

North Macedonia
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status,
and
National Network to End Violence Against Women and Domestic Violence

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

National Network to End Violence Against Women and Domestic Violence was formed on the 7th of December 2010 and has been working in the field of gender-based and domestic violence since its establishment. 21 organizations that operate at the local and national level are members of the network. In the past five years, the Network's team was actively involved in the working groups for the drafting of the new Law on Violence against Women and Domestic Violence and the National Action Plan for the Implementation of the Istanbul Convention (2018-2023). The network published numerous analyzes and reports in the field of women's rights and gender-based violence. From the beginning of 2020, they started providing specialized services for women and children victims of gender-based violence and domestic violence, through establishment of counseling centers for help and support of victims (currently located in Skopje, Tetovo, Kavadarci and Bitola) and the Housing Program for Women victims of violence.

EXECUTIVE SUMMARY

1. This report addresses North Macedonia's progress with its human rights obligations regarding gender-based violence (GBV) against women and domestic violence (DV); discrimination against women; and the right to healthcare. The information and analysis provided in this report derives from the expertise of the National Network to End Violence Against Women and Domestic Violence (National Network), who have been actively involved in the drafting of laws regarding violence against women and have provided specialized services for women and children victims of gender-based violence and domestic violence.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Legal, institutional and policy framework (Theme A4); Constitutional and legislative framework (A41)

Status of Implementation: Accepted, Partially Implemented

2. North Macedonia received one recommendation on implementation of the Istanbul Convention.¹ While North Macedonia accepted this recommendation, implementation is delayed. Furthermore, there was one recommendation on the criminalization of marital rape and one recommendation on the definition of rape, which North Macedonia accepted.

Legal framework regarding gender-based violence and domestic violence

3. The Republic of North Macedonia made an important step forward in the implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention, with the preparation of the new Law on Prevention and Protection from Violence against Women and Domestic Violence (2021 VAW and DV Law). The 2021 VAW and DV Law was adopted in early 2021 and is the first law to address all forms of violence against women (such as stalking, sexual harassment, and sexual harassment online), including domestic violence. This is the first law that establishes consent as the key element for legal recognition of rape as a crime. The 2021 VAW and DV Law is also the first law to regulate reintegration of women victims of violence. Article 99. Reintegration of Women Victims proposes a program on reintegration where the following services shall be provided: temporary housing, psychological counseling with mentoring, various types of financial assistance specifically intended for women victims of violence, opportunities for education and training in various fields, as well as employment measures established by law. According to Article 99, the designated institutions will be required to recognize the victims of violence as especially vulnerable and to develop programs and measures in accordance with the specific needs of women victims of violence.
4. The law on Prevention and Protection from Violence against Women and Domestic Violence was introduced on February 6th, 2021, and entered into force within three months (May 6, 2021). This three-month period was intended for preparation of bylaws, protocols, and programs in order to have more comprehensive implementation. Most of the bylaws, programs, and protocols are still in a draft phase two years after the adoption of the new law, despite the deadline set in the Law itself.² This delay hinders the implementation of the law. The bylaws related to the Program for Reintegration and Rehabilitation of Women

Surviving Violence have not yet been adopted, although a draft version of the program was finalized at the end of 2022.

5. Even though the 2021 VAW and DV Law recommends that that the relevant ministries, public prosecution offices, and courts must develop systems for comprehensive data collection on all forms of violence against women, North Macedonia has not fully implemented this measure.³
6. Furthermore, Article 15 of the 2021 VAW and DV Law advises forming a new National Coordinative Body (NCB) for GBV whose role is to monitor the implementation of the NAP for the Istanbul Convention. The NCB was formed in May 2021, only meeting several times to prepare the GREVIO Report. In comparison, the previous National Coordinative Body for domestic violence held no regular meetings and prepared no reports. This calls into question the overall functionality of the NCB.⁴
7. Additionally, North Macedonia did not include Civil Society Organizations (CSOs) adequately in consulting on the Istanbul Convention. Although the Government has begun to involve CSOs in some processes (statutory working groups, policy consultation, and inclusion of their recommendations), no CSO was invited to be part of the working group for preparing amendments to the Criminal Code. CSOs were only granted an opportunity to comment and suggest additional changes only after the adoption of the amendments in July 2021, despite the Ministry of justice working on amendments for more than two years. National Network, in close cooperation with women parliamentarians, prepared and submitted amendments. A great number of the submitted amendments were adopted, significantly altering the Criminal Code in regard to gender-based violence and domestic violence. More specifically, the definition of rape and sexual violence includes the absence of consent, as do the definitions for female genital mutilation (FGM), sexual harassment, and stalking. Murder resulting from gender-based violence or domestic violence was added as well.
8. However, the Criminal Code is not completely aligned with the Istanbul Convention even with the amendments. Some forms of violence, such as psychological violence, have not been criminalized. According to a OSCE led survey,⁵ psychological violence is the most prevalent, with 44% of women subjected to this form of violence in the past, followed by sexual harassment (30%), physical violence by a former or current intimate partner (10%), economic violence (10%), physical violence by a non-partner (6%) and sexual violence (2%).⁶

