



**Report submitted by North Macedonia
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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Introduction

North Macedonia was among the first countries to sign the **Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)** for which in December 2017, the Parliament of North Macedonia adopted the Law on Ratification. The instrument of ratification was submitted on March 23, 2018, and the Convention came into force on July 1, 2018.

In terms of implementation, the Government of North Macedonia on October 9, 2018, adopted the Action Plan for Implementation of the Convention on Prevention and Combating Violence against Women and Domestic Violence 2018-2023, <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmtsp.gov.mk%2Fcontent%2Fpdf%2Fap%25202018%2F15.10-NAP%2520AP%2520za%2520IK%25202018.doc&wdOrigin=BROWSELINK>. This strategic document defines the activities, key institutions, indicators and time frame for incorporating the provisions of the Convention into national legislation for the period 2018-2023. The main goal of the current plan is to design, implement and coordinate a comprehensive national policy for the prevention and elimination of violence against women.

The Ministry of Labour and Social Policy prepared this report in cooperation with the Ministry of Interior, Ministry of Justice, Ministry of Education and Science, Ministry of Health, Ministry of Defence, Ministry of Information Society and Administration, General Secretariat of the Government of North Macedonia, State Statistical Office, State Labour Inspectorate, Association of the Units of Local Self-Government, Employment Service Agency, Agency for Audio and Audiovisual Media Services, Academy for Judges and Public Prosecutors, Public Prosecutor's Office, and the Ombudsman.

This report was prepared in consultation with the members of the National Coordination Body for Prevention and Protection from Violence Against Women and Domestic Violence. Apart from the competent institutions, this body includes three non-governmental organisations: Hera, Voice Against Violence Network and Margini Association.

I. Integrated Policies and Data Collection

North Macedonia is a society that in recent years has been mobilised and organised to respond more effectively and professionally to violence against women and domestic violence. The basic framework for dealing with violence against women and domestic violence is the **Action Plan for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence 2018-2023**,¹ and the Law on Prevention and Protection against Violence against Women and Domestic Violence.²

Also, a priority goal in the Strategic Plan of the MLSP³ within the Programme for Equal Opportunities and Anti-Discrimination and the Programme for Social Security is the protection of victims from all forms of gender-based violence.

¹ Action Plan for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence 2018-2023

<https://www.mtsp.gov.mk/content/pdf/ap%202018/15.10-NAP%20AP%20za%20IK%202018.doc>

² Law on Protection and Prevention of Violence against Women and Domestic Violence
<https://www.mtsp.gov.mk/content/pdf/2021/1a28a922f364401e94935d4d694b9d75.pdf>

³ Strategic Plan of the Ministry of Labour and Social Policy 2021 - 2023
<https://www.mtsp.gov.mk/content/Strateski%20plan%20na%20MTSP%20za%202021-2023%20FINALEN%2014.01.2021.doc>

In addition, gender-based violence is included in the Gender Equality Strategy 2021-2026 and is awaiting adoption after the Parliamentary procedure is completed.

Following the ratification of the Convention for Prevention and Combating Violence against Women, including domestic violence, the Ministry of Labour and Social Policy began preparing an Action Plan for implementing the Convention for Prevention and Combating Violence against Women and Domestic Violence. This plan is used to monitor the dynamics of the alignment of the national legislation with the provisions of the Convention, but also the fulfilment of the remaining obligations in terms of prevention of gender-based violence and ensuring fast and efficient protection of the victims, and prosecution and punishment of the perpetrators.

The Action Plan is a comprehensive multi-institutional policy for combating violence against women, and these policies should be seen as an element of democratic and transparent governance based on the rule of law.

The Action Plan for the implementation of the Convention is a strategic document of the Government of North Macedonia, which defines the activities, key institutions, indicators and time frame for incorporating the provisions of the Convention into national legislation for the period 2018-2023.

The action plan is a result of the cooperation between government institutions, civil society organisations and the international community and is prepared with a joint contribution from all concerned parties.

The action plan covers and mentions all forms of GBV: domestic violence, stalking, sexual violence, child marriage, female genital mutilation, honour crimes, and human trafficking. The second part refers to the general and special services for the victims, explicitly mentioning the services for the victims of sexual and domestic violence. In the third part, it calls for action to prevent gender-based violence, mentions "all forms of gender-based violence", and recognises child witnesses of gender-based violence as victims. As these policies are specifically aimed at gender-based violence and violence against women, the approach is based on victims' rights, i.e. victims' human rights are at the centre of the policy.

The **Action Plan**, in addition to addressing a wide range of forms of gender-based violence, also takes into account possible multiple or intersectional aspects of victims' identities and proposes measures targeting vulnerable categories of women, such as women from ethnic minorities, pregnant women, women with young children, single mothers, women with disabilities, women from rural areas, women drug users, sex workers, asylum seekers, women migrants, women that have no citizenship, women refugees, lesbians, bisexual and transgender women, women living with HIV, homeless women, etc.

To offer an effective holistic and comprehensive response, the **Action Plan** prescribes the specific measures and actions to be taken, the institution responsible for implementing each specific measure, the indicators according to which progress is measured, the time frame planned for each specific action, and the source of budgeting for each activity.

The **Action plan** has three main goals:

- Alignment of the legal framework with the provisions of the Convention;
 - Establishing general and specialised services to promote the protection of victims of gender-based violence and victims of domestic violence;
 - Implementation of activities for the prevention of gender-based violence and domestic violence.
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Based on the activities arising from the First Strategic Goal of the **Action Plan** for Implementation of the Convention, in 2021 the **Law on Prevention and Protection against Violence against Women and Domestic Violence** was adopted. The law is fully aligned with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and aims to expand the system for the prevention and protection of all forms of gender-based and domestic violence. Article 3 of the Law covers physical violence, psychological violence, stalking, economic violence, sexual violence and rape, sexual harassment, sexual harassment online, forced marriage, female genital mutilation, forced abortion and forced sterilisation, and coercive control over women.

The key novelty brought by the new Law on Prevention and Protection against Violence against Women and Domestic Violence is that, first of all, it covers new forms of violence introduced by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, as well as definitions for certain terms that have not been covered so far, such as gender-based violence (violence against a woman because she is a woman or which disproportionately affects her, and covers the causes and consequences of unequal power between women and men), stalking, genital mutilation, sexual violence or non-consensual sexual acts, etc., as well as defining vulnerable categories of women, such as: pregnant women, women with children and children with disabilities, single mothers, women with disabilities, women from rural areas, women who use drugs, sex workers, women migrants, women refugees, women that seek asylum, women with no citizenship, lesbians, bisexual and transgender people, women living with HIV, homeless women, women that are victims of human trafficking, elderly women, financially unsecured women and others.

The meaning of certain new terms that cover the forms of violence that are used in this law are defined in Article 3 of the law:

1) **Violence against women** is a violation of human rights, discrimination against women and refers to all acts of gender-based violence that cause or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including direct and indirect threats and intimidation of such acts, extortion, arbitrary restriction and/or deprivation of liberty, whether they occur in public or private life;

2) **Gender-based violence against women** is violence directed against a woman because she is a woman or disproportionately affects her. Gender-based violence against women covers the causes and consequences of unequal power between women and men as a result of a social rather than an individual problem. Gender-based violence against women also refers to violence against women defined in items 1) and 3) of this Article;

3) **Domestic violence** means harassment, insult, endangerment of security, bodily harm, sexual or other psychological, physical or economic violence that causes a feeling of insecurity, endangerment or fear, including threats of such actions, towards a spouse, parents or children or other persons living in a marital or extramarital union or joint household, as well as towards the current or former spouse or extramarital partner or persons who have a joint child or are in a close personal relationship, regardless of whether the perpetrator shares or has shared the same residence with the victim or not.

The new law specifies the actions and measures to be taken by the state for prevention and protection, but also the reintegration of the victims by providing a support system, including economic strengthening.

What needs to be achieved with this law is a significant improvement in the institutional and comprehensive support of victims of gender-based violence.

Additionally, one of the key things is that this law in a special provision sets out the principle of acting of the institutions with **due attention** to the interests and needs of the victim in taking measures for prevention and protection from gender-based violence. This is especially important, as one of the

most serious problems is the non-reporting of violence by victims, which is most often the result of distrust in institutions, i.e. insufficient sensitisation of officials who act in cases of violence.

With this law, the victim has the right to file a lawsuit before a civil court to determine the responsibility for failure to act with due attention of the institutions, and the costs are not borne by the victim.

In addition to acting with due attention, the law introduces novelties such as mutual coordination of institutions and organisations, prohibition of victimisation, collection of statistics on gender-based violence against women and domestic violence, as well as reintegration of victims.

The crucial importance of this is that the law includes sexual harassment over the Internet, which is defined as unwanted verbal, non-verbal or other sexual conduct with the aim or result of violating dignity or creating a threatening, hostile, humiliating or intimidating environment, access or practice, through electronic means of communication.

Also, according to the new law, when creating content, the media are obliged to engage in raising awareness among the general public about all forms of gender-based violence against women and domestic violence, promoting gender equality and eliminating stereotypes about gender roles. Thus, the media play a major role in preventing these occurrences, as well as in eliminating gender inequality and gender stereotypes.

For Policy Coordination by Article 12 of the said Law, a legal obligation is given to all competent institutions to cooperate to protect victims. For that purpose, a protocol for cooperation is envisaged.

For efficient implementation and functioning of the Law on Prevention and Protection against Violence against Women and Domestic Violence, the **Ministry of Labour and Social Policy** adopted bylaws as follows:

- Rulebook on the manner of implementation and the manner of monitoring the pronounced temporary protective measures⁴;
- Rulebook on the manner of conducting a risk assessment of danger to the life and physical and mental integrity of the victim and her family members and the risk of recurrence of violence, proper risk management, implementation and monitoring of measures to protect women victims of gender-based violence and victims of domestic violence, taken from the social work centre and the necessary forms⁵.

Based on the new Law on Social Protection⁶ adopted by the Ministry of Labour and Social Policy in 2019, the following bylaws were adopted:

- Rulebook on the manner, scope, norms and standards for providing social service for temporary residence and space, funds, staff and necessary documentation for a temporary residence centre.⁷
- Rulebook on the manner, scope, norms and standards for providing counselling services and on the space, means, staff and necessary documentation for a counselling centre;⁸
- Rulebook on the manner of issuing, extending, renewing and revoking the work license of professional workers, the form and content of the work license;⁹
- Rulebook on more detailed conditions for granting funds, the point scale form, the manner of granting funds to associations and other private social service providers for providing social services;¹⁰

⁴ Official Gazette of the Republic of North Macedonia No. 248/21

⁵ Official Gazette of the Republic of North Macedonia No. 240/21

⁶ Official Gazette of the Republic of North Macedonia No. 104/19, 146/19, 275/19, 302/20, 311/20 and 294/21

⁷ Official Gazette of the Republic of North Macedonia No. 91/21.

⁸ Official Gazette of the Republic of North Macedonia No. 84/21

⁹ Official Gazette of the Republic of North Macedonia No. 79/21.

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- Draft Rulebook on the manner of execution of the pronounced temporary protection measure - mandatory attendance at a counselling centre for perpetrators of violence against women or domestic violence;
 - Methodology for setting the prices of services depending on the norms and standards for providing social services;¹¹
 - Decision on setting the prices of social services in the home, for extra-familial care, professional help and support, and temporary residence for 2022;
 - Decision on setting the prices of social services in the home, for daycare and extra-family care and professional help and support, for temporary residence and counselling for 2021;
 - The first draft version of the Protocol for the cooperation of the institutions and organisations for dealing with victims of GBV is being prepared.

In 2018, the **Ministry of Justice** adopted an Operational Plan for the implementation of the activities envisaged in the Action Plan. The plans contain activities within the competence of the Ministry of Justice with a one-year time frame and a budget for its implementation.

The Ministry of Justice has made amendments to the Criminal Code, which incorporate the standards of the Istanbul Convention. The draft law on amending the Criminal Code is undergoing a parliamentary procedure for adoption. The Law on Payment of Monetary Compensation to Victims of Crime by Violence is also undergoing a parliamentary procedure for adoption. With this draft law, victims of gender-based violence and domestic violence are entitled to compensation.

In the new Law on Primary Education,¹² the **Ministry of Education** introduces a new extended article for protection against discrimination and promotion of equality, as well as affirmative measures to overcome discrimination on any grounds (Article 5 and Article 6).

In 2020, Guidelines were adopted for the reporting procedure and protection of a student victim from any of the forms of violence, abuse and neglect (Article 66 paragraph 2), by which the principal is competent to report any form of violence, abuse and neglect of student to the responsible institutions.

Starting from the academic year 2021/2022, a pilot Programme for comprehensive sex education is being implemented, which means the promotion of gender equality, inclusion and tolerance, but also prevention of sexual harassment and violence. In the preparatory period of the implementation of the pilot project, a curriculum for Comprehensive Sex Education for the 9th grade and a Teacher's Handbook/Compendium were prepared.

In the period 2019-2021, the **Ministry of Defence of North Macedonia** incorporated the gender perspective in the legislation and other relevant policies such as:

- The Law on Defence and the Law on Service in the Army by adding new articles (2020);
- Long-term defence development plan (2019-2028);
- Strategy for Defence Human Resource Management (2019);
- National Action Plan North Macedonia for implementation of UN Resolution 1325 "Women, Peace and Security" (2020-2025);
- Operational plan of the Ministry of Defence for implementation of the second National Action Plan of North Macedonia for implementation of UN Resolution 1325 "Women, Peace and Security" (2020-2025) - strategic framework.

The Operational Plan of the Ministry of Defence in the strategic goal 4 - Protection, envisages sustainable and effective protection of women and men in all spheres of social life supported by appropriate adopted implemented laws and bylaws, policies, structures, processes, training and

¹⁰ Official Gazette of the Republic of North Macedonia No. 268/21.

¹¹ Official Gazette of the Republic of North Macedonia No. 264/19002E

¹² Official Gazette of the Republic of North Macedonia No. 161/2019

education. The specific strategic goal envisages the improvement of the system of support and protection of women who have suffered any form of security threat in conflict and post-conflict situations, crises and emergencies.

The **Ministry of Health** has integrated the free examinations for victims of sexual violence into the Programme for active health care of mothers and children.

The **Ministry of Interior**, about the strategic approach, in the context of Article 7 of the Convention, in the period from 2019 to December 2021, prepared operational plans for 2019 and 2020 for the implementation of the activities envisaged in the Action Plan for the implementation of the Convention. They are published on the website of the Ministry of Interior in the application "Gender Button".

According to the operational plans, trainings and trainers are envisaged for a module for training professionals for the gender-sensitive provision of services to victims, as well as continuous trainings for police officers.

In the reporting period, two gender budget statements were made; in the gender budget statement in 2021, the emphasis is on the protection of women from labour and sexual exploitation, i.e. prevention and early identification of possible forms of human trafficking.

