

UNIVERSAL PERIODIC REVIEW (UPR) SUBMISSIONS BY NATIONAL NETWORK TO END VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

National network to end violence against women and domestic violence is formed on 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 5 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, started providing specialized services for women and children victims of GBV and DV, through establishment of counseling centers for help and support of victims (currently manages four located in Skopje, Tetovo, Kavadarci and Bitola) and the Housing Program for Women victims of violence.

Detailed information about the work of the network can be found at www.glasprotivnasilstvo.org.mk

DUE DILIGENCE IS NOT A POLITICAL WILL, IS A PRIORITY PRINCIPLE THAT MUST BE RESPECTED

One of the biggest concerns is that the Government so far has not prioritized the problem of violence against women and domestic violence, has not made any effort and has not fulfilled its obligations to improve the status of women victims of gender-based violence, despite the international recommendations and the ratification of the Istanbul Convention.

We strongly recommend considering the possibility of forming an expert body within the Government, that will be independent and will be responsible for alignment of the national legislation and practices with the recommendations and obligations of the Istanbul Convention and other relevant international documents. The expert body should be comprised of individuals who are deeply knowledgeable of the issue of violence against women and who will be dedicated full-time to monitoring the fulfilment of the obligations of all relevant institutions and report to the government about the progress.

National action plan (NAP) for implementation of the Istanbul Convention¹

It's been five years since the adoption of the National action plan (NAP) for implementation of the Istanbul Convention (October 2018-2023), but the Government still hasn't conducted and fulfilled the activities laid down in the plan and timeframe.

The National Network prepared three progress reports on the implementation of the NAP for the IC^{2 3}. The findings suggest that compliance with the standards of the Convention and improving the system for the protection of women victims of VAW is not a priority issue for the state, especially not in times of crisis.

Some of the activities foreseen in the NAP did not depend on the COVID crisis because the deadline for their implementation ended much before the beginning of the crisis (during 2018 and 2019). This year, 2023 is the last year of NAP, and still more that 50% of the planned activities are not implemented, in some cases not even started⁴.

Although the direction as obligatory was given by the government, some institutions did not prepare annual operative plans (OPs). The ones that did prepare, did not publish the OPs and are not publicly available on their websites which deprives citizens of the opportunity to have insight into the course and efforts of the state to protect women and girls from violence and subsequently to hold them accountable.

¹ 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](#) (only on Macedonian language)

² 2020, Report on the progress of North Macedonia in the implementation of the National action plan for the Istanbul Convention, available at this [link](#)

³ Summarized report for the period October 2020 – Maj 2022 and is available only on Macedonian language

⁴ Note: National network is preparing final monitoring report that will cover the entire implementation period 2018 – 2023 and will be published December 2023.

Neither one of the relevant institutions allocated funds for on-time implementation of activities predicted in NAP. Operational plans that were prepared do not show a specific budget for the implementation of activities for prevention and protection against VAW. What was most concerning is that the Government adopted the NAP without any financial implication from the national budget, planning to implement it with donor funds.

The alignment of legislation is not at a satisfactory level. Since the adoption of the NAP, only two meaningful changes happened. New Law on Prevention and Protection from VAW and DV happened in January 2021 (although planned for 2019), and amendments of the Criminal Code were adopted February 2023 (planned for 2019). Although other laws were slightly changed, such as Law for social protection (2019) that with the adopted amendments included CSO as specialized service providers, no other significant change was made that improved the support for women victims of violence⁵.

Implementation of activities aimed at preventing violence against women and domestic violence is very poor or non-existent i.e., missing conducted public awareness campaigns, modernization of the teaching contents used in the educational process, as well as continuous training and education for professionals from institution working on GBV and DV, and specialized service providers as well.

The institutions in charge of the implementation of the National Action Plan are not transparent enough in the implementation of activities – not all ministries include CSO's organizations in the implementation of activities, although NAP provides for an obligation to include them. Following requests for access to public information to relevant institutions, the answers received were incomplete or not given within the prescribed legal deadline and were for the most part general and imprecise. So additional efforts were needed to ensure accurate, concrete, and essential information about the course of activities and the content of their realization.

Recommendations:

- 1. New NAP must be developed as soon as possible, in close cooperation with CSOs working on this issue.**
- 2. Government and relevant ministries/institutions must allocate funds within their budgets for implementation of the activities of the new NAP. It is necessary for the budget that will be provided to be 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.**
- 3. Budget allocations must be adopted at the same time as the new NAP is adopted by the Government.**
- 4. We strongly recommend considering the possibility of forming an expert body within the Government, that will be independent and will be responsible for alignment of the national legislation and practices with the recommendations and obligations of the IC and other relevant international documents.**

⁵ Gender aspect and victims of GBV and DV in the Law on social protection of the RNM, 2019, available on following [link](#)

The situation with specialized services for victims of GBV and DV and Women civil society organizations (WCOS) as service providers

Before the ratification of the Istanbul Convention⁶, only 4 shelter centers for accommodating victims of domestic violence existed. Additionally, one counseling center run by CSO's and two national SOS lines also run by WCOS were functional, but their sustainability depended on donor funds.

