



OPEN SOCIETY INSTITUTE  
NETWORK WOMEN'S PROGRAM  
VAW MONITORING PROGRAM

V I O L E N C E  
A G A I N S T  
W O M E N

DOES THE GOVERNMENT CARE  
IN  
M A C E D O N I A ?

Country Monitoring Reports  
and Fact Sheets

from  
Central and Eastern Europe,  
the Commonwealth of  
Independent States,  
and Mongolia

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Október 6. u. 12.  
H-1051 Budapest  
Hungary

*Website*

<[www.soros.org/women](http://www.soros.org/women)>

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## Preface

*“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”*

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,<sup>1</sup> by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.<sup>2</sup> The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,<sup>3</sup> and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

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<sup>1</sup> Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

<sup>2</sup> These are the countries of Central and Eastern Europe and the former Soviet Union.

<sup>3</sup> See: [www.stopvaw.org](http://www.stopvaw.org).

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.<sup>4</sup>

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

Éva Földvári  
*Program Director*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

Enikő Pap  
*Program Officer and Project Coordinator*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

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<sup>4</sup> The reports are available online at [www.soros.org/women](http://www.soros.org/women) and [www.stopvaw.org/Country\\_Pages](http://www.stopvaw.org/Country_Pages).



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#### THE EDITORIAL TEAM

Enikő Pap  
 Judit Herman  
 Judit Wirth  
 Miklós Vörös  
 Minnesota Advocates for Human Rights (English editing only)  
 Q.E.D. Publishing

# 1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

## 1.1 National institutions or government bodies responsible for policy coordination and implementation

Under the Ministry for Labor and Social Affairs, the Gender Equality Unit was established in January 1997. Its basic goal is the improvement of the status of women in all spheres of social life, as well as ensuring equal opportunities for both men and women through various activities. There are no special tasks regarding violence against women allocated to the unit itself. There are no special line items earmarked for the operation of this unit, which employs only two full-time officials. The future of the Unit depends on the adoption of the Draft Law on Equal Opportunities, which would prescribe the mandate of this organization clearly.

The Gender Equality Unit does not have a separate sub-committee (consisting of representatives of non-governmental organizations and other stakeholders) that would enable successful coordination efforts in the field of promotion of gender equality.<sup>5</sup> Hence the conclusion that, in addition to the absence of mandate prescribed by law, this Unit does not have a mandate from its constituency, the stakeholders in society active in this field, which to a certain extent explains the absence of specific activities against discrimination. The activities of the Unit are quite limited due to the limited capacity (only two employees), and they are based upon the *National Action Plan* adopted back in 2000. There is an evident need for this document to be revisited, and reformulated into a *National Program for the Promotion of Gender Equality*, which would be adopted by Parliament.<sup>6</sup> No reports have been published on the work of the Gender Equality Unit.

Apart from this body, there is no other independent agency or institution stipulated by law, monitoring the implementation of the equal treatment principle, nor is there any mechanisms prescribed to ensure the independence of such a body.

There is no special body established especially to combat domestic violence on the national level. Since 2004, the issue of domestic violence has fallen under the jurisdiction of the Ministry of Labor and Social Affairs (MoLSA), the Unit for Social Protection and Fostering of Socially Excluded People and the Ministry of the Interior.

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<sup>5</sup> Such an attempt existed in the past and a Committee was established; however this Committee is not functional any longer.

<sup>6</sup> Akcija Zdruzenska (2005) "Equal Treatment at the Working Place" and "Pregnancy and Motherhood Protection," in *SEE EONET Analyses on the Five EU Directives Related to Equal Pay for Men and Women* (Skopje: Akcija Zdruzenska).

The municipality-level offices of the MoLSA, the Centers for Social Welfare,<sup>7</sup> are legally obliged to deal with the cases of domestic violence. The units dealing with cases of domestic violence within most of the CSWs employ social workers, psychologists and lawyers. The Ministry of Interior also has local and municipal level offices, and each of these has to appoint a person who would deal with cases of domestic violence (juvenile delinquency inspector). Within the rest of the relevant government stakeholders such as Ministry of Health there are no appointed health professionals that will deal with cases of domestic violence as such.

As regards trafficking in human beings, the state undertakes certain activities aimed at suppressing and preventing this phenomenon. A government body for combating trafficking in human beings was established in 2001 under the name of National Commission for Combating Trafficking in Human Beings. The commission consists of ten government representatives. There is no budget allocated for the operation. The coordinator of this commission is the Ministry of Interior. Its executive body is the Secretariat, which embodies all relevant ministries, international organizations and NGOs engaged in the suppression of this type of crime.