Based on the Law on Prevention and Protection against Violence against Women and Domestic Violence in September 2021, the Ministry of Interior adopted:

- Rulebook on the manner of execution of the pronounced urgent protection measure, removal of the perpetrator from the home and prohibition on approaching the home and temporary protection measures;¹³
- Rulebook on the manner of assessing the risk of serious danger to the life and physical and mental integrity of the victim and her family members, and the risk of recurrence of violence; appropriate risk management; the form of the police report and the proposal for imposing an urgent measure for protection - removal of the perpetrator from the home and prohibition to approach the home.¹⁴

According to the Action Plan, the competent institutions within their horizontal budgets provide financial resources for the activities and measures they implement.

In this context, the Ministry of Labour and Social Policy does not have a special sub-programme for women victims of violence and domestic violence, and funds are allocated in several budget sub-programmes. Namely, in the Programme for the realisation of the social protection for 2022,¹⁵ which is adopted every fiscal year, several sub-programmes include rights from social protection, financing of the existing social services, which also includes specialised services for women victims of violence and domestic violence, and services for perpetrators of domestic violence, as well as for the establishment of new such services. Also, the Ministry of Labour and Social Policy for financing the Center for Victims of Trafficking, provided funds of 24,272 euros (1,500,000 denars) in 2019, in 2020 and 2021 provided 7,520 euros (465,984 denars) annually, and for 2022, 20,485 euros (1,200,000 denars) are provided.

Additionally, the Ministry of Labour and Social Policy finances specialised services from citizens' associations working in the field of domestic violence for 2019, 2020 and 2021 in the amount of 64,725 euros (4,000,000.00 denars) annually by the Law on Games of Chance and Entertainment Games.¹⁶ Every fiscal year, the Minister of Labour and Social Policy brings out a Programme for financing programme activities of the national disability organisations, their associations and their

¹³ Official Gazette of the Republic of North Macedonia No. 210/21

¹⁴ Official Gazette of the Republic of North Macedonia No. 210/21

¹⁵ Official Gazette of the Republic of North Macedonia No. 293/21

¹⁶ Official Gazette of the Republic of North Macedonia No. 24/11, 51/11, 148/11, 74/12, 171/12, 27/14, 139/14, 61/15, 154/15, 23/16 and 178/16.

National Council, the associations fighting against domestic violence and the Red Cross of North Macedonia from the revenues from games of chance and entertainment games. With a Decision on the distribution of revenues from games of chance and entertainment games in 2022 for financing the programme activities of the national disability organisations, their associations and their National Council, associations fighting against domestic violence and the Red Cross of North Macedonia, the amount of 64,725 euros (4,000,000.00 denars) is distributed, for associations fighting against domestic violence that provide specialised services for victims of domestic violence, as follows: SOS line for victims of domestic violence, Crisis Center 24/48 hours, shelter for victims of domestic violence, and counselling for victims of domestic violence.

Pursuant to the Law on Justice for Children, the Minister of Justice, after previously obtaining an opinion from the State Council for Juvenile Delinquency Prevention, adopted an annual programme that plans the sources and manner of spending funds to **compensate a child** who is a victim or damaged by an action, which under the law is a crime of violence, and other acts of individual or group violence. For this programme for 2020 and 2021, an amount of 16,181 euros (1,000,000 denars) have been allocated from the Budget of this ministry.

With the budget of the Ministry of Justice for 2020 and 2021, the approved funds/budget for free legal aid (FLA) for 2020 is 80,906 euros (5,000,000.00 denars). The realised annual budget for free legal aid in 2020 is 25,909 euros (1,601,176.00 denars).

For financing the programme for active health care, the budget of the Ministry of Health provides funds of 4,855 euros (300,000.00 denars) annually for 2019, 2020, and 485 euros (30,000.00 denars) for 2021.

The Association of Local Self-Government Units of North Macedonia conducted two trainings in 2020 and 2021, providing funds of 1700 euros, of which 1300 euros were own funds and 400 euros funds from donors.

The General Secretariat of the Government of North Macedonia, Department for Cooperation with Non-Governmental Organisations, announces an annual call for financial support of associations and foundations in different priority areas and goals including, according to the Programme for financing programme activities of associations and foundations for 2019,¹⁷ and for the promotion of gender equality in all areas of social life, and the inclusion of the gender perspective in the creation of policies and budgets; introducing the concept of equality and non-discrimination in all areas of social life, especially in the areas of education, health, social protection, labour relations and the judiciary.

According to the Law on Social Protection, the associations are allowed to perform social protection activities. Namely, the associations appear as providers of social services by the issued license for performing social protection activities under conditions and in a procedure determined by this law.

Also, the Law on Social Protection and the Law on Prevention and Protection against Violence against Women and Domestic Violence give competencies to the associations in undertaking protection measures for women victims of violence and domestic violence, as follows: provides temporary care, ensures that the victim receives the necessary medical assistance and, if necessary, accompanies her to the nearest health institution, provides appropriate psychosocial intervention and treatment, ensures that the victim receives psychosocial treatment in counselling centres by professionals at the social work centre, association, counselling for women victims of violence and other victims of domestic violence, provides legal aid and representation and directs the victim to the relevant state and other bodies responsible for economic empowerment of the victim and her active inclusion in the labour market through a competent employment centre and application, makes a decision for temporary entrustment of care and upbringing of children to the parental victim.

¹⁷ Official Gazette of the Republic of Macedonia No. 5/19

The participation of civil society organisations in the field of prevention and protection against gender-based violence is ensured based on the Law on Prevention and Protection against Violence against Women and Domestic Violence (Article 24). According to this law, the National Coordination Body for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has 3 members from civil society organisations.

Civil society organisations are also involved in public policy processes, through involvement in working groups for drafting laws, including the drafting of the Law on Prevention and Protection against Violence against Women and Domestic Violence, the Law on Primary Education, the Action Plan for implementing the Convention on Prevention and Combating Violence against Women and Domestic Violence of the Republic of Macedonia, in the preparation of bylaws arising from the Law on Prevention and Protection against Violence against Women and Domestic Violence, etc.

The General Secretariat of the Government of North Macedonia, in accordance with the Government Strategy for Cooperation and Development of Civil Society, the Action Plan 2018-2020 and the Decision to establish a Council for Cooperation between the Government and the civil society,¹⁸ on 3.4.2018 established a Council for Cooperation between the Government and the civil society as an advisory body of the Government for the promotion of cooperation, dialogue and encouragement of civil society development.

The Council is composed of 31 members appointed by the Government, of which 15 members from the ranks of employees in state administration bodies and 16 members proposed by organisations registered under the Law on Associations and Foundations through a public call for special areas including civil society sector development, democracy and rule of law, promotion and protection of human rights and anti-discrimination, social protection and protection of children, protection of marginalised persons, gender equality, etc.

For effective multi-sectoral cooperation at the national and local level by the Law on Prevention and Protection against Violence against Women and Domestic Violence, the adoption of a Protocol for cooperation is envisaged. A Working Group has been established to prepare this document and the first draft document will be prepared by April 2022.

Pursuant to Article 15 of the Law on Prevention and Protection against Violence against Women and Domestic Violence, in 2021, the Government has established a National Coordination Body for Implementation of the Council of Europe Convention on Preventing and Combating Violence¹⁹ with a five-year mandate. The National Coordination Body is chaired by the Minister of Labour and Social Policy, and the administrative and professional work is performed by the Ministry of Labour and Social Policy.

The National Coordination Body is composed of one representative from the General Secretariat of the Government, three senior officials from the Ministry of Labour and Social Policy, a member and deputy member from the Ministry of Health, member and deputy member from the Ministry of Justice, member and deputy member from the Ministry of Education and Science, member and deputy member of the Ministry of Interior, judges and public prosecutors, representative of local self-government units and a representative of associations, trade unions and employers' associations, one representative each from the Commission for Equal Opportunities for Women and Men, and The Parliamentary Club of the Assembly of North Macedonia, judge, public prosecutor and representative of the local self-government units.

The National Coordination Body performs the following tasks:

¹⁸ Official Gazette of the Republic of Macedonia No. 98/16, 164/17 and Official Gazette of North Macedonia No. 97/19 и 116/21

¹⁹ Official Gazette of the Republic of North Macedonia No. 129/21

- Prepares and monitors the implementation of the Strategy;
- Prepares and monitors the National Action Plans;
- Coordinates the work of the institutions in the field of prevention and protection from gender-based violence against women and domestic violence;
- Monitors the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and national policies in the field of gender-based violence against women and domestic violence;
- Monitors and analyzes the situation with gender-based violence against women and domestic violence;
- Monitors the planned and spent financial resources;
- Gives opinions and recommendations for improving policies and adoption of measures and activities in the field of gender-based violence against women and domestic violence;
- Monitors the implementation of the international and regional bodies' recommendations for gender-based violence against women and domestic violence and proposes activities and measures for their implementation;
- Promotes the principle of equality and elimination of stereotypes about gender roles;
- Gives an opinion on the methodology for the integrated data collection on gender-based violence against women and domestic violence from all relevant institutions and organisations responsible for implementing this law;
- Gives an opinion on the programmes for initial and continuous education of professionals who provide specialised services to women victims of gender-based violence and victims of domestic violence at the request of the Ministry of Labour and Social Policy;
- Coordinates and monitors the collection of data on gender-based violence against women and domestic violence according to predetermined indicators;
- Submits an annual report on the undertaken activities and the achieved progress on the situation with gender-based violence against women and domestic violence following the Strategy, to the Assembly of North Macedonia for consideration.

This body does not have a special budget, the budget funds are planned by each institution separately for the activities that are in their competence.

The Ministry of Labour and Social Policy keeps internal statistics on domestic violence with data obtained from 30 Centers for Social Work that cover the territory of our country, which include: gender structure, ethnic structure, age structure, type of violence, type and number of temporary measures and type of social service.

These data are not published nationally, but are available as public data and refer only to victims of domestic violence under the Law on Prevention and Protection of Domestic Violence, which ceased to apply starting from May 2021.

The Law on Prevention and Protection against Violence against Women and Domestic Violence envisages integrated collection, as well as protection of data on gender-based violence against women and domestic violence. According to Article 28 of the Law on Prevention and Protection against Violence against Women and Domestic Violence, all state administration bodies, courts, public prosecution, local self-government units and legal entities exercising public powers determined by law and associations are obliged to: collect statistical and Administrative data on the situation with gender-based violence against women and domestic violence, based on sex, gender, age, community affiliation, residence and other data determined by this or another law, under the provisions of the Law on Personal Data Protection.

Hence, the Law defines the obligations of the entities that are responsible for data collection:

- Ministry of Labour and Social Policy

Under Article 17, paragraph 8, the Ministry collects data on the number of women victims of gender-based violence and victims of domestic violence in the social protection system, which are divided by

gender, sex, age, community affiliation, place of residence, relationship victim-perpetrator, type and number of services provided to victims and perpetrators, and other data determined by law by the institutions in the social protection system and by other institutions responsible for law enforcement;

- Ministry of Interior

Under Article 18, paragraph 7, collects data on the number of reported cases related to gender-based violence against women and victims of domestic violence divided by gender, sex, age, ethnicity, disability, place of residence, victim-perpetrator relationship, qualification of the crime and other data provided by law.

- Ministry of Health

Under Article 19, paragraph 8, collects data on the situation of women victims of gender-based violence and victims of domestic violence who sought assistance or intervention through the health system, divided by gender, sex, age, ethnicity, disability, place of residence, victim-perpetrator relationship, type and number of services provided to victims and other data by the Law on Health Records, as well as perpetrators.

- Associations

Under Article 24, paragraph 3: conducting research and analysis of the situation with gender-based violence against women and domestic violence; and under Article 24, paragraph 4, collect data on the number of women victims of gender-based violence and victims of domestic violence for whom they sought assistance and support, divided by gender, sex, age, ethnicity, disability, place of residence, victim-perpetrator relationship, type and number of services provided to the victims and perpetrators and other data provided by law.

- Unions

Under Article 25, they conduct research and analysis of the situation with gender-based violence against women and domestic violence, report on cases of gender-based violence against women, cooperate with associations, foundations and other organisations in promoting and preventing gender-based violence against women and domestic violence.

- Public Prosecutor

Under Article 30, paragraph 1, introduces and maintains special records on cases of gender-based violence against women and victims of domestic violence by gender, sex, age, ethnicity, disability, place of residence and other grounds, as well as data relevant to monitoring the situation with gender-based violence against women and domestic violence in accordance with the law.

The data should be collected by competent institutions following bylaws on the manner, form, input and exchange of data from different institutions, which will establish the system of data collection at the competent institutions. In 2021, a working group was formed and the procedure for preparation of these bylaws for establishing a data collection system on the territory of North Macedonia was initiated.

The State Statistical Office, within the IPA national programme and by Article 31 of the Law on Prevention and Protection from Violence against Women, has started organizing a survey on the situation of gender-based violence against women and domestic violence, which will provide information on the situation of women, their social life and their life in the society in the fight against violence and their protection as victims of that violence in society. The survey covers women aged 18 to 74 and will be conducted from January to March 2022.

Under the Law on Equal Opportunities for Women and Men of 2012, the Agency for Audio and Audiovisual Media Services prepares annual analyses of the treatment of gender issues in daily news programmes and how women and men are represented in the programmes of national television services.

II. Prevention

In 2020, the Ministry of Labour and Social Policy conducted a campaign for reporting domestic violence in the state of emergency COVID-19, and in cooperation with the Public Relations Department of the Government of North Macedonia, it was distributed through social media and the public TV service. As part of this campaign:

- In cooperation with the OSCE, they prepared and distributed flyers in prominent places (markets, pharmacies, institutions, etc.). These flyers contained the basic information on reporting domestic violence, i.e. where the victim should turn for help;
- They prepared and distributed 300,000 flyers and posters with basic information where victims can make a report, and the availability of specialised services for victims of domestic and gender-based violence with the support of the UNFPA Office;
- In cooperation with UNDP, the first mobile application for assistance and support to victims of violence "Be Safe" has been created, available in Macedonian, Albanian and Romani;
- Provided support in the form of food and hygiene packages for all registered women victims of domestic violence (359 food packages and 359 hygiene packages were distributed) in cooperation with partner organisations;
- Submit a letter of notification to all municipalities on the territory of North Macedonia on the manner and need for the urgency of treatment and availability of services for victims of domestic violence.

The Ministry of Labour and Social Policy and the Ministry of Interior acted in a coordinated manner in cases of domestic violence during curfews, and also with other competent institutions dealing with cases of domestic violence. Professionals from the centres for social work have a permit for unimpeded movement and during curfew, for the victims to receive the necessary protection and support.

The **Ministry of Interior** submitted a telegram to all police stations regarding the actions of police officers in case of reports and actions of victims of domestic violence. During the curfew, victims of domestic violence were exempted from the prohibition on movement.

The Ministry of Interior prepared:

- Police Handbook - Providing Gender-Sensitive Support Services to Victims of Domestic Violence (with the support of UN Woman);
- Reminder for the conduct of police officers in cases of gender-based violence and domestic violence (with the support of the OSCE Mission).