National Action Plan for the implementation of the Istanbul Convention

9. In the five years since the adoption of the National action plan (NAP) for implementation of the Istanbul Convention (October 2018-2023), the recommended actions have yet to be taken. The NAP is based on three main pillars, the first one being the **alignment of the legislation** with articles from the Convention (Goal 1), the second one is **establishing specialized services** for women victims of violence and domestic violence (Goal 2) and the third one is **prevention** (Goal 3).
10. The National Network prepared three progress reports on the implementation of the NAP for the IC – the first one was published in December 2020⁷ and covered the first two years, 2018 -2020, and two others, which covers the period from November 2020 to May 2022⁸.

11. Some of the actions included in the National Action Plan were not impacted by the COVID crisis, as the deadline for their implementation ended much before the pandemic began. More than 50% of the planned activities are not implemented, despite 2023 being the last year of the NAP. In some instances, they have not even been started.⁹
12. Some institutions did not prepare annual operative plans (OPs), even though they were mandated by the government. The ones that did prepare did not publish the OPs and are not publicly available on their websites. This deprives citizens of the opportunity to have insight into the efforts of the state to protect women and girls from violence and subsequently to hold them accountable.
13. Neither one of the relevant institutions allocated funds for timely implementation of the recommended actions in NAP. Operational plans that were prepared do not show a specific budget for the implementation of activities for prevention and protection against GBV. Most concerning, the NAP was adopted without any financial implication from the national budget, instead relying on donor funds.
14. The alignment of legislation is lacking. Since the adoption of the NAP, only two meaningful changes have happened. The new Law on Prevention and Protection from Violence Against Women and Domestic Violence was created in January 2021 (although planned for 2019), and amendments to the Criminal Code were adopted in February 2023 (planned for 2019). Although other laws were slightly altered, such as the Law for social protection (2019) that was adopted to include CSOs as specialized service providers, no other significant change was made that improved the support for women victims of violence.¹⁰
15. Implementation of actions aimed at preventing violence against women and domestic violence is very poor or non-existent. These include missing opportunities for conducting public awareness campaigns, modernization of the teaching contents used in the educational process, as well as continuous training and education for professionals working on GBV and DV, and specialized service providers.
16. The institutions in charge of the implementation of the National Action Plan lack sufficient transparency in their implementation– not all ministries include CSOs in this process, although the NAP calls for them to be included. Requests for access to public information from relevant institutions were incomplete or delayed, mostly containing general and imprecise answers. Additional efforts were needed to ensure accurate, concrete, and essential information about the course of actions.

Gender-based violence (Theme D28); Domestic violence (Theme D29); Violence against women (Theme F13); Children (Theme F3)

Status of Implementation: Accepted, Partially Implemented

17. North Macedonia received seven recommendations regarding domestic violence and violence against women, North Macedonia has accepted all of the recommendations but has not fully implemented them.

Specialized services for victims of GBV and DV

18. Before the ratification of the Istanbul Convention, only four shelters existed for victims of domestic violence. Additionally, one counseling center run by CSOs and two national SOS lines run by women’s civil society organizations (WCSO) were functional, but their

sustainability depended on donor funds.

