not have financial power, that is, they are mostly financially dependent on their spouse or extramarital partner. In addition, domestic violence can lead to absenteeism and leaving work, which contributes to women's financial power. With regard to financial resources needed for relocation/reintegration, there are no specific calculations for our country regarding the amount of finances victim might need for a "new beginning". Still, given the monthly union basket which is 32,648 denars for June 2018, the one-time financial aid of up to 15,000 denars is not enough to cover even one month of victims who left their home. The average monthly salary in June 2018 was 24.203 denars.

The one-time financial aid is a positive aspect, but its amount needs to be better adapted to the victims' needs. For example, if the one-time financial aid is not sufficient to cover the necessary expenses of the victim, the decision of the victim to leave the violent environment may be delayed. Studies suggest that low-income or no-income women do not choose to leave the offender because of lack of financial sustainability<sup>15</sup>. In addition, the purpose of the Law on Social Protection is to help the most marginalized groups get out of poverty and to prevent widening of the poverty gap, and if the one-time financial aid is insufficient to initially assist the victim, this may affect the decision whether the victim will leave the perpetrator or, if she does, whether she will return to him. In this regard, the Ministry of Labour and Social Policy should have more options for granting one-time financial aid depending on the victim's income and financial power. The limited amounts of up to 15,000 or 12,000 are restrictive with respect to the individual approach. Determining the upper limit of the one-time financial aid is not appropriate in terms of social protection, justice and solidarity. One option is to determine the lowest amount of the one-time financial aid that would increase according to the needs of the victim of domestic violence.

If the victim does not have any income, the one-time aid should depend on how much the minimum guaranteed income together with the one-time aid will enable the victim to cover the basic costs in the first months after leaving the abuser in order to initiate the reintegration process until complete independence. Another negative aspect of

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<sup>15</sup>[Ilze Slabbert - Domestic Violence and Poverty: Some Women's Experiences](https://doi.org/10.1177/1049731516662321)  
<https://doi.org/10.1177/1049731516662321>

determining the maximum one-time aid is allowing the staff of the social work centres to decide what amount a victim will receive, which might lead to her receiving a much lower amount than the maximum set.

In terms of defining the one-time financial aid, it should be taken into consideration that on the territory of the Republic of North Macedonia there are a total of 7 shelters for victims of violence, 4 of which are in Skopje. Where the state has not provided shelter, victims should find private or alternative accommodation (family, friends, etc.). It is therefore particularly important that the state meet the needs of victims of domestic violence and that the one-time financial aid be commensurate with the initial costs of adjusting the lives of victims outside their normal place of residence.

For example, the one-time financial aid should calculate the minimum cost of starting an independent life or the one-time financial aid should cover at least one month of the total costs of the victims who have left their place of residence due to domestic violence (food, hygiene, wages, etc.). The one-time financial aid for the victims who remain financially dependent on the perpetrator should also be adequately tailored to their needs.

Given that there are no studies to estimate the costs the healthcare costs for victims of domestic violence, it cannot be ascertained whether the sum of up to 12,000 denars for providing emergency health care and medical treatment is sufficient to cover the costs of victims of domestic violence. However, several factors need to be considered regarding this amount. In 2019, in the Action Plan for Implementation of the Istanbul Convention, the Ministry of Health envisages 600,000<sup>16</sup> denars for exempting GBV victims of violence related health service fees and providing free check-ups for uninsured GBV victims.

If this measure was implemented in all health facilities on the territory of the Republic of North Macedonia, then it could be assumed that the amount of 12,000 denars for providing emergency health care can be assessed as appropriate. In any case, it should not be overlooked whether and to what extent health facilities will offer exemption and co-payment to GBV victims - whether the measure will be regulated or victims will still be required to participate. Furthermore, it is important for the Ministry of Health to continuously allocate sufficient resources to exempt victims of RBN from co-payment, to inspect (evaluate) whether health facilities are adhering to the implementation of this

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<sup>16</sup> Ministry of Health. Operational Health Plan for the Implementation of the activities of the Action Plan for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) 2018 -2023 for 2019.



measure (including consultations with victims who have used health services). In addition, it is unclear whether this amount will be allocated to all victims in need of urgent health care or only to victims whose health facilities do not offer co-payment exemption.