Both documents will be part of the police officers' training to provide them with professional training for acting upon a report, as well as for sensitisation regarding the issue of gender-based violence and domestic violence.

An Algorithm for the action of the police officers after receiving a complaint of gender-based violence and domestic violence has been developed.

The curriculum for basic training of candidates for police officers continuously incorporates topics that aim to increase the expertise in acting from a gender-sensitive aspect. In addition to other topics, curricula for hate crime, human rights and anti-discrimination and the provision of gender-sensitive services to support victims of domestic violence are mandatory.

Due to the Covid 19 pandemic, the number of trainings conducted for police officers was reduced. Namely, in 2020 a total of 335 police officers were trained (46 women and 289 men) while in 2019 967 police officers were trained (118 women and 849 men). In 2020, a total of 92 workers (29 women, 63 men) were trained in the areas of gender issues, gender-sensitive services and non-discrimination, while in 2019, a total of 1362 workers were trained in the Public Security Bureau (212 women and 1150 men).

The **Ministry of Education and Science** implemented the new Concept for primary education for first and fourth-grade students in the academic year 2021/2022. The first and fourth-grade teachers received appropriate training for the application of the new Concept during the summer (divided into three modules). New learning materials have been developed for the first and fourth-grade students according to the new curricula. Through activities and games, the students learn to understand the aspects of gender equality, interculturalism, inclusion, environmental protection, respect, rights, etc. At the same time, these teaching materials provide a different approach to teaching, enable students to learn with understanding, which helps develop critical thinking and creativity and increase the competencies of knowledge, abilities, skills, and attitudes.

According to the new law on primary education, primary school staff are obliged to promote equality and fairness among all students and to actively oppose all forms of discrimination and violence. As part of the annual work programme, primary schools also need to plan and promote the well-being of students, protection from violence, abuse and neglect, and prevention of discrimination. In the part of students' rights and obligations, i.e. protection of students' integrity, it is stated that every employee in the school is obliged to take care of the best interest of the student and to respect his dignity, as well as the Convention on the Rights of the Child.

Primary school teachers are also trained by the Bureau for Education Development in relation to comprehensive sex education. For teachers (14 in total) to teach the subject, i.e. the curriculum of 36 school classes, trainings were conducted to acquire knowledge and skills on all topics related to comprehensive sex education, by the latest UNESCO recommendations for ages 12 to 15, i.e. gender and sex, sexual and reproductive health and HIV, sexuality, violence, civic aspects and discrimination, body and body image, and relationships.

The **Ministry of Defence** has an established system for reporting, monitoring and recording all forms of violence and harassment during employment.

- Guidelines for the manner of organizing and conducting gender training for employees of the Ministry of Defence and the Army of North Macedonia, adopted in 2020;
- Regional Handbook on Preventing Gender-Based Discrimination, Sexual Violence and Harassment in the Ministries of Defence and the Armed Forces of the Western Balkans (as part of a regional project with UNDP / SEESAC), developed in 2021;
- Guidelines for protection against harassment at the Ministry of Defence and the Army, adopted in 2019;
- Guide for protection against harassment at the workplace, made in 2019;
- Conducted a survey to provide support to the Instruction for protection against harassment at work in the Ministry of Defence and the Army.

The **Ministry of Defence** and the **Army** promoted a Guide for protection against harassment at work before the employees in the barracks and garrisons throughout the country. This guide contains clear messages about zero tolerance for harassment, as well as encouragement to report harassment in the workplace.

Procedures for the protection of persons reporting harassment are transparent and available on the official website of the Ministry of Defence. Namely, on the website of the Ministry of Defence, the "Stop Harassment" sub-window is opened, where employees can find detailed information about the manner, measures and procedures for prevention and protection from harassment, as well as the obligations and the procedures of all categories of employees in the Ministry and the Army.

In 2019, the Ministry of Defence promoted a video entitled "Women and men in the Army are equal", which sends a message that men and women are equal in the Ministry and the Army (available on the website of the Ministry of Defence).

At the Military Academy "General Mihailo Apostolski" in Skopje, to supplement the teaching content from a gender perspective, in the subjects Military Psychology, Sociology, Military History and Human Rights, information from this field are used through thematic contents of the curriculum to raise of awareness of the gender aspects of the military profession among cadets - future officers, and their role in promoting and implementing those values in practice.

The Ministry of Defence continuously conducts trainings on mobbing and conflict prevention at work and protection from all forms of harassment. At the same time, the contents of the gender trainings also contain topics for protection against discrimination.

In 2019, 2020 and 2021, the Ministry of Defence conducted several trainings in which a total of 36 designated gender representatives, staff in the Ministry of Defence and the Army were trained. The Ministry and the Army have a total of 21 certified gender trainers.

In the Ministry and the Army in 2019 - 2021, gender trainings were conducted as part of the pre-trainings. These trainings are mandatory for personnel assigned to peacekeeping missions and operations. In May 2021, training on gender perspective was conducted with the participants in the KFOR 29 exercise.

The **Academy for Judges and Public Prosecutors** regularly takes appropriate steps to conduct training and introduce teaching materials on issues such as equality between women and men, non-stereotypical gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity.

The Academy for Judges and Public Prosecutors implements activities in the initial and continuous training regarding the prevention of violence against women, protection of victims of violence, as well as punishment of perpetrators of violence.

According to the Theoretical Teaching Programme, several subjects are studied in 3 modules are studied, where the above-mentioned topics are covered.

- Module 1 teaches civil, constitutional, administrative law, as well as information technology and legal research;
- Module 2 teaches criminal law, criminology, forensic medicine, forensic psychiatry and the linguistics of law;
- Module 3 teaches international law, EU law, ethics, business culture and deontology, and forensic psychology.

The theoretical teaching lasts 9 months and according to the Programme, a total of 1035 classes are provided. The initial training is attended by the trainees of the initial training, who after the successful completion of the same, are elected judges or public prosecutors.

The Ministry of Labour and Social Policy within the Matra project "Implementation of the National Action Plan for the Istanbul Convention" funded by the Dutch Embassy in 2020 and 2021 conducted the following capacity building activities:

- Developed modules for specialised services for women and children, for perpetrators and for raising awareness among professionals;
- Realised 3 *trainings for trainers* for a gender-based violence programme for specialised services for 3 modules;
- Realised 3 trainings for *providers of specialised services for victims of gender-based and domestic violence*, intended for the social work centres, the Institute for Social Services and representatives of civil society organisations that provide specialised services for victims of gender-based and domestic violence.

Following the Operational Plan of the Agency for Audio and Audiovisual Media Services for the realisation of the Action Plan for the Istanbul Convention for 2020, training was conducted, intended for employees in the professional services of the Agency for Audio and Audiovisual Media Services and representatives of the self-regulatory body the Council of Media Ethics of Macedonia (CMEM).

Namely, in 2020, the employees of the Agency and representatives of CMEM participated in the online Workshop for the media regulatory body and the self-regulatory body for media ethics, for regulation, self-regulation and monitoring of the application of reporting standards in cases of gender-based violence in the media within the UFREX project "Freedom of Expression and Freedom of the Media in RS Macedonia", jointly implemented by the European Union and the Council of Europe.

In 2021, the Sector for Programme Affairs from the Department of Human Rights and Media Literacy attended training on gender-based violence intended for media professionals organised by HOPS - Healthy Options Project Skopje, Margini and the National Network for Combating Violence against Women and Domestic Violence, within the project "Different discourse, better reality: media in combating gender-based violence – strengthening media literacy on gender-based violence". The project was part of the UN Women Regional Programme on the Elimination of Violence against Women, supported by the EU and the UN Women's office in Skopje.

A Programme for the psychosocial treatment of perpetrators of domestic violence has been established in North Macedonia.

To adequately respond and act when dealing with violence, within the framework of the positive legislation, a set of protection measures is prescribed for the victims that the centres for social work are obliged to take, including mandatory counselling for the perpetrator - pronounced temporary protection measure by the competent court, imposed obligation during the protective supervision for suspended sentence - attending a programme for work with convicts for crimes committed while committing domestic violence, as well as referred by a social work centre.

The Ministry of Labour and Social Policy has established 8 counselling centres for the psychosocial treatment of perpetrators of domestic violence in seven regions on the territory of North Macedonia: Polog, South-West, East, North-East, Vardar, Pelagonija and Skopje region. These counselling centres are organisational units of the social work centre, although they are located outside the social work centre. The experts from the counselling centre where the psychosocial treatment is carried out for executing the pronounced temporary protection measure for perpetrators - obligatory attendance at the counselling centre of violence against women or domestic violence - at least once a month inform the competent centre that monitors the pronounced temporary protection measure about the psychosocial treatment, and after the end of the treatment, they submit a report on the effect of the treatment and the change in the behaviour of the perpetrator. In case the perpetrator does not appear or terminates the psychosocial treatment, the service provider immediately, and no later than three days from the day of receiving the information, notifies the centre and submits a report on the reasons for termination of the treatment. After receiving a notification for non-compliance or violation of the pronounced temporary protection measure, the centre immediately, and no later than three days after receiving the notification, informs the competent court.

The Ministry of Justice within the project "Strengthening the protection of the rights of the sentenced persons", which was implemented by the Directorate for Execution of Sanctions with the Council of Europe with the support of three international consultants, three specific modules/programmes were developed: persons that are sentenced for sex offences, those sentenced to long sentences and life imprisonment, as well as a programme for dealing with women. These programmes are designed to deal with sentenced persons serving prison sentences. The programme for dealing with convicted sex offenders was piloted in the Idrizovo Penitentiary in 2017.

Within the Programme for initial and continuous training and testing of the knowledge and abilities of the prison staff, which was adopted in 2021, special trainings are conducted to acquaint the prison staff with the type, content and procedure for the application of specific treatment programmes for convicts.

In terms of probation, there are no special programmes for sex offenders applied in the probation service.

The probation service is new and at the moment the role of the probation officers is, according to the individual treatment programme for probationers, to supervise and coordinate the treatment process according to the needs of the person using the services and capacities of other institutions that already conduct such programmes (health institutions, social work centres, non-governmental organisations, etc.).

Within the Project "EU Support for the Rule of Law" which is a five-year project for the period 2021-2025, the fourth component of the project "Enhanced protection of fundamental rights and stronger uptake of alternative means to detention" covered the key activities for further development of the probation service by the Strategy for probation service development for the period 2021-2025.

The Ministry of Information Society and Administration proposed amendments to the Law on Audio and Audiovisual Media Services (Official Gazette of RM 27/19) which refer to the alignment of the Istanbul Convention provisions, as well as amendments to Article 48 of the Law in order to align The Law on Prevention and Protection against Discrimination and amendment of the misdemeanour provisions for cases of determined violation of the prohibition of hate speech and discrimination.

Furthermore, Article 50 of the same Law stipulates the protection of minors: "Providers of audiovisual media services must not broadcast programmes that may seriously harm the physical, mental or moral development of minors, especially programmes that contain pornography or unnecessary violence". Article 61 stipulates that in performing their activity, the Broadcasters should respect the following principles: nurturing and developing the person's human and moral values and protection of the person's privacy and dignity; equality of freedoms and rights regardless of gender, race, national, ethnic and social origin, political and religious beliefs, property and social status of a person and citizen; fostering a spirit of tolerance, mutual respect and understanding between individuals of different ethnic and cultural backgrounds; protection of the identity of victims of violence, etc."

The Agency developed an "Agency for Audio and Audiovisual Media Services Guide for Monitoring the Application of Reporting Standards in Cases of Gender-Based Violence in the Media" (available on the AAVMS website at: <https://bit.ly/3DWmJ79>). In addition, within the project "Different discourse, better reality: media in combating gender-based violence – strengthening media literacy on gender-based violence", in addition to training, a "Handbook for Gender Sensitive Media Reporting" was developed (available at: <https://hops.org.mk/wp-content/uploads/2021/07/ZA-WEB-A4-MKD.pdf>)

In the **State Labour Inspectorate**, all employees are informed and acquainted with the Law on Protection from Harassment at Work, they are familiar with the procedure, measures and activities that constitute psychological and sexual harassment at the workplace. Also, a list of 10 mediators was prepared, selected among inspectors from several regional departments, administrative officers from the human resources sector, but also other sectors.

This large list of mediators enables impartiality in the proceedings between the perpetrators and the harassed persons - victims, independence and nonsubjectivity in a way to help the parties to resolve their disputed relationship, i.e. to reach an agreement in the procedure for protection against harassment at the workplace. Also, when performing inspections upon a complaint of harassment at the workplace, the inspectors act following the provisions of the Law on Protection from Harassment at Work and the Law on Labour Relations.

The Ministry of Labour and Social Policy has established a Work Group for the preparation of amendments to the Law on Prevention and Protection from Harassment at Work. The working group includes all relevant institutions, as well as the civil society sector. The changes in the law are in line with EU regulations and directives relevant in this area. Amendments to the Law on Prevention and Protection from Harassment at Work cover sexual harassment in the workplace.

Following the Instruction for protection against harassment at the workplace, the Ministry of Defence and the Army have appointed an authorised person and an authorised deputy for protection from harassment.

Also, 36 (thirty-six) gender representatives have been appointed for protection against harassment at the workplace in the Ministry of Defence and the Army. These genders have the task to:

- provide opinions and advice to the management and command staff on the established mechanisms for protection against harassment in the workplace and
- to give advice and assistance in cases of reported harassment in the workplace.

III. Protection and Support

The Law on Prevention and Protection against Violence against Women and Domestic Violence defines the competent institutions that deal with women victims of violence and domestic violence, as follows: police officers, professionals from the social work centre, and the health institution and health workers. The social work centre starts the procedure after receiving information that gender-based violence against a woman or domestic violence has been committed ex officio, at the request of the victim, upon a report from a citizen, official, institution and association. In cases where the victim is a child or a person that is unable to take care of themselves or a person with limited or deprived legal capacity, protection measures are taken whether with or without the consent of a parent or guardian. Measures for victim protection undertaken by the centre are as follows: provide temporary care; ensures that the victim receives the necessary medical assistance and, if necessary, accompanies the victim to the nearest health institution; ensures that the victim exercises the right to social and health care in accordance with the law; provides appropriate psychosocial intervention and treatment; provides the victim to receive psycho-social treatment in a counselling centre by professionals in a social work centre, association, counselling centre for women victims of violence and other victims of domestic violence; provides assistance to the family for regular education of a child; provides legal aid and representation; directs the victim to the relevant state and other bodies responsible for economic empowerment of the victim and her active involvement in the labour market through a competent employment centre, and taking urgent protection measures in case of high risk, as well as when the victim uses the services of temporary residence, and no later than 12 hours from the receipt of the report, makes a decision for temporary entrustment of care and upbringing of children to the parental victim.

The application "Be Safe" made by a multi-sectoral working group has been published on the website of the Ministry of Interior. The main goal of the application is to strengthen the system for protection and support of all victims of gender-based violence, as well as to enable rapid reporting of gender-based violence and request assistance to the victim in conditions of the Covid-19 pandemic. The application contains important contacts of all important institutions and organisations working on issues of violence against women, including domestic violence, victim rights education, and information/advice for victims on what to do in case of violence.