The Ministry of Interior, together with the International Organization for Migration (IOM) established in Skopje a Transit Center for victims of trafficking in human beings. This center provides social and psychological assistance for women victims of trafficking. Rehabilitation and re-socialization, however, require much longer periods than the time spent by the women at the Center. In 2001, IOM and the government signed an agreement under which the police is to inform IOM about all female illegal migrants. The identification and referral system for trafficked women operates within the framework of this agreement. The police identifies women and girls who might be trafficked and transfer them to the Transit Center.<sup>8</sup>

There is no government body to deal specifically with sexual harassment.

## 1.2 National action plans and other policy documents

There is no separate national action plan specifically addressing violence against women. In 2000, the Government of the Republic of Macedonia adopted the *National Action Plan for Gender Equality* in the framework of which violence against women is regulated. It is in force until it will be revised and brought by the General Assembly. The *National Action Plan* sets eight strategic goals and determines the activities for their fulfillment.

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<sup>7</sup> There are a total of 27 regional CSWs throughout the Republic of Macedonia.

<sup>8</sup> Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (2005) *First CEDAW Shadow Report* (Skopje: ESE).

The Sixth Strategic Goal focuses on mainstreaming and dealing with issues of violence against women in the private and societal life. Within this part of the *National Action Plan*, violence against women is treated through a determination of the dimensions and seriousness of the problem (needs assessments) and a determination of concrete activities that should be undertaken in the field of prevention and elimination of violence against women. Reasons and consequences regarding violence against women and effects from undertaken activities are incorporated within the chapter related to violence against women in the action plan. Under each of the above mentioned priority objectives there are concrete activities and tasks that have to be undertaken.

However, the *National Action Plan for Gender Equality* has serious disadvantages. There are no responsible actors related to the implementation of the concrete activities listed, or budget allocated for this purpose. Also, there are no deadlines determined for the realization of the strategic goals and the activities prescribed in the *National Action Plan*. The progress report for the implementation of the *National Action Plan* has yet not been prepared by the government. Although there has been an initiative to review and update the content of the *National Action Plan* by the NGOs it was not supported by the government.

In the field of domestic violence, a process directed toward the preparation of a national program for combating domestic violence was initiated in 2006, in partnership between the Association for Emancipation, Solidarity and Equality of Women of Republic of Macedonia (ESE) and the Ministry of Labor and Social Affairs.

In 2002, the Government of the Republic of Macedonia adopted the *National Program for Combating Trafficking in Human Beings and Illegal Migration in Republic of Macedonia*. There are eight areas of priority identified within the *National Program* and each of them is followed by specific activities and responsible institution for its execution. These are the following:

1. *legislative activities*: the responsible institutions are the Ministry of Labor and Social Affairs (MoLSA), the Ministry of Interior, the Ministry of Economy, and the Ministry of Health;
2. *preventive activities*: the responsible institutions are the Gender Equality Unit at MoLSA, and the Ministry of Interior;
3. *assistance and support to the victims of trafficking*: it is to be provided by the Gender Equality Unit at MoLSA, the Ministry of Interior, the Ministry of Health and the Ministry of Justice;
4. *reintegration of the victims into society*: the responsible institution is the Ministry of Interior;

5. *international cooperation and coordination in implementing laws*: the responsible institutions are the Ministry of Justice, Ministry of Interior, and Ministry for External Affairs;
6. *education and training of officials*: each of the relevant actors is responsible;
7. *coordination of the activities* of the Unit for Combating Trafficking at the Ministry of Interior; and
8. *providing information on and raising the awareness of the general public of trafficking in human beings*: responsible agent is the Gender Equality Unit at MoLSA.

There is no indicative budget and time frame for implementation of the foreseen activities.

The National Commission for Combating Trafficking in Human Beings has prepared annual reports for the past two years. The *National Program* uses the general term from the law “victims of trafficking”, except when the provisions in regard to prevention specifically mention women and children as potential victims. The Gender Equality Unit has a mandate to implement these activities within the program and its representative is a member of the commission.

A draft *Action Plan for Combating Trafficking in Children* has been prepared by the National Commission for Combating Trafficking in Human Beings (constituted in January 2004). This plan has been adopted by the National Commission. The plan does not include an indicative budget for its own implementation.

The Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (ESE) in partnership with the Ministry of Labor and Social Affairs has initiated a process directed toward preparation of *National Program for Combating Domestic Violence*. Actual implementation of this initiative started in the beginning of 2006, even though the preparation of the program will start in 2007. The analysis of the situation regarding the problem will be realized through conduction of survey on domestic violence in 2006. On the basis of the findings from the survey the *National Program* will be prepared. The program as such will comprehend: determination of priority areas and objectives; determination of concrete measures and activities for realization of those objectives; responsible actors; deadlines and allocation of state funds in a direction of implementation of the program. The Ministry of Labor and Social Policy will submit the prepared *National Program* to the approval by the government. After that the program will be submitted to the Parliament of Republic of Macedonia for its adoption.