In 2018 three Referral centers for victims of sexual violence and rape were opened with funds from international donor organization, and the obligation to run and secure sustainability was given to the Ministry of health. Referral centers are hardly effective at all in its functioning. The research⁷ 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 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.

In 2019, Ministry of labor and social policy (MLSP) announced establishment of 11 new specialized services for women victims of GBV and DV, from which 7 were counseling centers, 2 were shelter centers and 2 were crisis centers for victims of GBV and DV. However, official standards and normative for establishment and functioning of specialized services for women and children victims, are still not adopted by the MLSP, which opens the question what standards these services are following and fulfilling, and what is the quality of the services provided for the women who suffered violence. According to field researches⁸ 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 who have background in psychology and domestic violence, but who don't have specialized skills for counseling of victims of GBV

⁶ According to the Council of Europe minimum standards for specialized services, there should be at least 1 National SOS Helpline providing 24/7 support in the languages in use; 1 family place per 10.000 inhabitants in Shelters for women victims of violence; minimum a Rape crisis center per 200.000 women; minimum 1 Center for victims of sexual violence per 400.000 women; and minimum 1 Counseling center (early intervention, psychological counseling, free legal aid) per 50.000 women. North Macedonia is not even close to fulfilling the above mentioned minimum standards.

⁷ The efficiency in the functioning of the referral centers for victims of sexual violence, 2022, available only on Macedonian language on following [link](#)

⁸ All researches conducted by network members are available only on macedonian language on the following [link](#)

and DV. Having in mind the fact that domestic violence has its own dynamics and victims needs continuous and long-term support, especially after they leave the perpetrator, one-time psychological support does not give the expected results.

Recommendations:

- 1. As soon as possible, MLSP to 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;**
- 2. MLSP to revise the Decision on determining the prices of social services and define real prices that will be in the same line with the needed qualification of the staff, and secure sustainability of the services;**
- 3. The Government in coordination with the MLSP to allocate enough funds for all types of specialized services for help and support of victims of GBV and DV, and secure that services runed by WCSO are sustainable. ⁹**

Amendments to the Criminal Code for alignment with Istanbul Convention

Although the Government has begun to involve CSO's in some processes (working groups for preparations of some Laws, documents, policies, and inclusion of their recommendations in prepared documents), still no CSO was invited to be part of the working group for preparing amendments of the Criminal Code formed within the Ministry of Justice. Namely, the Ministry of justice worked on amendments for more than two years, and after the adoption by the Government in July 2021, the CSO's were given a chance to comment and suggest additional changes. National network in close cooperation with women parliamentarians prepared and submitted amendments. A great number of submitted amendments were adopted, meaning that the Criminal Code was significantly changed regarding criminal offences related to GBV and DV. More specifically, definition of rape and sexual violence that is based on the absence of consent was introduced, so as definitions for female genital mutilation (FGM), sexual harassment and stalking. In criminal offence – murder, aggravating circumstance was added – women and girls victims as results of GBV and DV.

However, even with these amendments the Criminal Code is not completely aligned with the Istanbul Convention, meaning that some forms of violence are not criminalized, such as psychological violence. According to OSCE led survey¹⁰ psychological violence has

⁹ Ibis, 21-22

¹⁰ OSCE led survey on violence against women in North Macedonia, available at following [link](#)

the highest prevalence rate, with 44% of women having been subjected to this form of violence, 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%). Furthermore, according to the reports of the Ministry of Labor and Social Policy psychological violence is the most prevalent in the last few years.¹¹

Recommendations:

- 1. Ministry of justice to open new process for amendments of the Criminal Code, form working group and include WCSO as members from the beginning, in order to fully align with the IC;**
- 2. Establish a crime of forced marriage which covers all the elements of Article 37 of the IC;**
- 3. Ensure the ex officio prosecution of bodily injury committed in the context of domestic violence;**
- 4. Criminalization of psychological violence as a separate crime act.**
- 5. Ministry of justice in cooperation with Academy for judges and public prosecutors to organize in depth training for police officers, judges and public prosecutors and all relevant legal professionals on the new legal provisions, in order to ensure their consistent and systematic application in practice.**

¹¹ 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