With the financial support of the OSCE Mission, the Ministry of Interior also produced flyers for victims of gender-based violence and domestic violence that contained brief information messages for the victims, as well as telephone numbers from relevant services offering assistance and support to victims. The flyers are distributed to the Prevention Departments and the specialised inspectors for work in the field of domestic violence.

The Law on Prevention and Protection from Domestic Violence²⁰ and the Law on Prevention and Protection against Violence against Women and Domestic Violence²¹ contain a legal provision for

²⁰ Official Gazette of the Republic of Macedonia No. 138/14, 33/15 и 150/15

²¹ Official Gazette of the Republic of North Macedonia No. 24/21

undertaking measures for the protection of victims, which includes several types of measures for the protection of victims that need to be taken over by the social work centre, among which is directing the victim to the relevant state and other bodies responsible for economic empowerment of the victim and victim's active inclusion in the labour market through a competent employment centre. Under this legal provision, the social work centre submits a written notification to the employment centre regarding the economic strengthening of a person that is a victim of domestic violence. Based on the received notification, the employment centre calls and informs the victim about the services they provide as assistance in the job search process, such as profiling and preparation of an Individual Employment Plan, participation in training or active employment programme/measure, information about vacancies and other types of employment assistance according to the victim's needs, and opportunities to use them.

Table: Data on the number of victims of domestic violence included in the economic empowerment programme

Year	2019	2020	2021
Number of women victims of domestic violence called by the Employment Center for further activities after receiving a notification from the Social Work Center	78	58	94
Number of women victims of domestic violence involved in active employment programmes and measures, training, services such as employment mediation, profiling, preparation of an Individual Employment Plan, access to information on vacancies for employment, etc.	42	23	34

According to the Operational Plan for active programmes and measures for employment and services in the labour market in 2019, 2020 and 2021:

- The measure of Self-employment support (entrepreneurship) provides women victims of domestic violence with the opportunity to receive counselling/mentoring support within 12 months from the establishment of the business as members of the target group of women from vulnerable categories;
- The Wage Subsidy measure, which aims to support the employment of unemployed people who have difficulties entering the labour market, among others, targets victims of domestic violence.

It should also be noted that unemployed women victims of domestic violence have the right to participate in all other active employment programmes and measures, as well as in employment services.

Table: Data from the Ministry of Labour and Social Policy obtained from social work centres

Type of assistance for victims of domestic violence	2018	2019	2020	2021
Psychosocial assistance and support	919	1554	1531	1068
Legal aid	793	1091	1087	1352
Social protection rights	21	36	72	81
Number of notifications to Employment Service Agency for inclusion in active measures	135	283	310	196
Proposed temporary protection measures submitted to the court by the Social Work Centre	545	1007	1042	1223
Women victims placed in shelters with their children	56	102	114	58

Table: Data from the Ministry of Labour and Social Policy on the accommodation of women victims of domestic violence and their children in shelters

Placed in shelters	2018	2019	2020	2021
Women	27	38	74	
Children	29	74	63	
Total	56	102	114	

Table: Number of patients treated in rape victims' centres

Centre for Rape Victims at	2018	2019	2020	2021
University Clinic of Gynaecology & Obstetrics in Skopje	3	5	7	8
General Hospital in Kumanovo	/	3	2	/
Clinical Hospital in Tetovo		1	8	/

According to the Law on Prevention and Protection against Violence against Women and Domestic Violence, victims have the right to judicial protection in civil proceedings and criminal proceedings before actual and locally competent courts. Victims are entitled to special procedural safeguards in accordance with the Law on Criminal Procedure and the Law on Justice for Children.

Lawsuit for determining liability for failure to act with due diligence. The victim has the right to file a lawsuit before a civil court to determine liability for the failure of the competent institutions to act with due diligence. The lawsuit may include a request to determine the responsibility of the defendant for failure to act with due diligence determined by this law; to award compensation to the victim for failure to act with due diligence by the defendant and to oblige the defendant to take action to protect the victim following the provisions and deadlines set by this law. The provisions of the Law on Civil Procedure are appropriately applied in the procedure.

In all civil proceedings for the protection of women victims of gender-based violence and domestic violence, the competent court is the court with general local competence; in addition, the court in whose territory is the location of the plaintiff's residence, registered residence or the seat of the victim's accommodation centre also has local competence. The plaintiff who claims that by the provisions of this law the principle of due diligence has been violated is obliged to present the facts that make the claim probable, and then the burden of proof passes to the defendant to prove that he acted with due diligence. In proceedings concerning the protection of victims, the court may not refer to a binding settlement of the dispute.

In terms of specialised services and support for all women victims and their children on the part of the health sector, health services are provided, intersectoral coordination, information and referral, psychosocial support, gynaecological examination, evaluation of unwanted pregnancy, emergency contraception, evaluation and STI therapy, forensic examination, abortion, contraceptive counselling, Covid test.

The Ministry of Labour and Social Policy has established specialised services for women victims of gender-based violence and domestic violence in 7 planning regions on the territory of North Macedonia, as follows:

- Established 13 Centres for women victims (and their children) of domestic violence, of which 8 are organisational units of the locally competent social work centre, 2 are funded by the Ministry and managed by associations, and 1 is funded by local self-government and managed by an association;
- Established 10 specialised counselling centres for women victims of violence and victims of domestic violence;

- Established 8 specialised counselling centres for psychosocial treatment for perpetrators of domestic violence.

Specialised services - centres for women victims of domestic violence are available 24/7, while counselling centres operate with scheduled appointments.

For proper functioning of these services, the Ministry of Labour and Social Policy has developed:

- Work standards and procedures for the social work centres for women victims of gender-based violence and domestic violence (October 2021);
- Work standards and procedures for the licensed providers of specialised counselling service - specialised services for women victims of gender-based violence and victims of domestic violence (October 2021);
- Work standards and procedures for the temporary residence service providers (Center for Victims of Domestic Violence, Center for Victims of Gender-Based Violence and Center for Women Victims of Sexual Violence and Rape (October: 2021);
- Work standards and procedures for the counselling service - social treatment of perpetrators of domestic violence (October 2021);
- Work standards and procedures for work of licensed providers of specialised services - SOS line for assistance to victims of violence against women and domestic violence. (October 2021)²².

Specialised services for women victims of violence are available to every woman under Article 7 of the Law on Prevention and Protection against Violence against Women and Domestic Violence, which defines which women are vulnerable.

The specialised services that are established as organisational units of the social work centres are in the budget programme of the Social Work Center. The specialised services that are managed by the associations, and financed by the ministry, are provided every year following the Law on Games of Chance and Entertainment. The services that victims receive are free of charge regardless of their income.

Women victims of violence and domestic violence can be coordinated and referred to specialised services by a social work centre; an association; the police or a police officer.

On the territory of North Macedonia, SOS lines have been established, and are managed by associations. These lines are free for victims and are operated by operators who are trained to provide this service. For the last 4 years, the Ministry of Labour and Social Policy has been continuously financing the free mobile SOS line, which is managed by an association selected through a public call.

In the Rulebook on the manner of assessing the risk of serious danger to life and physical and mental integrity of the victim and her family members and the risk of recurrence of violence, appropriate risk management, the form of the police report and the proposal for imposing an emergency measure for protection - removal of the perpetrator from the home and prohibition to approach the home (Article 13), during the risk assessment by the police officers, in cases when children or persons with limited or deprived legal capacity are present in the victim's home, the police must call a police officer from the competent organisational unit for criminal investigations in the Ministry of Interior because they are trained to deal with children. (This part is inappropriate because it only describes the risk of the Ministry of Interior according to the rulebook, and the rulebooks on the risk of the Ministry of Labour and Social Policy and the Ministry of Interior are above).

In all cases when it is necessary to provide adequate care for children or persons with limited or deprived legal capacity, the competent social work centre shall be notified. This centre shall take the

²² Link: <https://www.mtsp.gov.mk/dokumenti.nspix>

necessary measures and activities to protect the rights and interests of children and persons with disabilities or deprived of legal capacity (including advising child witnesses or victims).

The Instructions for reporting and protecting a student victim of any of the forms of violence in primary schools show a categorisation of violence in first, second and third degrees. There is also a form for recording the violence, as well as a form for planning the protection of the victim from violence regardless of gender, gender identity, social status or any other basis, as well as change of the perpetrator's behaviour, and through the questions they contain it will be identified if there is violence and from what level and category is that violence. According to the same Article, paragraph 3, the Bureau for Education Development concluded a Memorandum of Cooperation with "Margini" (Margins), a coalition for sexual and health rights of marginalised communities, for drafting a bylaw on the procedure for reporting and protection of student-victims of any form of violence, abuse and neglect.

IV. Material Law

(Chapter V of the Convention, Articles 29 to 48)

The system for the protection of gender-based violence and domestic violence in North Macedonia consists of two components:

(1) Criminal law component, which aims to sanction the violent behaviour that occurs in the family and

(2) Civil law component, which regulates the temporary measures for ensuring fast and reliable protection of the victims from additional or future violence against women, and domestic violence.

The fundamental feature of the legal protection system is that the two components complement each other and do not exclude the solutions offered through the separate legal systems.

The problem of domestic violence in the country is recognised and loses the character of something private that remains within the family. Owing to this, appropriate measures are continuously taken to prevent violence and to protect the victims, as well as to establish a more effective system for prevention and protection from domestic violence. Special attention is paid to the improvement of national legislation. Namely, starting from 2004, the Family Law and the Criminal Code explicitly criminalised domestic violence. Following this direction, in 2014, to improve the overall system for prevention and protection of victims of domestic violence, the first systemic Law on Prevention and Protection from Domestic Violence was adopted.

In accordance with the Government Programme for 2017-2020, to implement the Action Plan for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2018-2023, in January 2021 a new Law for prevention and protection from violence against women and domestic violence was adopted, which enabled a comprehensive approach i.e. integrated multidisciplinary response in dealing with violence against women and domestic violence, respecting human rights following international standards.

Specific legislation is the Law on Prevention and Protection against Violence against Women and Domestic Violence²³.

This law regulates the actions of the institutions with due diligence in taking measures for preventing gender-based violence against women and domestic violence, the actions of the institutions for the protection of women from gender-based violence and domestic violence, the mutual coordination of

²³ Official Gazette of the Republic of North Macedonia No. 24/21

institutions and organisations, victim protection services and data collection on gender-based violence against women and domestic violence.

The purpose of this law is to prevent gender-based violence against women and domestic violence, effective protection of victims from any form of gender-based violence against women, as well as victims of domestic violence, while respecting fundamental human rights and freedoms guaranteed by the Constitution of the Republic of North Macedonia and international agreements ratified in accordance with the Constitution. The purpose of this law is based on the principle of equality and the elimination of stereotypes about gender roles.

The criminal legal protection of women victims of violence is realised following the provisions of the Criminal Code and the Law on Criminal Procedure.

The Ministry of Justice of North Macedonia has made amendments to the Criminal Code that incorporate the Istanbul Convention standards. The draft law on amending the Criminal Code is awaiting adoption after going through a parliamentary procedure. The Law on Payment of Monetary Compensation to Victims of Crime by Violence is also awaiting adoption after the parliamentary procedure. With this draft law, victims of gender-based violence and domestic violence have the right to compensation under the provisions of this law.

The notion of the victim and injured party, as well as their rights, are regulated in the Law on Criminal Procedure.

A **victim of a crime** of a criminal offence shall be any individual who has suffered some kind of damage, including physical or mental injuries, emotional suffering, property loss or any other violation or endangerment of his or her rights and interests, as a consequence of a criminal offence that has been committed.

An **injured party** apart from the victim shall also be any other individual whose personal or property rights have been violated or endangered by a criminal offence and who participates in the criminal procedure by joining the criminal prosecution.

Victims' rights are also regulated in Articles 53-56:

According to Article 53 paragraph 1: "The victim of a crime has the right to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal and property claim for damages". Also, by Article 57 paragraph 1 line 3, it is regulated that in the criminal procedure the injured party has the right to put a proposal for realisation of the legal and property claim.

The provisions for **legal and property claims** are contained in Articles 110-120:

- any property claims that result from a committed crime shall be deliberated upon proposal by the authorised persons in the criminal procedure if that does not mean a significant delay of the procedure;
- a property claim may refer to a claim for damages, returning objects or annulment of a certain legal affair;
- In an insurance case, the property claim may be filed by the injured party against the insurance company.

A legal and property claim in a criminal proceeding may be **filed** by a person who is authorised for litigation for such a dispute. In a criminal procedure, the legal and property claim shall be filed with the same entity that received the criminal charges or with the court before which the procedure is conducted.

The claim may be filed before the completion of the main hearing before the first instance court at the latest. The authorised person shall be obliged to specify the type and amount of their claim and submit

evidence. If the authorised person did not file any legal and property claim during the criminal proceedings before the indictment has been raised, he or she shall be informed that the same may be done prior to the completion of the main hearing.

The court shall rule on any legal and property claims. In the verdict in which the court convicts the accused, the court shall rule on the legal and property claim partially or in full, and it shall advise the injured party to claim the remainder of the legal and property claim through litigation. If the evidence in the criminal procedure does not provide sufficient ground for full or partial ruling on the legal and property claim, and if their additional collection might mean unjustified delay of the criminal procedure, the court shall refer the injured party to litigation with regards to the legal and property claim.

When the court reaches a verdict, whereby the charges against the defendant are dropped or the indictment is overruled, or when it terminates the criminal procedure with a decision, it shall refer the injured party to litigation with regards to the legal and property claim. If the court declares itself incompetent for the criminal procedure, it shall advise the injured party to apply for the legal and property claim in the criminal procedure that is going to be initiated or continued before the competent court.

In respect of Article 30, paragraph 2, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), upon ratification of this Convention, North Macedonia made the following reserve. The Republic of Macedonia reserves the right “to apply Article 30 paragraph 2 of the Convention in accordance with the provisions of the Law on Justice for Children only when according to a final court decision a child is considered a victim, i.e. injured party by an act that is deemed by law as a crime or misdemeanour with elements of violence.”

The Minister of Justice carries out a **Programme for compensation of a child victim or damaged by an action that is deemed by law as violence, and other acts of individual or group violence.**

From January to June 2021, 4 decisions for compensation of female child victims were adopted and paid in the total amount of 1,500,000.00 denars. The payment was made within the Programme for compensation of a child who is a victim or damaged by an action deemed by law as a criminal act of violence and other acts of individual or group violence for 2021.²⁴

According to the Law on Prevention and Protection against Violence against Women and Domestic Violence, in Article 47, when the victim is a child or a person who is unable to take care of themselves or a person whose legal capacity is limited or has been deprived of their legal capacity, in addition to the measures for protection from this law, the Social Work Centre undertakes measures following the Law on Family which refer to the regulation of the relations between parents and children, supervision over the exercise of parental rights and guardianship and in accordance with the Law on Children's Justice. In the procedures for entrusting the child to one of the parents, the social work centre takes into account the interest of the child, taking heed not to endanger the rights and safety of the victim and/or the children. The Social Work Centre may temporarily restrict or prohibit the child's relationship and direct contact with the parent that does not live together with the child in cases where it is in the best interests of the child, as long as the risk and consequences of the violence persist.