### **1.3 State monitoring of existing legislation and policies**

The government has not established monitoring mechanisms for the purpose of reviewing legislation and policies related to violence against women.

### **1.4 State budget earmarked for combating violence against women**

There are no funds allocated by the state especially to the field of violence against women. This is due to the fact that there is no special national program on violence against women.

The budget for domestic violence is prescribed within the budget of the Ministry of Labor and Social Affairs within the item for “socially excluded persons”. Besides this, under the Law on Social Protection the MoLSA will give funds to NGOs on previously approved programs aimed at social protection of the citizens. The correct amount cannot be found, but what is certain is that this amount mainly goes to national shelters for victims of domestic violence. However, allocated funds for this purpose are insufficient given that there is a lack of funds for the other spheres that need to be addressed, such as prevention. For example, the Campaign organized by the MoLSA in 2005 (the first and only government campaign on domestic violence) was financially supported by UNICEF. Without this support the campaign wouldn’t have been organized.

There is no budget foreseen and allocated for implementation of the *National Program for Combating Trafficking*, although the program itself prescribes concrete activities and responsible actors for their fulfillment.

The Ministry of Finances generally dispenses a certain amount of funds that are allocated for the work of the NGO sector. Part of these funds is allocated to NGOs dealing with violence against women. Under the Law on Social Protection, the Ministry of Labor and Social Affairs will allocate certain funds for the NGOs in the field of domestic violence. Namely, providers of social services to citizens will be supported in the future, as well as NGO’s dealing with violence against women.

### **1.5 State financing system to compensate victims**

There is no financial system established for compensation of the victims of domestic violence. The general provisions of the Law No. 18 of 2001 on Obligation Relations regarding damage compensation are applicable to the cases of violence against women. In the cases of domestic violence, when criminal procedure has been initiated the issue on damage compensation is treated within this procedure.

In regards to trafficking, the Law No. 38 of 2005 on Witness Protection legally prescribes certain fund regarding damage compensation for the victims of trafficking. This fund is not established yet. The Code of Criminal Procedure guarantees the right to compensation of damage suffered by the victims of trafficking in the provisions which regulate the rights of the injured party and the provisions pertaining to property-related claims. For the purpose of a more efficient realization of property claims the provision of Article 101(2) of the 2004 Law on Amending and Supplementing the Code of Criminal Procedure was introduced, under which “the sentence declaring the defendant guilty shall contain a judgment of the court, in part or in full, as to the property claim.” Namely, with the pronouncement of condemnatory verdict, court has a mandate to decide upon the legal property requests (releasing clients for searching such right in separate civil procedure – non-material damage compensation cases) fully or partially.<sup>9</sup>

### **1.6 Recommendations of the UN CEDAW Committee to the state and their implementation**

The Republic of Macedonia ratified the UN CEDAW Convention in 1993. Since the ratification, however, the government has failed to submit the initial report and the subsequent periodical reports. January 2006 was the first time when the Republic of Macedonia officially reported to the UN CEDAW Committee. The first shadow report on CEDAW was prepared by the Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (ESE). The findings from this

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<sup>9</sup> Article 101 of the Law on Amending and Supplementing the Code of Criminal Procedure (*Official Gazette*, No. 74 of 2004).



report were presented on the 33rd session of the CEDAW Committee held in July 2005 in New York, USA.<sup>10</sup>

## **2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE**

### **2.1 Laws addressing violence against women or its different forms. Restraining or protection orders**

Different forms of violence against women can be punished under the general rules. All of them are prescribed with separate provisions within the substantive positive legislation. Namely, domestic violence is regulated by the Criminal Code and Family Code; trafficking in human beings with Criminal Code and Code of Criminal Procedure; sexual harassment is regulated by Labor Code, etc.

The Family Code was amended in 2004 to introduce provisions prohibiting any type of violence in marriage and family.<sup>11</sup> According to the Family Code, should there be a reasonable cause to believe that the actions of domestic violence have been committed, the Center for Social Welfare files a request with to the relevant court (court of first instance placed on the territory where victim lives) for ordering a temporary measure, upon which the court can issue to the offender:

- an order which forbids the offender to threaten to commit domestic violence;

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<sup>10</sup> The list of areas of concern determined within the shadow report follows:

- absence of concrete programs for prevention and suppression of trafficking in persons and prostitution, which are on the rise at present (Article 6);
- there are no separate programs for social protection of women prostitutes (Article 6);
- no applications for asylum are submitted by victims of trafficking in human beings, despite strong signals that many fear return to their countries of origin (Article 6);
- there is no relevant legislation in place to regulate the issue of domestic violence and, as a result, there are no formal systems which offer protection to victims of domestic violence (Article 6);
- there are no training programs for professional structures who deal with this issue, nor are there programs aimed at raising the awareness about this phenomenon initiated by the state (Article 6); and
- there are no special legal aid programs (free and available) for the victims of domestic violence, but there are NGOs that are providing these type of services through the existence of so-called Legal Aid Centers of ESE (Article 6).