It is also unclear what level of health care it applies to (primary, secondary or tertiary) and whether it also includes women who are uninsured, i.e. have been insured through their spouses and are in a vacuum until they get their own insurance. It doesn't clearly ensure from the law for what type of health care services the one-time aid will be granted - the victim's physical health services or the victim's mental health services such as emergency sessions with a psychologist or psychiatrist or hospital treatment. It is also unclear for which category of victims of domestic violence this measure is envisaged, i.e. whether it can only be used by victims who are unemployed and/or in social risk, or is it available to all victims regardless of their financial situation. Therefore, there is a need for a precise definition of the criteria for realizing this type of aid.

## SOCIAL PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE – GOOD PRACTICES

The consequences of domestic violence on victims and their children are manifold. Starting from the physical consequences and the consequences on the mental health such as depression and anxiety, extending to the financial aspect and poverty, victims are faced with a series of challenges that they face long after they leave the perpetrator and the violent environment. Victims of domestic violence additionally face the risk of being killed by the perpetrator of the violence, i.e. of becoming a victim of a femicide.

Studies show an extremely high number of femicides in RNM in the period from 2008 to 2016<sup>17</sup>. It is therefore extremely important that the state establishes a comprehensive victim support system covering the social, health and financial aspects of victims of domestic and gender-based violence.

Examples of good practice are New Zealand and the Philippines where laws are introduced that grant victims 10 days' paid leave of absence, thus alleviating the circumstances of their partner leaving (planned and unplanned leaving) and seeking protection for them and their children. The introduction of such a provision reduces the risk of the victim losing her job due to absence, seeking unpaid leave when finances are most needed and reducing the burden related to finding a new place to live.

With regard to financial payments to victims of domestic violence, it is important to establish a system where in addition to the one-time financial aid, victims will also receive shopping vouchers (voucher system) or packages containing essentials to assist them in the initial phase of reintegration and gaining independence. Currently there is a practice of some of the CSOs that collect funds for packages for victims of domestic violence which contain basic food, hygiene and similar products. For example, in the United States, there is a program that provides low-income families with food. The program has been extended to victims of domestic violence and as many as 80% of victims of domestic violence have stated that this system is significant in meeting their basic needs.<sup>18</sup>

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<sup>17</sup>According to the Study of the National Network to End Violence against Women and Domestic Violence "Analysis of Femicides - Murders of Women in the Republic of Macedonia". See [http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN\\_Report2018\\_FamilyViolence\\_SocialSecurity\\_sm.pdf](http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf)

<sup>18</sup>ShainaGoodman(2018). Between surviving and not surviving. Public Benefits Programs and Domestic and Sexual Violence Victims' Economic Security. [https://vawnet.org/sites/default/files/assets/files/2018-01/TheDifferenceBetweenSurvivingandNotSurviving\\_Jan2018.pdf](https://vawnet.org/sites/default/files/assets/files/2018-01/TheDifferenceBetweenSurvivingandNotSurviving_Jan2018.pdf)

In addition, the state in cooperation with civil society organizations should work on adoption of new legislation on establishing a fund for compensation of victims of violence from which each victim would receive a certain amount of compensation for being a victim, without waiting for long court procedures to prove entitlement to compensation of pecuniary/non-pecuniary damage. In UK,<sup>19</sup> there is a fund for victims of domestic violence for furnishing of a new home, which is usually provided in co-operation with the local government. Depending on the situation of the victim, victims often leave their home only with basic things. It is therefore important for the state to introduce a fund that will be used for furniture and basic necessities for the victim in the new accommodation. To avoid putting the entire burden on the Ministry of Labour and Social Policy in the context of our country, such a fund may be established in cooperation with the business sector and the local self-government units.

Some of these practices are indispensable in the realization of social protection for victims of domestic violence, which should be taken into account when drafting the Law or added as by-laws.