Forms of violence are contained in the Criminal Code as separate criminal offences or as acts of perpetration in separate criminal offences.

²⁴ Official Gazette of the Republic of North Macedonia No. 32/21

1. First of all, the Criminal Code contains a general definition of the term domestic violence, and the act of committing domestic violence is contained in the following criminal offences: Article 123: Murder (paragraph 2 item 2); Article 125: Manslaughter; Article 130: Bodily injury (paragraph: 2); Article 131: Severe bodily injury (paragraph 2); Article 139: Coercion (paragraph 2); Article 140: Unlawful deprivation of liberty (paragraph 2); Article 144: Safety Threat (paragraph 2); Article 189: Sexual assault with abuse of authority (paragraph 2); and Article 191: Mediation in prostitution (paragraph 3).

Namely, in Article 122 item 21: “Family violence shall refer to abuse, rude insults, safety threats, inflicting physical injuries, sexual or other mental and physical violence which causes a feeling of insecurity, threat or fear towards a spouse, parents or children or other persons who live in a marriage or unwed partnership or another joint household, as well as towards a former spouse or persons who have a child together or have close personal relations”.

The proposed amendments to the Criminal Code contain definitions of domestic violence, violence against women and gender-based violence which are fully in line with the Convention.

2. From the aspect of potential victims of such violence, the Criminal Code covers: spouse, parents or children, or other persons living in a marital or extramarital union or joint household, as well as an ex-spouse or persons having a common child, or are in a close personal relationship”.

The Law on Family includes:

“Spouse, parents or children or other persons living in a marital or extramarital union or joint household, as well as towards an ex-spouse or persons who have a joint child or are in a close personal relationship, including relations arising from adoption and guardianship, brothers and sisters, half-brothers and half-sisters; older members of the family or joint household and persons - members of the family or joint household whose legal capacity has been partially or completely revoked. Close personal relations in the sense of this law means personal relations between persons of different sex who are or have been in a partnership, and do not live in an extramarital union.”

3. Regarding the criminalisation of **physical and psychological** violence, it is necessary to emphasize that they are part of the definitions of domestic violence in the Criminal Code, but also in the criminal offences Bodily Injury: Article 130 and Severe Bodily Injury: Article 131. The proposed Amendments of the Criminal Code contain amendments to these criminal offences in order to align them with the provisions of the Convention.

4. Concerning Article 42 of the Convention, there is no explicit provision in the Criminal Code that, in criminal proceedings initiated after the commission of any of the acts of violence covered by the Convention, culture, customs, religion, tradition or so-called honour could justify such acts, nor be considered these as mitigating circumstances. In these cases, Article 39 of the Criminal Code applies.

5. Regarding the criminal act “Stalking”, Article 144 of the Criminal Code of North Macedonia contains the criminal act “Safety Threat”, and in paragraph 1 the actions of threatening or endangering the safety of another with a serious threat to attack their life or body, or the life or body of a person close to them are criminalised, and in paragraph 2 the one who will commit the crime from paragraph 1 while committing domestic violence is. The proposed amendments to the Criminal Code incorporate a new criminal offence of Stalking and is in line with the requirements of the Convention.

6. Concerning the crime of sexual violence and rape contained in Article 36 of the Convention, the analysis indicated a need to harmonize Article 186: Rape under the Criminal Code with the Convention and the case law of the European Court of Human Rights. The proposed amendments to Article 186 of the Criminal Code are in line with the requirements of the Convention.

7. Concerning the crime of forced abortion and forced sterilisation, the enforcement actions under Article 129: Unlawful termination of pregnancy and coercive sterilisation by the CC correspond to those in Article 39 of the Convention.

8. The act of forced marriage is contained in the criminal offence Article 418d: Child trafficking.

9. Sexual harassment is not a crime in the legislation of the Republic of Macedonia and the legal protection from this type of violence is realised following the provisions of the Law on Labour Relations and the Law on Equality between Men and Women. The proposed amendments to the Criminal Code propose the introduction of a new crime of sexual harassment.

10. Female genital mutilation is not included in our CC and it is subject to regulation with the proposed amendments to the CC.

11. Regarding the **sanctions**, identical to the Convention, for these acts the criminal legislation also provides penalties which under our criminal legislation are deprivation of liberty and possibility of deprivation of parental rights and does not provide mediation and alternative dispute resolution for such cases.

12. The Convention requires that special **aggravating circumstances** be provided in the sentencing of such offences.

Article 39 of the Criminal Code contains general rules for sentencing. The law does not differentiate between mitigating and aggravating circumstances but leaves such an assessment to the court.

The general provision for sentencing from paragraph 2 of this Article obliges the court to take into account all the circumstances that affect the sentence to be lenient or harsh (mitigating and aggravating circumstances) and in particular:

- the degree of criminal responsibility, the motives for the crime, the severity of the threat or violation of the legally protected good, the circumstances under which the crime was committed, the victim's contribution to the crime, the perpetrator's past life, personal circumstances and behaviour after the crime, as well as other circumstances related to the personality of the perpetrator.

This also includes:

- whether the crime was committed against a person or group of persons or property, directly or indirectly, due to their sex, gender, race, skin colour, belonging to a marginalised group, ethnicity, language, citizenship, social origin, religion or religious belief, other types of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health condition, or any other basis provided by law or a ratified international agreement;

- whether the crime was a repeated offence, and will especially take into account whether the former crime is of the same type as the new crime, whether it is a prolonged crime and whether there is an extremely high degree of illegality that correlates with other circumstances of the crime, justifying the imposition of a stricter sanction and

- the property status of the perpetrator, taking into account their other incomes, property and family obligations.

13. With regard to Article 41 of the Convention related to aiding and abetting and attempting to commit such offences, the following provisions of the Criminal Code shall apply accordingly: Co-offending: Article 22; Instigation: Article 23; Assistance: Article 24, and Limits of criminal liability and punishability of the accomplices: Article 25.

14. The above mentioned criminal offences are subject to extradition under the provisions of the Law on Criminal Procedure, the Law on International Cooperation in Criminal Matters and the ratified conventions in this area.

15. Regarding the issue of the age limit for inadmissibility of sexual acts, under Article 188: Sexual assault on a child under 14 years of age is criminalised: "Whosoever commits statutory rape or some other sexual act upon a child who has not turned 14 years of age, shall be sentenced to imprisonment of minimum 12 years". Paragraph 2 stipulates: "If a severe bodily injury, death or any other severe

consequences have been caused because of the crime referred to in paragraph (1) or the crime has been committed by more than one person or in an especially cruel and degrading manner, the offender shall be sentenced to imprisonment of minimum 15 years". This criminal offence envisages amendments to bring it in line with the Convention. The perpetrator of the crime referred to in paragraph (2) of this Article shall be banned by the court from performing a profession, activity or duty under the conditions of Article 38-b of this Code (paragraph 3).

The data referring to the cases that resulted in the death of a woman, the Ministry of Justice quotes: "Analysis of cases of femicides - murders of women in North Macedonia 2017-2020"²⁵, https://www.mk.undp.org/content/dam/the_former_yugoslav_republic_of_macedonia/docs/Femicid_MK.pdf.

In the period 2017-2020, a total of 26 women were killed, according to data from the State Statistical Office. Of these, 22 murders (84%) can be classified as femicides.

From the analysis of the murder cases of 16 women, the crime can be qualified as femicide in 14 cases.

In more than 75% of the analyzed cases of murder of women, the crime was committed by the current or former spouse or extramarital partner with whom they lived in a community.

In more than 80% of the cases, although there was violence that was later witnessed during the procedure by close relatives of the victim, still none of the 14 women killed reported the violence they experienced at the competent institutions. Most of the women killed were exposed to more than one form of gender-based violence, and 6 of them received death threats.

Most of the murders (50%) took place in the family home, i.e., the home where the perpetrator and the victim lived together, while 25% of the murders took place in the home where the victim lived alone or with her parents or other family members. This conclusion is just another confirmation that women in North Macedonia are most insecure in their homes.

The use of firearms to commit murder is reduced, i.e. in the period from 2008 to 2016 out of a total of 28 analyzed murders of women, 15 or 53.5% were committed with firearms, for which in 7 cases the perpetrator did not have a license to carry, and in 4 cases there was no information on possession/non-possession because the perpetrator committed suicide immediately after committing the murder.

The degree of the sentence ranges from 10 years to life imprisonment (in two cases), except in two cases where the sentence imposed was - Security measure: mandatory psychiatric treatment and confinement in a health institution".

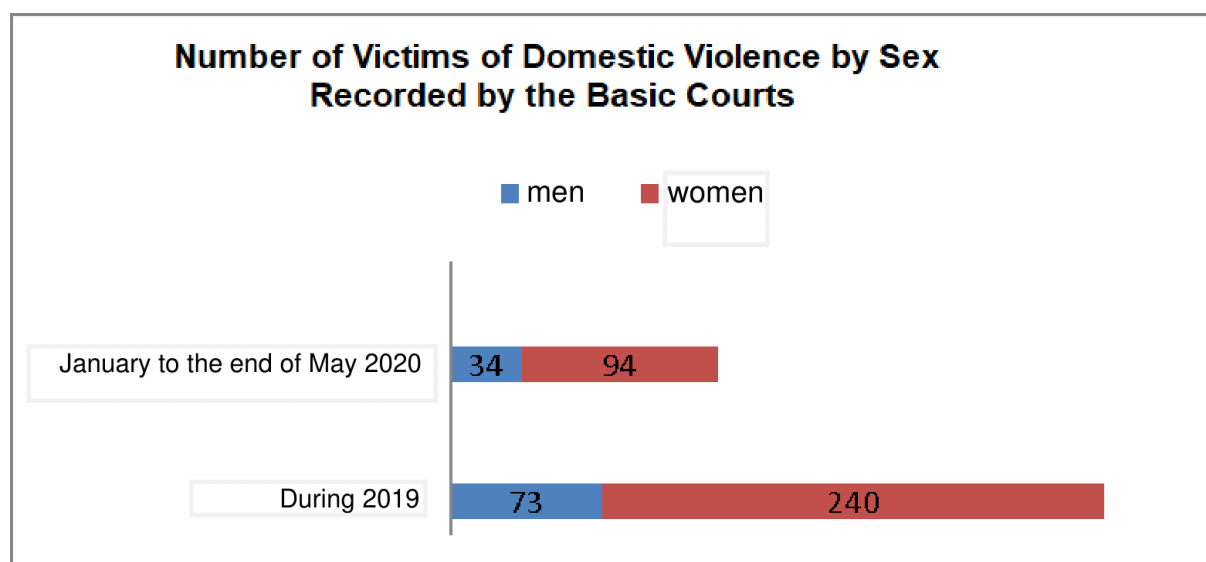
The special report of the Ombudsman from the conducted research on the situation of domestic violence in North Macedonia refers to the period for 2019, and from January to May 2020. In it, the Ombudsman gives information that in 2019 there were 256 perpetrators, and in 2020, in just 5 months, 116 cases were recorded.

The data on the total number of perpetrators of domestic violence by gender (shown in the graph below) indicates that men are 8-9 times more likely to be perpetrators of domestic violence than women. In 2019, men appear as perpetrators of domestic violence in 228 cases, and women in 28, which is 8 times more, and in the period January-May 2020, this ratio between men and women perpetrators is approximately 9 times.

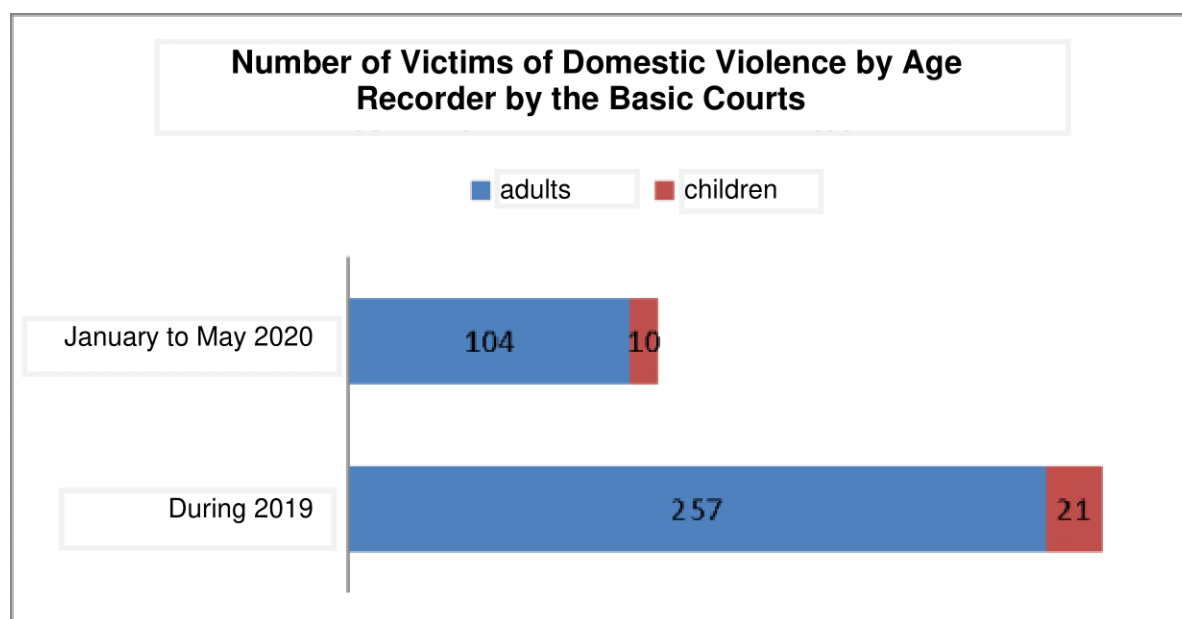
According to the data from the Basic Courts, during 2019, there were 272 victims of domestic violence registered, and 117 in the period January-May 2020.

Data on the total number of victims of domestic violence by gender shown in the chart below indicate that women are about three times more likely to be victims than men.

²⁵Developed by the National Network against Violence against Women and Domestic Violence "Voice against Violence", within the Project "Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and their Ammunition in the Western Balkans by 2024" conducted by the UNDP office in Skopje.