19. In 2018, three Referral centers for victims of sexual violence and rape were opened with funds from donors, with the Ministry of Health taking on the responsibility to run and secure sustainability. Referral centers are hardly effective in their functioning. The research¹¹ conducted by the National network showed that a very small number of women and girls' victims of sexual violence received the necessary services in the Centers, and this number is at least three times lower than that number of victims who reported sexual violence in police stations. The Ministry of Health is not fulfilling its legal obligation for funding of the centers, and the last three years have drastically reduced the budget for these centers. Except for once a year during the "16 days of activism to end GBV and DV" campaign, Ministry of health, no other day of the year does anything to promote the centers and informs the women, girls, institutions, and the general public for their existence and support provided.
20. In 2019, Ministry of labor and social policy (MLSP) announced establishment of 11 new specialized services for women victims of GBV and DV, of which seven were counseling centers, two were shelter centers and two were crisis centers . There remains a lack of official standards for establishing and sustaining specialized services for victims, leaving the question of what standards are being followed unanswered. However, official standards and normative for establishment and functioning of specialized services for women and children victims are still not adopted by the Ministry of labor and social policy, which opens the question what standards these services are following and fulfilling and what the quality of the services is. According to field research¹² conducted by Network member organizations working on local level, the counseling centers are part of local Centers for social work where services are provided by the employees of the CSW. While the providers have background in psychology and domestic violence, they do not have specialized skills for counseling victims of GBV and DV. With the complexities of domestic violence and the long term support victim-survivors often require, one-time psychological support is not sufficient.
21. With the ratification of the Istanbul Convention, WCSOs are recognized as highly professional and expert in providing specialized services for women and children victims of GBV and DV. For this purpose, when changing the Law on Social Protection (2019), the WCSOs were included as authorized service providers. To legally provide the services and receive funding from the MLSP, they need to pass the licensing process that is under the responsibility of the MLSP. As specialized standards have not been adopted, the organizations and their staff must instead meet the general standard requirements before being issued the required licenses. Requirements include the service must be established and in operation for a minimum of 6 months. Additionally, obtaining the license and signing the contract with MLSP does not mean that the service has financial sustainability. Namely, with the Decision of the MLSP, these amounts are very low. For example, the price per service for providing a service in a specialized counseling center for women and children victims of GBV and DV is 265 denars (approximately 4 euros). These amounts are often not initially sufficient to cover utilities, rent and a minimum of two employees. While the MLSP, with the efforts to improve the system of protection in accordance with the Istanbul Convention, began to open specialized services¹³, research¹⁴ revealed a large number opened and managed by the MLSP are dysfunctional. They also often do not meet

the necessary standards which the MLSP adopted and require NGOs to meet, especially in terms of human resources.¹⁵

22. The NGO scene in North Macedonia is very active and dynamic, as they play an important role in operating counselling and specialist support services for women victims of violence.¹⁶
23. The body comprised of government and civil society members titled the Council for Co-operation with and Development of Civil Society was established in 2016 and meets several times a year to discuss ways to involve civil society in the implementation of governmental policies. However, the licensing regime introduced recently raised concerns amongst NGOs. The new regime links government funding to certain criteria, including full-time employment of at least two staff members and their formal qualifications. Several NGOs find it difficult to comply with these criteria.¹⁷

Access to health-care – General (Theme E42).

Status of Implementation: Accepted, Partially Implemented

Health care for victims of GBV and DV

24. North Macedonia received five recommendations on healthcare and access to it, one of which focused on pregnant women and children. North Macedonia accepted all recommendations, but health care does not take a specialized approach for victims of VAW and DV.
25. The National Network to end VAAW and DV conducted a gender analysis of the legislation related to the health care of the victims of gender-based violence¹⁸ concluding that the Law on Healthcare does not have gender-sensitive terminology and victims of GBV and DV are not recognized nor treated as special category needing specific treatment, handling and further referral. Only victims of sexual violence are represented in the Program for Active Protection of Mothers and Children, and those who will be users of the Referral Centers for victims of sexual violence. Additionally, health facilities in North Macedonia do not offer a comprehensive system of services for the treatment of victims, including psychological care, which means that victims must pay for all additional services other than the health services they received immediately when the violence was committed.
26. Health professionals still do not operate from an adequate gender lens which encompasses the specific experiences of victims of domestic violence, including psychological violence, which can have lasting consequences for the victim and her children, such as reduced ability to work, anxiety, depression, and suicidal tendencies.

II. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of North Macedonia:

2021 Law on Prevention and Protection from Violence against Women and Domestic Violence:

- Adopt all bylaws, protocols, and programs of the 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence ensuring designated funding

sufficient for successful implementation.