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<sup>19</sup>Benefits or barriers? Making social security work for survivors of violence and abuse across the UK's four nations. Види <https://wbg.org.uk/wp-content/uploads/2019/06/Benefits-or-barriers-4-nations-report.pdf>

## WHAT DOES THE LAW ON SOCIAL PROTECTION FROM 2019 TELL US ABOUT THE VICTIMS OF DOMESTIC AND GENDER BASED VIOLENCE

### KEY FINDINGS

The Law on Social Protection does not recognize women as a separate vulnerable category of victims of domestic violence and does not provide for specific measures for the protection, prevention and reintegration of women victims of domestic violence. *The law itself states that all terms and expressions used in this law that are gender-neutral are used neutrally and refer equally to men and women (art. 5).*

Victims of gender-based violence are only recognized in Article 83 and only have access to temporary residence services through which they can receive protection and professional assistance.

#### Financial support

Two types of financial support are available: one-time financial aid of up to 15,000 denars for the needs of the victim of domestic violence for providing emergency protection and care and up to 12,000 denars for meeting the needs of the victim of domestic violence for exercising the right to health care and medical treatment.

The One-time financial assistance of up to 15,000 denars for the needs of a victim of domestic violence is not sufficient to encourage victims to leave the perpetrator. With this lump sum, victims will not have the financial sustainability, that is, the amount is insufficient to cover their basic subsistence costs related with their reintegration.

The anticipated amount of up to 12,000 denars for exercising the right to health care and medical treatment can only be assessed as appropriate if the Ministry of Health exempts domestic violence victims from participating in violence-related health services and provides free check-ups for uninsured victims, as foreseen in the Action Plan for Implementation of the Istanbul Convention. This implies full coverage with no additional “hidden costs” for victims, i.e. all health facilities to abide by this measure.

The criteria for granting these two types of financial assistance are not precisely laid down, which leaves room for the social workers to freely decide what amount the victim would receive, i.e. to grant a much lower amount than the maximum established or not at all, in the case of a victim who is employed and has an average monthly income.

### **Specialized services**

The law provides institutional and non-institutional support for victims in the form of accommodation and psychosocial support services. Temporary sheltering of victims of domestic violence provides protection and professional assistance for social integration for up to 3 months, in exceptional cases for up to 6 months, but not more than one year. This article is gender-sensitive because it recognizes the importance of social reintegration of victims of domestic and gender-based violence. But not all victims are entitled to these forms of protection due to the lack of an adequate number of services available nationally.

Namely, on the territory of RNM, there are a total of 7 shelter centers, out of which 4 are located in the capital, and there are two counseling centers which are also located in the capital.

### **Reintegration**

The Law on Social Protection does not foresee measures for reintegration and rehabilitation of victims of domestic and gender-based violence.

## **RECOMMENDATIONS**

Women victims of domestic and gender-based violence to be recognized as a separate vulnerable category and to provide measures of protection according to the individual needs of the victims.

**Overview of Article 32** - Review of good practices and research that will determine whether Article 32 will substantially facilitate access to financial assistance for women victims of domestic violence. If it is found that such a measure will not provide the necessary assistance, then it must be adapted to the Macedonian context.

**Urgent investment in social infrastructure for women victims of domestic and gender-based violence.**

The state (also in cooperation with local governments) may invest in minimum accommodation facilities as recommended by the Istanbul Convention. Coverage of services is especially important in places where there are no accommodation facilities.

It is extremely important that the state invests in shelter centers for women victims of violence as soon as possible, following the recommendations of the Istanbul Convention on minimum prescribed standards -one bed to 10,000 residents, which would mean that the state should open at least 20 more shelters with a minimum capacity of 8 beds per shelter.

With regard to Article 83 which regulated the temporary residence, the rights and obligations of women victims of violence who are temporarily sheltered by the state should be further regulated with an internal document. This is in terms of the work responsibilities they have had previously, contacts with close family members, the money they would have available during their temporary stay, if they have minor children who are temporarily cared for in their reintegration education process, as well as seeing the other parent, with special precautions if the latter is also the perpetrator of domestic violence.