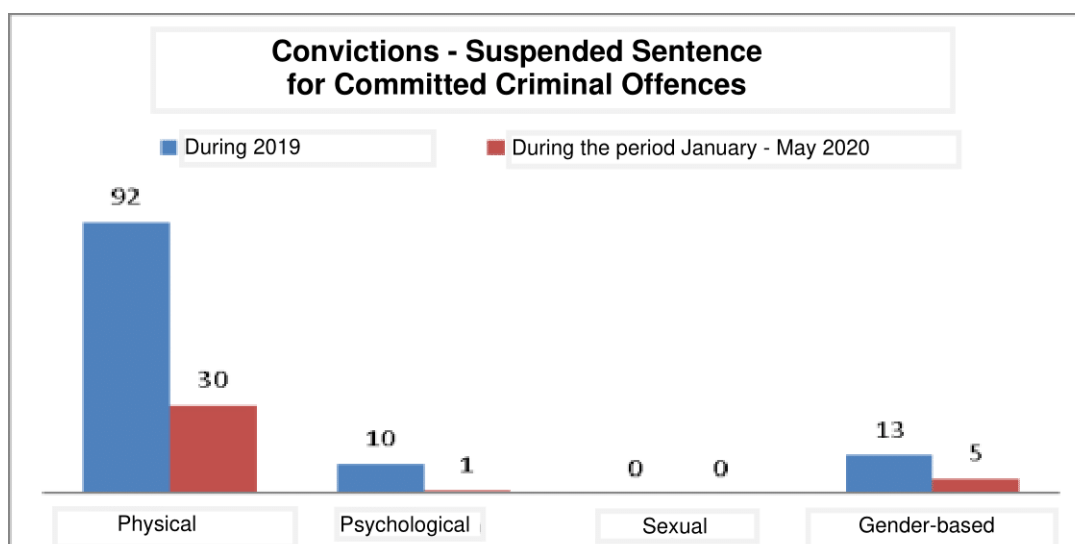
The analysis of the total number of victims of domestic violence by age shows that in 2019, as well as in the research period for 2020, adults are at least ten times more victims of domestic violence compared to children. As it can be seen on the chart below, in 2019 the number of adult victims of domestic violence was 257, and in January-May 2020 there were 104 adult victims. In both research periods, the number of children victims of domestic violence is 21 and 10 respectively.



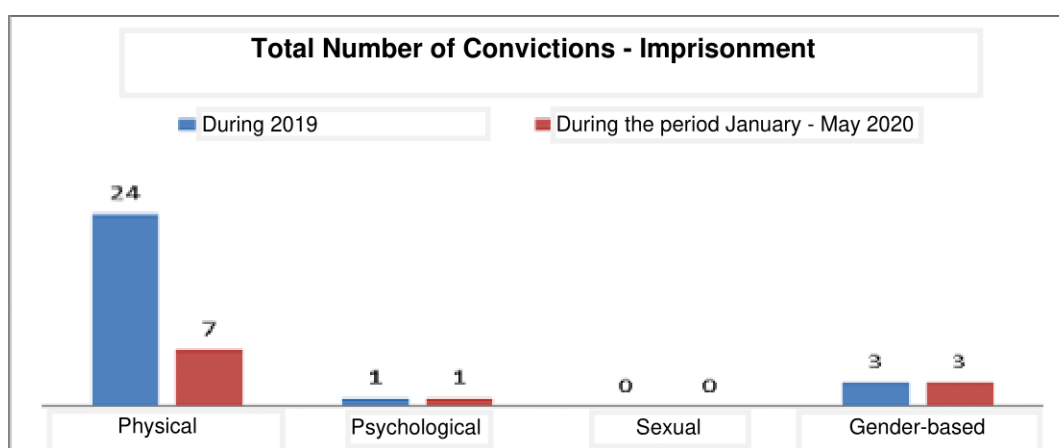
For the two examined periods, most proceedings were initiated for physical violence (265 proceedings in total), followed by psychological (35 proceedings in total), as well as proceedings for gender-based violence (32 in total).

No proceedings have been initiated for sexual violence either in 2019 or in the research period in 2020. In the period March-May (during the COVID-19 state of emergency), most proceedings were initiated for physical violence (22), gender-based violence (9), and psychological violence (7).

The graph shows that most of the Suspended Sentence verdicts for both periods were passed for physical violence (122 in total), followed by gender-based violence (18 in total), and psychological violence (11 in total).



For the total number of convictions - Imprisonment, according to the type of domestic violence, for which the proceedings started and ended in 2019, i.e. in the period January-May 2020, the data presented in the following graph show that most of the convictions - Imprisonment (31 in total) were for physical violence, followed by imprisonment for gender-based violence (6 in total), and 2 for psychological violence.



From the data from the Basic Courts on the total number of prison sentences - final and enforceable according to the type of violence - recorded in the basic courts, it can be concluded that in 2019, a total of 34 proceedings started and ended with passed sentences for physical violence and 3 sentences for psychological violence, while there are no recorded sentences for sexual and gender-based violence. In 2020, a total of 4 initiated proceedings and passed sentences for physical violence, and 2 sentences for psychological violence, while there are no recorded sentences for sexual and gender-based violence. In the two research periods, a total of 10 acquittals were rendered by the Basic Courts, 9 in 2019 and 1 in the research period for 2020. 5 acquittals were rendered because the offence charged is not a criminal offence under the Law and 5 on the ground that the Public Prosecutor or the plaintiff did not prove that the defendant committed the offence. The in-depth analysis of the type of verdicts rendered by the Basic Courts for criminal offences - domestic violence shows that in as many as 75% of cases, the verdicts are suspended sentences, while in 20% of cases a prison sentence is imposed, and in a much smaller percentage (only 5%) an acquittal is passed. The conclusion that as many as 151 suspended sentences have been passed for such serious crimes indicates the fact that the courts tend to give lesser sentences to the perpetrators (suspended sentences), which is further concerning, especially because a small number of convicted perpetrators

have started serving their prison sentences. The data on the total number of rejected verdicts for committed criminal offences are shown in the graph below, where it can be seen that most of the rejected verdicts were rendered because the plaintiff dropped the indictment during the period from the beginning to the end of the main hearing in 21 cases).

V. Investigation, prosecution and procedural law and protection measures

Article 4 of the Law on Prevention and Protection against Violence against Women and Domestic Violence defines the principle of due diligence. In this way, the Law is harmonized with the guiding principles of the Istanbul Convention, which is the principle of due diligence which creates a positive obligation of the state for effective protection of the right to life. The principle of "due diligence" defines the obligation of institutions to promptly, urgently and under legal authority take all measures and authorisations to ensure the protection of the victim and to ensure fair compensation to victims or return to their original position before acts of violence. (This chapter should be written according to the Criminal Code - Ministry of Justice)

In addition, the interests and needs of the victim are taken into account.

2.

CRIMINAL OFFENCES	2019	2020	January - September 2021	WOMEN VICTIMS			WIFE			EX-WIFE			WOMAN IN EXTRAMARITAL UNION			MOTHER			DAUGHTER			OTHER WOMEN			
				2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	
Murder - Article 123 Paragraph 2	5	4	2	2	3	1	1	1	1	1	1				1								1		
Attempted murder - Article 123 Paragraph 2, in relation to Article 19	1	4	2		4	2		1	1							1							2	1	
Bodily Injury - Article 130 Paragraph 2	588	594	502	506	515	431	268	260	228	22	21	20	46	56	48	62	60	43	18	28	32	90	90	60	
Severe Bodily Injury - Article 131 Paragraph 2	23	31	17	14	20	11	5	8	6		2				2	1	2	4	2				7	4	2
Coerce - Article 139 Paragraph 2	1	9	4	2	10	5	0	7	2						1			1		1	1	2	1	1	
Safety Threat - Article 144 Paragraph 2	366	337	266	318	276	223	154	130	108	29	27	23	23	13	12	58	44	33	14	15	14	40	47	33	
Unlawful deprivation of liberty - Article 140 Paragraph 2	4	12	5	4	11	5	1	3	1				1		2		2		1	1	1	1	5	1	
Sexual assault with abuse of authority - Article 189 Paragraph 3	0	0	0																						
Mediation in prostitution - Article 191 Paragraph 4	1	1		1	1		1							1											
Child Prostitution - Article 191 Paragraph 4	0	0	0																						
TOTAL:	989	992	798	847	840	678	430	410	347	51	51	43	70	73	63	123	111	79	33	45	48	140	150	98	

Table 1: Criminal Offences, perpetrators and women victims in relation to domestic violence from 2019 to January - September 2021

INTERNAL AFFAIRS SECTORS	CRIMINAL OFFENCES			PERPETRATORS			WOMEN VICTIMS			WIFE			EX-WIFE			WOMAN IN EXTRAMARITAL UNION			MOTHER			DAUGHTER			OTHER WOMEN		
	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021
Skopje	267	326	229	272	338	240	235	283	226	99	119	94	22	16	13	10	16	23	26	34	26	6	16	29	72	82	41
Bitola	184	136	122	84	137	130	165	118	98	111	63	61	7	6	5	9	19	11	18	15	6	6	4	8	14	11	7
Veles	81	79	96	187	81	97	75	66	76	35	30	39	4	1	8	11	11	8	8	7	10	10	5	2	7	12	9
Kumanovo	99	84	54	101	84	54	89	74	45	55	42	20	0	2	4	7	6	7	17	12	6	0	4	1	10	8	7
Ohrid	72	75	82	72	78	89	55	62	68	26	29	42	4	4	5	2	4	1	12	12	7	2	2	3	9	11	10
Strumica	95	74	77	97	76	77	80	56	55	39	26	29	5	6	2	7	6	1	19	13	14	6	2	1	4	3	8
Tetovo	98	96	73	109	106	79	79	80	59	32	46	30	3	5	1	13	8	8	13	4	4	1	5	3	17	12	13
Shtip	93	122	65	91	125	66	69	101	51	33	55	32	6	11	5	11	3	4	10	14	6	2	7	1	7	11	3
TOTAL:	989	992	798	1013	1025	832	847	840	678	430	410	347	51	51	43	70	73	63	123	111	79	33	45	48	140	150	98

Table 2: Criminal Offences, perpetrators and women victims in relation to domestic violence from 2019 to January - September 2021 according to Internal Affairs Sectors

INTERNAL AFFAIRS SECTORS	Number of violations			Perpetrators			Women victims		
	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021
Skopje	345	347	192	354	365	204	223	211	110
Bitola	0								
Veles	20	18	26	27	45	38	13	15	17
Kumanovo	14	30	18	21	31	19	8	18	9
Ohrid	7	11	1	9	13	2	4	3	2
Strumica	5			5			3		
Tetovo	11	13	13	11	13	13	5	1	8
Shtip	68	67	48	98	91	64	49	28	21
TOTAL:	470	486	298	525	558	340	305	276	167

Table 3: Violations related to domestic violence from 2019 to January - September 2021 according to Internal Affairs Sectors

INTERNAL AFFAIRS SECTORS	Number of complaints			Physical abuse			Psychological abuse			Economic abuse			Perpetrators			Women victims		
	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021	2019	2020	January - September 2021
Skopje	453	582	438	85	130	166	368	452	265	0	0	7	457	600	443	316	430	341
Bitola	638	632	455	244	138	34	394	493	421	0	1	0	638	635	462	460	443	301
Veles	335	517	370	13	38	16	314	468	332	8	11	22	348	552	389	226	344	248
Kumanovo	269	289	298	57	53	52	199	231	238	13	5	8	279	289	284	160	196	184
Ohrid	171	319	220	14	7	1	135	309	217	22	3	2	171	329	226	93	202	135
Strumica	484	447	394	108	17	9	360	426	384	16	4	1	498	459	394	338	288	248
Tetovo	249	244	193	23	93	72	214	133	111	12	18	10	251	249	196	150	159	136
Shtip	597	729	517	13	21	13	573	695	500	11	13	4	619	744	533	398	457	314
TOTAL:	3.196	3.759	2.885	557	497	363	2.557	3.207	2.468	82	55	54	3.261	3.857	2.927	2.141	2.519	1.907

Table 4 Violations related to domestic violence from 2019 to January - September 2021 according to Internal Affairs Sectors

The risk assessment is performed by the police officers during the first contact with the victim, with identification of the risk, description of the risk, clear formulation of the risk, the reasons for its occurrence, as well as the possible consequences of recurrence of violence.

In the risk assessment, all factors that may increase the risk of future violence against the victim and the victim's additional victimisation are taken into account. At the same time, the circumstances that are specific to each case are also taken into account.

Factors that are taken into account when assessing risk relate in particular to:

- Forms of violence (physical, sexual, psychological and economic);
- History of violent behaviour (whether the perpetrator was previously violent, whether he was violent towards the children and other family members, whether he was a perpetrator of misdemeanours and criminal offences, whether he had previously imposed urgent or temporary protection measures and whether he obeyed or violated them);
- Intensity of violence (frequency of violence, threats to the victim or family members with violence and/or weapons or objects suitable for an attack, access of the perpetrator to weapons, especially firearms, isolation of the victim - lock, ban on going out, ban on contact with friends and relatives, controlling behaviour towards the victim, persecution, surveillance, stalking, whether stalking is accompanied by threats or active physical violence, death threat, attempted strangulation, coercion to something against the will of the victim);
- Factors related to the perpetrator's attitudes, values, condition and behaviour (perpetrator's employment status or financial problems, alcohol and/or drug abuse, mental health problems; jealousy, possessiveness, patriarchal attitudes, suicide attempts or suicide threats);
- other case-specific factors (victim's personal life situation and available support, victim's perception of risk and fears, joint children, removal of perpetrator from the home, whether the perpetrator was violent during victim's pregnancy and other relevant family circumstances, disability of the victim, as well as the identification of other risk factors that may endanger the safety of the victim).

For the preparation of the risk assessment, a standardised form is used, which is attached to the Rulebook.

After the risk assessment, and no later than 12 hours after the intervention of the event, the police officers prepare a police report on the performed intervention upon the domestic violence report.

After the risk assessment and preparation of the police report, in cases when there is a serious danger to the life and physical integrity of the victim of domestic violence and a risk of recurrence of violence, the police officer is obliged **within 12 hours of the intervention**:

- to submit a proposal for imposing an urgent protection measure to the competent court - *removal of the perpetrator from the home and a ban on approaching the home*
- to inform the competent social work centre in order to take measures for protection of the victim.

The temporary urgent protection measure - *removal of the perpetrator from the home and a ban on approaching the home* - is imposed by the court for a period of at least 10 and up to 30 days.

In case the perpetrator refuses to leave the home voluntarily after receiving the decision on the pronounced temporary protection measure "removal of the perpetrator from the home and prohibition to approach the home", the police officer is obliged to remove the perpetrator from the home within two hours.

When the perpetrator leaves the home voluntarily, the police officers allow the perpetrator to take the personal documents and items needed for daily personal use from the home from which he is being removed and warn the perpetrator to hand over the keys of the home from which he is being removed to the victim or another present person that accompanies the victim or a person of trust.

When the perpetrator refuses to leave the home voluntarily, the police officers carry out the temporary measure by applying legal authorisations, in addition to the actions they take in cases where the perpetrator is leaving the home voluntarily, they also verbally issue a ban to the perpetrator on approaching the home from which he was removed, and inform the perpetrator about the legal consequences of non-compliance with the temporary measure.

In case of non-compliance or violation of the pronounced temporary emergency protection measure, the police officers shall immediately inform the court. At the same time, when the temporary protection measure is violated in the part of the ban on approaching the home, the police officers will submit a proposal to the public prosecutor for imposing precautionary measures.