- Align the Law for Social Protection with the articles of the 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence in order to secure full implementation and improvement of the system for support of women and children victims of violence.
- “Ensure that all professionals dealing with victims or perpetrators receive systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, including its digital dimension, while focusing on the victims’ human rights, safety, individual needs and empowerment, and the prevention of secondary victimization.”¹⁹

Amendments to the Criminal Code for alignment with Istanbul Convention:

- Open new processes to allow for the amendment of the Criminal Code to align with the Istanbul Convention, forming working groups and including women civil society organizations from the beginning.
- Criminalize forced marriage, encompassing all the elements in Article 37 of the Istanbul Convention.
- Ensure the ex officio prosecution of bodily injury committed in the context of domestic violence.
- Criminalize psychological violence as a separate criminal act.
- Organize, in collaboration with the Academy for judges and public prosecutors, an in-depth training for law enforcement, judges, and others in the legal field.

National Action Plan for implementation of the Istanbul Convention:²⁰

- Develop a New National action plan as soon as possible, in close cooperation with CSOs working on this issue.
- Ensure government and relevant ministries/institutions allocate funds within their budgets for implementation of the activities of the new NAP with the budget both separated from and visible within the overall budget of the specific ministry/ institution to enable monitoring of the costs associated with the implementation of activities provided for in the NAP.
- Adopt budget allocations at the same time the new NAP is adopted by the Government.
- We strongly recommend considering the possibility of forming an independent body of experts within the Government, responsible for alignment of the national legislation and practices with the recommendations and obligations of the Istanbul Convention and other relevant international documents.

Specialized services for victims of gender-based violence and domestic violence:

- Develop and adopt standards and operational procedures for specialized services for help and support of victims of GBV and DV, that will be realistic and achievable for WCSO.
- Revise the decision on determining the salaries of social services and define salaries that will be in the same line with the needed qualification of the staff, and secure sustainability of the services.
- Allocate sufficient funds for all types of specialized services for help and support of victims

of GBV and DV and ensure that services run by WCSOs are sustainable.²¹

- We strongly recommend that North Macedonia ensures a sustainable role for women's rights NGOs providing essential support services to victims of all forms of violence against women through adequate funding.²²
- We strongly recommend that North Macedonia acknowledge the value and expertise that these organizations bring through their gendered approach to violence against women, centred on victims' rights and needs.²³

The role of the health facilities and health professionals in the implementation of procedures and protocols for the protection of victims of gender-based violence:

- Start the coordination process for changing the Law for Health Care and the Law on Patient Protection in order to ensure standardized care paths for victims of VAW in the health sector that include the identification of victims, screening, diagnosis, treatment, documentation of injuries, and referral to appropriate specialist support services. Ensure that amendments of these laws secure adequate and free of charge health care for women and children victims.
- Begin organizing mandatory and continuous trainings for health workers at all levels of healthcare, to fully sensitize them to the specifics and dynamics of violence against women and domestic violence, forms of violence, consequences to victims.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: North Macedonia*, (April 9, 2019), U.N. Doc A/HRC/41/11.

² Article 108 stipulates that “*The by-laws provided by this law will be adopted within three months from the day this law enters into force.*”

³ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023), 23-26

⁴ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023), 22-23

⁵ OSCE led survey on violence against women in North Macedonia, available at following [link](#)

⁶ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023), 62-63

⁷ 2020, Report on the progress of North Macedonia in the implementation of the National action plan for the Istanbul Convention, available at this [link](#)

⁸ Summarized report for the period October 2020 – May 2022 and is available only on Macedonian language.

⁹ Note: National network is preparing final monitoring report that will cover the entire implementation period 2018 – 2023 and will be published December 2023.

¹⁰ Gender aspect and victims of GBV and DV in the Law on social protection of the RNM, 2019.

¹¹ The efficiency in the functioning of the referral centers for victims of sexual violence, 2022, available only on Macedonian language on following [link](#)

¹² All researches conducted by network members are available only on macedonian language on the following [link](#).

¹³ Noted in the last European Commission Report published in October 2022

¹⁴ HERA- <https://hera.org.mk/wp-content/uploads/2022/06/Izveshtaj-za-sproveduvanje-na-Istanbulskata-konvencija.pdf>

¹⁵ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),20-22

¹⁶GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),23-24

¹⁷ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),23-24

¹⁸ Analysis of the legislation related to the health care of the victims of gender-based violence, 2021, available on the following [link](#)

¹⁹ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023), 37 - 40

²⁰ The Action Plan for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republic of Macedonia 2018-2023, available on the following [link](#).

²¹ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),21-22

²² GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),24

²³ GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) NORTH MACEDONIA, (2023),24