With regard to the professional assistance provided as one of the specialized types of assistance for women victims of violence, it must be accessible and available to all women, whether living in rural or urban areas or with disabilities. This assistance must also be long-term, i.e. the focus of this assistance is to prepare the victim to face new challenges outside the violent environment, without the risk of homelessness (temporarily provided housing) and with her basic living needs satisfied.

Psychological counseling is needed throughout the victims' recovery period as they face new challenges arising from the new living environment and new workplace. They also need to be informed about all of their rights and obligations in order to prepare them for an independent life and exclude the risk of returning to the violent environment or entering into a new violent relationship. Changing the self-image and increasing the self-esteem is a key factor in preventing violence and stepping out of the role of a victim.

### **Increase of the one-time financial aid over 15,000 denars depending on the needs of the recipient**

Taking into consideration the economically disadvantaged position of women in the Republic of North Macedonia, the one-time financial aid of up to 15,000 denars for emergency accommodation is not sufficient to encourage victims to leave the offender. It is therefore recommended that the MLSP evaluates how much money the victim needs to cover the cost of living for at least one month in order to encourage the victim to leave her home. Based on this calculation, the MLSP will adjust the one-time financial aid.

When determining the amount that will be granted to women victims of violence, it is necessary to further regulate a number of important issues with by-laws and to consider each case individually. Namely, the basic term that should be introduced and recognized in the rulebooks is a woman victim of violence. Furthermore, the amount of the one-time financial aid should not be fixed but depend on the victim's current situation in terms of housing, employment, income on various grounds, number of children living with her, etc.

The limited amounts of up to 15,000 or up to 12,000 are restrictive with respect to the individual approach. Determining the upper limit of the one-time financial aid is not appropriate in terms of social protection, fairness and solidarity. One option is to determine the lowest amount of the one-time financial aid that would increase according to the needs of the victim of domestic violence.

If women victims of violence are exempt from all types of payments for health care and assistance under the Istanbul Convention, then the measure of 12,000-denar financial aid for health care provided for in this law is unnecessary.

#### **Limited-time financial aid for women victims of violence**

Establishment of a fund to support women victims of violence who have left the violent environment/partner. After a realistic assessment of the financial situation of the victim, to provide her with financial assistance, allowance that would enable her to satisfy her own basic needs and those of her minor children she has custody over until her permanent employment, and in accordance with their working ability and education, which would be provided as package of measures. Proposed types of financial assistance that may be part of the package of measures are:

- Exemption from expenses related to the education of children (school supplies, school materials, attendance of teaching activities requiring additional payments, etc.);
- Exemption from co-payments for preschool institutions, as well as other kindergarten related costs;
- Complete exemption from co-payment for health services, including procurement of medicines;
- Exemption from public transport costs for her and her children (getting free monthly public transport tickets);
- Direct financial assistance provided by the state;
- Child support allowance if there is no regular payment;

- Introduction of a voucher system for shopping (MLSP in collaboration with civil organizations/business community to introduce a voucher system to be used to procure food/hygiene products for victims of domestic violence. Criteria for obtaining vouchers can be further determined on the basis of the one-time aid, the type of accommodation (short-term or long-term) and the like.

It is important to note that the individual approach and assessment of the actual opportunities and economic power of the victim are crucial in determining what type of financial assistance will follow. Namely, the female victim will receive only the type of assistance that is adequate to her needs.

### **Housing for victims of domestic violence**

Developing a measure for provision of temporary housing for women victims of violence who have left the violent environment. Accommodation for a specified period of time, from 6 months to up to a maximum of 2 (two) years from the moment of leaving the violent environment, until full integration into the social life. This measure is intended exclusively for victims who are unable to secure their own home, do not own a home, and cannot stay at their parents' home.

The State, with its own mechanisms and financing of services responsible for the protection of the victim, would create a safe haven for victims for up to 2 years, depending on the economic situation of the victim, his/her stability, working capacity and other key conditions that would be assessed through continued psychological counseling and case management by specialist services.





The Kvinna till Kvinna Foundation



National  
**network**  
to end violence  
against women and  
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