Chapter VIII of the Law on Prevention and Protection against Violence against Women and Domestic Violence contains provisions for urgent and temporary protection measures:

Paragraph 1 of Article 57 stipulates that in order to eliminate the immediate and serious danger to the life and physical and psychological integrity of the victim and her family members, an **urgent protection measure** is imposed, namely removing the perpetrator from the home and prohibiting him from approaching the home at the proposal of the Ministry of Interior, without the consent of the victim.

The proposal for imposing an urgent protection measure shall be submitted by the Ministry of Interior to the competent court after the risk assessment referred to in Article 50 paragraph (2) of this Law, and the police report referred to in Article 49 paragraph (7) of this Law. The urgent protection measure referred to in paragraph (1) of this Article shall be imposed for a period of a minimum of ten and a maximum of 30 days.

Article 58 contains **Temporary protection measures**:

(1) To stop the violence, remove the consequences of the perpetrated violence and take effective measures against the perpetrator of violence, to eliminate the reasons for re-perpetration of violence, the perpetrator of gender-based violence against women and victims of domestic violence may be imposed the following temporary measures of protection:

- 1) a prohibition on threatening to commit violence;
- 2) prohibition to maltreat, harass, contact over the telephone or otherwise communicate directly or indirectly with the victim;

- 3) prohibition to approach at a distance of fewer than 100 meters from the residence, school, workplace or certain place that the victim regularly visits;
- 4) removal from the home regardless of ownership for ten to 30 days;
- 5) prohibition to possess a firearm or other weapon or to have it confiscated;
- 6) to return the items needed to meet the daily needs of the victim and the family;
- 7) mandatory legal support of the family;
- 8) mandatory attendance to a counselling centre for perpetrators of violence against women or domestic violence;
- 9) mandatory treatment of the perpetrator if he uses alcohol, drugs and other psychotropic substances or has a mental illness;
- 10) the perpetrator must reimburse the medical and other expenses incurred as a result of the violence;
- 11) any other measure that the court deems necessary to ensure the safety and well-being of the victim and other family members.

Article 59 stipulates that the Ministry of Interior is obliged to submit a proposal for imposing an urgent protection measure under Article 57 of this Law to the competent court to eliminate immediate and serious danger to the life and physical and mental integrity of the victim and victim's family members.

A proposal for imposing a temporary protection measure to the competent court can be submitted by the victim through the social work centre at the victim's request. The Social Work Centre may submit a proposal for imposing a temporary measure to the competent court with the consent of the victim. The parent or guardian may submit a proposal for imposing a temporary protection measure on behalf of a minor and a person with limited or deprived legal capacity, as well as for a person over whom the parental right has been extended. The Social Work Centre must submit a proposal for imposing a temporary protection measure to the court on behalf of children and legally incapacitated persons whenever the parent, guardian or legal representative will not do so, and without their consent.

In the proposal to the court for imposing a temporary protection measure for a child, the Social Work Centre may propose that the temporary protection measure also applies to the parent with whom the child lives, in cases when the interests of the child for its protection and safety so require.

A proposal for imposing a temporary measure can be submitted regardless of whether criminal proceedings are being conducted. The temporary protection measure can last a **minimum of three months, and a maximum of one year**. If the violence continues after the expiration of the period for which a temporary protection measure has been imposed within one year from paragraph (1) of this Article, the victim or the social work centre may submit a request for an extension of the measure or measures.

In case the violence against women and domestic violence repeats after the expiration of one year from the temporary protection measure, the victim or the social work centre submits a new proposal to the court. The victim or the social work centre may submit a proposal to the competent court for revocation of the imposed temporary protection measure before the expiration of the period for which the measure was imposed if it is assessed that it has achieved the purpose for which it was imposed.

The victim or the social work centre can submit a proposal for changing the pronounced temporary measure if the pronounced measure did not provide adequate protection to the victim or different circumstances occurred (Article 63).

Article 64 regulates the Pronouncement of temporary protection measures.

In the procedures for pronouncing these measures, the public is excluded from the hearing. As an exception, the judge may allow scholars and public figures dealing with marital and family issues to attend the hearing, as well as persons nominated by the parties.

The court, immediately and no later than 24 hours after receiving the proposal from the Ministry of Interior and the police report, without holding a hearing, will decide to pronounce an urgent protection measure removal of the perpetrator from the home and prohibition on approaching the home as referred in Article 57 of this law.

The court will act immediately upon the proposal of the victim or the social work centre for pronouncing a temporary protection measure from Article 58 of this Law and will decide within seven days from the day of receiving the request.

The court shall decide within 24 hours without holding a hearing to pronounce an urgent protection measure under Article 57 of this Law when there is a reasonable suspicion of serious danger to the life and health of the victim or a family member, based on expert findings and opinion of the social work centre (Article 66).

Upon the proposal of the Social Work Centre, i.e. the woman victim of gender-based violence and the victim of domestic violence, the court may extend, revoke or amend the pronounced protection temporary measure or measures, referred to in Article 58 of this Law.

In the decision for pronouncing the urgent protection measure referred to in Article 57 of this Law, and the temporary protection measure referred to in Article 58 of this Law, the court shall oblige the perpetrator of gender-based violence against women and the victim of domestic violence to respect the court decision. (Article 69)

Paragraph 1 of Article 70 stipulates that the Decision for urgent measure for protection “removal of the perpetrator from the home and prohibition to approach the home” referred to in Article 57 of this Law, within six hours of the decision, the court shall submit the decision to the competent police station according to the place of enforcement, which immediately and no later than 12 hours after receiving the decision, delivers it to the perpetrator of gender-based violence against women and other victims of domestic violence.

In case the delivery can not be performed within the deadline from paragraph (1) of this Article, the court, after receiving the notification from the Ministry of Interior, publishes the decision on the court bulletin board, and it shall be considered that the service is duly completed.

In case the perpetrator refuses to leave the home voluntarily, the Ministry of Interior is obliged to remove the perpetrator from the home within two hours, counted from the moment of delivery of the decision on the pronounced emergency measure for protection removal of the perpetrator from the home and prohibition to approach the home, referred to in Article 57 of this Law.

Article 73 regulates the execution of urgent and temporary protection measures:

The Ministry of Interior shall execute the pronounced urgent protection measure removal of the perpetrator from the home and prohibition for approaching the home referred to in Article 57 of this Law, and the temporary protection measures referred to in Article 58 paragraph (1) items 1), 2), 3), 4) and 5) of this Law; the Ministry of Health shall execute the pronounced temporary protection measure referred to in Article 58 paragraph (1) item 9) of this Law; the counselling centre for perpetrators of domestic violence shall execute the pronounced temporary protection measure referred to in Article 58 paragraph (1) item 8) of this Law, and the execution of the pronounced temporary protection measures referred to in Article 58 paragraph (1) items 6), 7), 10) and 11) of this Law shall be implemented following the law.

Article 77 stipulates that the victim informs the social work centre of non-compliance and/or violation of the pronounced temporary protection measure or measures referred to in Article 58 of this Law in a procedure upon the victim’s proposal.

The Ministry of Interior is obliged to immediately inform the court of non-compliance or violation of the pronounced urgent protection measure referred to in Article 57 of this Law. The Social Work Centre is obliged to immediately inform the court of non-compliance or violation of the pronounced temporary protection measure referred to in Article 58 of this Law. (Article 78)

Under Article 79: “The Ministry of Interior, when an urgent protection measure referred to in Article 57 of this Law is violated in the part of the prohibition to approach the home, shall submit a proposal to the Public Prosecutor for determining precautionary measures under the Law on Criminal Procedure.”

Paragraph 1 of Article 80 stipulates that the Social Work Centre is obliged to file criminal charges against the perpetrator for non-compliance with the court decision for the pronounced temporary protection measure referred to in Article 58 of this Law. The Social Work Centre is obliged to file criminal charges against the perpetrator for non-compliance with the court decision for pronounced temporary protection measure from Article 58 of this Law whenever the violence was committed against a child or in the presence of a child. (Paragraph 2) The Public Prosecutor is obliged to notify

the Social Work Centre in writing about the initiated criminal procedure after the criminal charges referred to in paragraphs (1) and (2) of this Article.

According to the Law on Prevention and Protection against Violence against Women and Domestic Violence, the temporary protection measures executed by the Ministry of Interior are:

- 1) a prohibition on threatening to commit violence;
- 2) prohibition to maltreat, harass, contact over the telephone or otherwise communicate directly or indirectly with the victim;
- 3) prohibition to approach at a distance of fewer than 100 meters from the residence, school, workplace or certain place that the victim regularly visits;
- 4) removal from the home regardless of ownership;
- 5) prohibition to possess a firearm or other weapon or to have it confiscated.

The stated temporary protection measures are executed by the police after receiving a decision from a competent court.

In cases of non-compliance with the pronounced temporary protection measure, the competent social work centre shall be notified immediately. In case of determining a criminal responsibility of the perpetrator, measures are taken according to the authorisations.

Criminal acts of violence against women, including domestic violence, are acts that are prosecuted ex officio or upon a proposal for prosecution by the injured party:

Under Article 18: Principle of legality of criminal prosecution under the Law on Criminal Procedure (LCP): “The public prosecutor shall be obliged to initiate criminal prosecution if there is evidence that a crime, which is prosecuted ex-officio, has been committed unless stipulated otherwise in this Law.”

The rights and obligations of the public prosecutor are regulated according to Article 39:

“(1) The public prosecutor's general right and duty shall be to prosecute perpetrators of criminal offences, which are to be prosecuted ex-officio;

(2) In cases of crimes that are prosecuted ex-officio, the public prosecutor shall have the following rights and duties:

- to direct the actions of the entities that are competent for detection and reporting of crimes and their perpetrators;
- to propose or issue orders for the application of special investigation measures, under conditions and in a manner as determined in this Law;
- to enact decisions and to conduct investigation procedures;
- to locate, propose and secure evidence, under conditions and in a manner as determined in this Law;
- to propose temporary measures for safeguarding property or objects that are crime proceeds or due to the execution of the measure confiscation;
- to decide on postponement of criminal prosecution under the conditions and in a manner as determined in this Law;
- to propose the issuance of a penal warrant under the conditions as determined in this Law;
- to negotiate and bargain with the defendant on a guilty plea, under the conditions and in a manner as determined in this Law;
- to file and represent indictments before the competent court;
- to appeal against judicial decisions that are not valid and final and apply extraordinary legal remedies against valid and final decisions;
- to rule upon appeals by injured parties in circumstances as provided for in this Law, and
- to undertake other activities provided by the law.”

Under Article 288 of the Law on Criminal Procedure, the conditions for **dismissal of criminal charges** are regulated:

“(1) The public prosecutor shall reject the criminal charges with a decision, if, from the criminal report itself, one may conclude that the reported crime is not a criminal offence that is being

prosecuted ex-officio, or if the statute of limitation applies or if the criminal offence is subject to amnesty or pardon, or if there are other circumstances that exclude any prosecution or if there are no grounds for suspicion that the reported person has committed the criminal offence;

(2) The decision to reject the criminal charges shall be delivered to the injured party with the advice that he or she may file an appeal within 8 days with the immediate higher prosecutor, whereas the applicant shall be informed about the reasons for the rejection;

(3) If the appeal is not allowed or untimely, the higher public prosecutor shall notify the injured party in writing thereof;

(4) The higher public prosecutor, within 30 days, shall be obliged to rule on the appeal by the injured party;

(5) When proceeding as per the appeal, the higher public prosecutor may affirm the decision to reject the criminal charges or may grant the appeal and ask the lower public prosecutor to continue the procedure.”

2. For the criminal act of Bodily injury while committing domestic violence (Article: 130 paragraph 2), the prosecution is undertaken with a proposal for prosecution by the injured party.

Under Article 58 of the Law on Criminal Procedure, for crimes that are prosecuted upon proposal or personal legal action, the proposal or the personal legal action shall be submitted within three months from the day when the authorised person for submission of the proposal or the private charge has learned about the crime and the perpetrator.

The prosecution proposal shall be submitted to the competent public prosecutor and the personal legal action to the competent court.

If the injured party files criminal charges or puts forward a motion for a legal and property claim as part of the criminal procedure, this shall be considered as if the injured party has put forward a proposal for criminal prosecution.

Article 60 regulates the **initiation and continuation of the procedure after the death of the victim.**

If the crime victim dies during the period for submission of proposals or personal legal action or during the procedure itself, then their marital i.e. illegitimate spouse, children, parents, adopted children, foster parents, brothers and sisters, within three months after the victim’s death, may file a proposal or legal action i.e. state that they continue the procedure.

Article 62 regulates the **cancellation of the proposal or the personal legal action.**

With a statement given to the court before which the procedure is conducted, the injured party and the private plaintiff may cancel the proposal i.e. the personal legal action until the completion of the main hearing. In such an event, they shall lose their right to file a proposal or a personal legal action again.

If the injured party cancels the proposal, i.e. the personal legal action before the commencement of the main hearing, the court shall enact a decision for termination of the procedure, and if the party cancels it after the commencement but before the completion of the main hearing, the court shall enact a rejection verdict (Article 402, paragraph 3).

The **victim’s rights** are regulated in Article 53-56 of the Law on Criminal Procedure:

Article 53 stipulates that:

The victim of a crime shall have the following rights:

1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal and property claim for damages;

2) to get special care and attention from the bodies and entities that participate in the criminal procedure; and

3) to get effective psychological and other professional assistance and support from bodies, institutions and organisations that provide help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offences, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law, and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person when they have to draft an official note or record.

(3) Following the special regulations, any victim of a crime that entails a prison sentence of at least four years, shall have the right to:

1) get a counsellor paid by the state budget before giving a statement, i.e. declaration or filing the legal and property claim, if the victim has a serious psychophysical impairment or if there are serious consequences as a result of the crime, and

2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated by the convicted person.

Article 54 regulates the **special rights of vulnerable categories of victims**:

(1) The victims shall have the right to special measures of process protection when giving a statement or being interrogated during all stages of the procedure:

1) if at the time when giving the statement, the victim is less than 18 years of age;

2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat to their life, health or physical integrity (endangered victims) and

3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behaviour of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it harms the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon a proposal from the public prosecutor or the victim, or upon its initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph (2) of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph (1), item 1 of this Article:

1) when a child victim needs special care and protection or

2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph (4) of this Article, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure.

In exceptional cases, because of newly established circumstances in the case, the court may order an additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated by a separate law.

Article 55 contains victims' **special rights of victims of crimes against gender freedom and gender morality, humanity and international law**:

(1) Apart from the rights established in Article 53, the victims of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

1) to speak to a counsellor or a proxy free of charge before the interrogation if the victim participates in the procedure as an injured party;

2) to be interrogated by a person of the same gender in the police and the public prosecution office;

3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;

4) to ask for an examination with the use of visual and audio means in a manner established in this Law and

5) to ask for the exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of their rights referred to in paragraph 1 of this Article, before the very first examination at the latest and to prepare an official note or record accordingly.

(1) The victim who has not been informed of their right to participate in the procedure in the capacity of an injured party shall have the right to report to the police or the Public Prosecution Office as an injured party until the moment when the indictment is raised and to report to the court before the completion of the main hearing.

(2) The application of the victim as an injured party shall be rejected if it is untimely or it is obvious that it is unjustified. (Article 56)

The Law on Justice for Children stipulates that:

A child victim of a criminal offence is a minor less than 18 years of age;

Child victims of actions that are deemed as criminal offences by law have the same rights as the adult victims before, during, and after the criminal proceedings, as well as the special rights recognised by the Convention on the Rights of the Child and other ratified international agreements.

Child victims of actions that are deemed as criminal offences by law and child witnesses enjoy enhanced protection and support from all institutions, bodies and individuals in the child justice system in order to reduce the negative consequences of the crime and to prevent the negative impact of the institutional actions on the proper development of the child, and to encourage them to seek protection before competent courts.

Articles 166-153 of the Law contain provisions for the protection of child victims of criminal offences and child witnesses in the criminal procedure. Namely, these provisions provide the following:

- In procedures conducted for actions deemed by law as criminal acts in which the child appears as a victim, the courts, the public prosecutors and the officials of the Ministry of Interior shall act only if they have adequate education and have special knowledge and experience in the field of child rights and criminal-legal protection of children;
- For all actions deemed by law as criminal acts in the Criminal Code in which according to the legal characteristics of the crime the child appears as a victim of the crime, the court and other bodies participating in the procedure shall take measures for assistance and protection acting in a manner to avoid possible harmful consequences for the personality and the development of the child;
- The child victim is examined as a witness in a manner that does not harm their psychological and physical development, and by applying special measures of process protection. During the deposition of statements from a child that is a witness or a victim, the police, the prosecutor's office, and the court are obliged to take into account the personal traits and characteristics of the child, for the protection of their interests and their proper development, and
- Confrontation between the child and the suspect, i.e. the accused is not permitted if the child is a victim and witness of human trafficking, violence or sexual abuse, as well as actions deemed by law as crimes against humanity and international law, as well as for other actions that are deemed by law as criminal acts which due to their nature, consequences or other circumstances make the child particularly sensitive, i.e. is in a particularly difficult mental state.

Under Article 145 of this Law, the child victim of a crime has the following rights:

- to be treated with respect and dignity,
- to be protected from any form of discrimination,
- to be informed about their rights in an understandable language according to the child's age, as well as to get respect of privacy,

- to have the parents or the guardians informed about all the questions related to the crime and the suspect, the accused and the convict,
- the child, i.e. the parents, i.e. the guardians to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the realisation of the legal and property claim for damages,
- to get special protection for their safety and the safety of their family, care and attention from the bodies and entities participating in the criminal procedure,
- the right to special protection against secondary victimisation or re-victimisation, and
- the right to psychological and other professional assistance and support by authorities, institutions and organisations who assist child victims of crime.

In police and criminal proceedings, a child victim of a criminal offence has the right to:

- legal assistance from a lawyer before giving a statement, i.e. statement or submitting a legal and property claim,
- compensation for material and non-material damage under the programme referred to in Article 151 of this Law, under conditions and in a manner prescribed by Article 152 of this Law, if the compensation for damage can not be provided by the convicted person, and
- legal representative from the moment of giving the first testimony and during all proceedings.

Legal assistance to a child victim is generally provided by a lawyer who has attended specialised training on children's rights. The training lasts at least five days a year in the country or abroad.

Article 146 regulates the special rights of process protection: the law stipulates that the child victim has the right to special measures of process protection when giving a statement and during an examination at all stages of the procedure.

The court shall have to assign special measures of process protection in the following cases:

- when a child victim needs special care and protection or
- when the child is a victim of trafficking, violence or sexual abuse, as well as crimes against humanity and international law or other aggravated offences committed against children that entail a prison sentence of at least four years. In such cases, individually or along with another special measure of protection, the court asks for a video and audio recording of the statement of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order an additional interview of the child victim, once more at the most, through the use of technical means of communication.

The court may assign special measures of process protection when getting a statement:

- using screens to protect the victim and witness from the view of the accused,
- concealment of identity or appearance,
- giving a statement via video conference,
- removal of toga and hats,
- exclusion of the public,
- video and audio recording of the statement to be used as evidence,
- video and audio recording of the interrogation to be used as evidence,
- taking a statement through a mediator,
- use of special technical means of communication, and
- protection of the privacy of the child and the child's family

Victims of gender-based violence are entitled to free legal aid under the conditions regulated by the Law on Free Legal Aid which is in force from October 1, 2019.

The purpose of this law is to enable and promote the right of individuals to access to justice and fair judicial protection.

The Law on Free Legal Aid has improved the conditions for access to justice in such a way that not only citizens who have the status of welfare recipients, but all low-income individuals can receive free legal aid.

Free legal aid can be provided as primary legal aid and secondary legal aid.

Primary legal aid is provided through Regional Free Legal Aid Departments of the Ministry of Justice, through authorised associations registered in the Register of Authorised Associations for providing free legal aid at the Ministry of Justice, and Legal Clinics registered at the Ministry of Justice for providing free legal aid help.

The primary legal aid provided by the Ministry covers:

- initial legal advice on the right to use free legal aid,
- general legal information,
- general legal advice, and
- assistance in completing the application for secondary legal aid.

Primary legal aid is provided by the legal clinic in accordance with the education programme, adopted by the Faculty of Law in order to realise practical teaching to students at the Faculty of Law. In providing primary legal aid, the legal clinic cooperates with the lawyers registered in the Register of Attorneys, as well as with the Bar Association of North Macedonia.

Secondary legal aid is provided by lawyers in court proceedings, state bodies, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia and persons exercising public authority following the provisions of this Law.

Secondary legal aid is granted for representation at all levels in civil litigation, administrative proceedings and administrative disputes.

The funds for approval of free legal aid and the costs for the provided legal aid in the procedures provided by this Law shall be provided from the budget of the Ministry, as well as from donations and other revenues following the law.

With the budget of the Ministry of Justice for 202, the approved funds/budget for free legal aid for 2020 is 5,000,000.00 denars. The realised annual budget for free legal aid in 2020 is 1,601,176.00 denars.

With the budget of the Ministry of Justice for 2021, funds of 5,000,000.00 denars are provided for free legal aid.

The Ministry of Justice maintains registers for providers of primary legal aid and legal aid in court and administrative proceedings, which are published on the website.

There are 395 lawyers registered in the Register of Lawyers for Legal Aid.

The Ministry of Justice also maintains a register of authorised associations for providing primary legal aid and authorised legal clinics for providing primary legal aid.:

- Number of authorised associations for providing primary legal aid -11
- Number of authorised legal clinics for providing primary legal aid – 6

VI. Migration and Asylum

In the Law on Foreigners,²⁶ Article 112, which refers to the family reunification of a foreigner with authorised residence in North Macedonia with another foreigner, in paragraph 1 provides that on a request of the spouse, as well as of the child who has become an adult, and both have been authorised temporary residence in North Macedonia on the grounds of family reunification in an interrupted duration of at least four years, and who have not been authorised temporary residence for the other reasons determined with this Law, shall be issued autonomous residence permit if they fulfil the general conditions for authorising residence.

As an exception to paragraph 1 of this Article, in a case where the sponsor has died or the marriage has terminated, as well as for particularly difficult circumstances of the persons referred to in paragraph 1 of this Article, they may be issued an autonomous residence permit if the temporary residence on grounds of family reunification has been with an uninterrupted duration of at least three years.

²⁶ Official Gazette of the Republic of North Macedonia No. 97/18 и 108/19

At the same time, in Article 116 of the same law, which prescribes the conditions for temporary residence of a foreigner who is a member of a nuclear family of a citizen of North Macedonia, in paragraph 4 is determined that the temporary residence of the person who is a member of a nuclear family of a citizen of North Macedonia may independently be extended in case the citizen of the Republic of Macedonia passes away or the marriage is terminated after lasting for at least three years on the territory of the Republic of Macedonia, as well as in cases when especially difficult circumstances require so.

The Law on Foreigners provides the possibility of granting temporary residence for humanitarian reasons referred to in Article 120, which stipulates that temporary residence for humanitarian reasons shall be authorised as an exception, to a foreigner who does not fulfil the conditions for authorizing temporary residence determined by this Law in the following cases:

- if there are grounds for suspicion that he/she is a victim of the criminal act “human trafficking” determined in the Criminal Code;
- if the person is an unaccompanied minor;
- to persons with no citizenship, or
- other justifiable reasons of humanitarian nature.

Regarding gender-based violence against women as a form of persecution of asylum seekers, we inform that the Law on International and Temporary Protection,²⁷ Article 6 paragraph 2, which refers to acts of persecution, defines their form as follows:

Acts of persecution can, inter alia, take the form of:

- acts of physical or mental violence, including acts of sexual violence,
- acts of a gender-specific or child-specific nature.

The Law on International and Temporary Protection regulates when and which foreigners will be granted refugee status. A person with a refugee status shall be a foreigner who, upon the examination of their application, is granted refugee status and that is found to meet the conditions set out in the Geneva Convention, i.e. a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it. Gender-related elements, which include gender identity, are taken into account when determining the membership or characteristics of a particular social group.

A female person who has been granted a refugee status has been identified as a victim of sexual violence, while we have not identified female victims of violence who have received subsidiary protection.

The Law on International and Temporary Protection regulates the category of vulnerable persons as follows:

“(1) When applying this Law, the special needs of vulnerable persons, persons that are seeking asylum, persons with refugee status, persons under subsidiary protection and persons under temporary protection shall be taken into consideration.

(2) Vulnerable persons, as defined in paragraph (1) of this Article, shall be persons without procedural capacity, minors, unaccompanied minors, persons in a serious health condition, persons with mental disabilities, persons with physical disabilities, elderly persons, pregnant women, single parents with minor children, victims of human trafficking, and persons who have been exposed to torture, rape and other severe forms of psychological, physical or sexual violence.

(3) The special needs of the vulnerable persons referred to in paragraph (1) of this Article shall be established by way of individual assessment of their condition by the competent public institution for social protection.

²⁷ Official Gazette the Republic of Macedonia No. 64/18

(4) When accommodating and meeting the living standards of the persons, their condition will be taken into consideration by ensuring adequate health, psychosocial and other assistance.

(5) When examining the asylum application, it is necessary to take into consideration gender-specific forms of persecution.

(6) The care and accommodation arrangements for vulnerable persons shall be prescribed by the Minister of Labour and Social Policy.“

In this context, one of the commitments is for a female asylum seeker to be heard by a female counsellor in the interview procedure regarding the submitted request.

In 2016, the Ministry of Labour and Social Policy, in cooperation with UN Agencies and NGOs, developed the document - Standard Operating Procedures for Prevention and Response to Gender-Based Violence in the Reception Centre for Asylum Seekers “Vizbegovo”. Additionally, in 2019, the Ministry of Labour and Social Policy adopted a document regulating the standards for the reception of asylum seekers “Rulebook on the standards for the reception of asylum seekers”, which takes into account gender-sensitive parameters in the provision of basic services. Additionally, in the same year, the Ministry of Labour and Social Policy adopted the "Rulebook on the manner of care and accommodation of unaccompanied minors and vulnerable categories of persons with a recognised right to asylum in North Macedonia" which specifies services for vulnerable persons identified based on the Law on International and Temporary Protection.

Article 14 of the Law on International and Temporary Protection regulates the guarantee that women whose asylum applications have been rejected will not be returned to a country where their lives would be endangered:

“(1) An asylum seeker, a person with refugee status or a person under subsidiary protection cannot be expelled or returned in any manner whatsoever to the frontiers of the state:

- where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion; or
- where they would be subjected to torture, inhuman or degrading treatment or punishment.

(2) The prohibition shall not apply to a foreigner who constitutes a danger to the security of the Republic of North Macedonia, or who, having been convicted by a final court decision of a particularly serious crime, constitutes a danger to the citizens of North Macedonia.

The foreigner who cannot enjoy the right to asylum in the Republic of North Macedonia owing to the reasons that are exhaustively listed shall be allowed to remain on the territory of country as long as in the country of his nationality, or in the event of a stateless person, in the country of former habitual residence, would be subjected to persecution, torture, inhuman or degrading treatment or punishment.”

In response to the migrant crisis that began in 2015, two transit centres were opened where social workers provide basic services in terms of identifying, providing services and referrals in support of migrant women and girls. The referral protocol implies specialised services provided by the social work centres as provided by the Law on Social Protection, given that refugees are equated with Macedonian citizens. Additionally, the Ministry of Labour and Social Policy cooperates with EASO, UNHCR, and IOM to provide additional training or guidance related to the protection of women migrants.

Immigration/asylum officers								
Teaching staff and school administrators								
Journalists and other media professionals								
Clerks								
Any other relevant category Ministry of Defence	<u>1817</u>							

Note: According to the Theoretical Teaching Programme, several subjects are studied in 3 modules, covering the above-mentioned topics. Module 1 teaches civil, constitutional, and administrative law, as well as information technology and legal research. Module 2 teaches criminal law, criminology, forensic medicine, forensic psychiatry, and the linguistics of law. Module 3 teaches international law, EU law, ethics, business culture and deontology, and forensic psychology. The theoretical teaching lasts 9 months and according to the Programme, a total of 1035 hours are provided. The initial training is attended by students of the initial training, who after successful completion, are elected judges or public prosecutors.

Table 2: Trainings for the service providers

	NUMBER OF TRAINED PROFESSIONALS	MANDATORY OR NOT MANDATORY	AVERAGE CURRICULUM DURATION	FREQUENCY	SOURCE OF FINANCING	COMPETENT BODY FOR TRAINING SERVICE PROVIDERS	TRAINING EFFORTS SUPPORTED WITH DIRECTIONS AND PROTOCOLS
Police and other officers for law enforcement	1394						
Prosecutors	56	no	6 hours (one-day training)	Number of trainings not strictly determined	Independently or through projects	Academy for Judges and Public Prosecutors	56
Judges	134	no	6 hours (one-day training)	Number of trainings not strictly determined	Independently or through projects	Academy for Judges and Public Prosecutors	134
Social workers	15	mandatory	3 days, 8 hours per module	3 three-day trainings	Donation, Project “Support for the Implementation of the National Action Plan for the Istanbul Convention”	Ministry of Labour and Social Policy, Social Work Centre	Trainings for trainers for a programme for Gender-based violence and domestic violence: 1. Raising global awareness of trainers 2. Module for women and children 3. Module for perpetrators
Medical doctors							
Medical nurses and obstetricians							

Psychologists, especially counsellors/psychotherapists							
Immigration/asylum officers							
Teaching staff and school administrators							
Journalists and other media professionals							
Clerks	49	no	6 hours (one-day training)	Number of trainings not strictly determined	Independently or through projects	Academy for Judges and Public Prosecutors	49
Any other relevant category - Ministry of Defence	1511		306		40		Trainings that last one or more days, online trainings and a lecture of 2 to 3 hours.