<sup>11</sup> Law on Amending and Supplementing the Family Code (*Official Gazette*, No. 38, June, 2004).

- an order not to harass, disturb, phone, contact or in any other way communicate with a family member, either directly or indirectly;
- a restraining order, involving the home, school, working place, or any other designated place regularly visited by another family member;
- an order for moving away from home, regardless of the ownership, until the relevant court renders a final decision;
- an order which prohibits possession of guns or any other weapons, or seizes them;
- an order to return the items necessary for meeting the daily needs of the family;
- an order to support the family financially;
- an order to attend relevant counseling;
- an order for mandatory treatment, provided that the offender is an alcoholic or abuser of psychotropic substances, or suffers a disease;
- an order to compensate medical and any other costs arising from domestic violence; or
- any other measure which the court deems necessary in order to ensure security and wellbeing of the other family members.

The request for ordering a temporary measure may be lodged by the spouse, parents or children, or other individuals living in marriage or extra-marital union or common household, ex-spouse, or individuals who are closely personally related to the domestic violence victims, regardless of whether a criminal procedure has been initiated. They have to lodge the request with the Centers of Social Welfare and then the CSW will submit the request to the court ex officio. Parents, custodians, or legal representatives may file a petition on behalf of juveniles and individuals with working incapacity, as well as on behalf an individual under extended parental rights. The petition shall be filed with the relevant CSW designated according to the place of living of the domestic violence victim by the said individuals. The temporary protection measure shall be effective for a period of not more than one year.

The CSW monitors the enforcement of measures ordered and reports upon demand of the court during the enforcement period. Should the center conclude that the ordered measure has achieved the goal, it may file a proposal with the relevant court for abolishment of the ordered measures before the enforcement period expires. The center may file a proposal for amending or extending the ordered measure, should it conclude that the ordered measure is improper or that it shall accomplish the required results for which a longer period of time is necessary. Upon enforcing the protection measures, the CSWs collaborate with citizens, legal entities, and organizations.

Individual judges make decisions in proceedings for ordering a temporary protection measure against domestic violence. After receiving the request, the court schedules the hearing. The public is excluded from the procedure. Upon a request filed by the CSW for ordering a temporary measure, the court shall act immediately and shall render a decision in seven days following the day on which the complaint was received. As an exception, the court shall pass a decision in three days following the day when the complaint was filed, if there is a reasonable cause to believe that the life and health of a family member is seriously endangered.

The hearing takes place in the presence of the offender, the domestic violence victim and a CSW official. Other individuals may be summoned if the court deems it necessary. The court sends a copy of the decision to the parties and the Center of Social Work, the Public Prosecution, and the prosecution organ. Complaints lodged against the decision rendered by the court shall not postpone its enforcement.

There is no sanction for the violation of the temporary measures, although this action can be sanctioned indirectly under Article 392 of the Criminal Code on “Autocracy”, which sanctions situations where court decisions are not executed in practice.

## 2.2 Applicable provisions in criminal law

### 2.2.1 Criminal offences

The following criminal provisions are regulating separate forms of violence against women:

#### 1. *Domestic violence*

The Criminal Code<sup>12</sup> criminalizes domestic violence. In the Criminal Code “domestic violence” is defined as “molesting, severe assault, endangering security, bodily injury, sexual or other psychological or physical violence that causes feeling of insecurity, danger of fear, against a spouse, parents or children or other persons who live in marital or extra-marital community or joint household, as well as against a former spouse or person who are in intimate personal relationship.”

Protection of victims of physical violence is provided in the chapter on “Crimes against life and bodily integrity” with provisions for the following criminal acts: momentary

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<sup>12</sup> Law No. 19 of 2004 on Amending and Supplementing the Criminal Code (*Official Gazette*, March 30, 2004).

murder,<sup>13</sup> bodily harm,<sup>14</sup> grave bodily injury.<sup>15</sup> The crime of voluntary manslaughter treats situations where the victim of domestic violence acts in self defense against the assaults committed by the perpetrator and takes his/her life. The intent of the legislator was to provide a milder penalty for perpetrators committing such crimes in the context of domestic violence against them.

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<sup>13</sup> Article 123 on “Murder”: A person who takes the life of another shall be punished with imprisonment of at least five years. A person who takes the life of another as result of domestic violence shall be punished with imprisonment of at least ten years or life sentence. Article 125 on “Momentary murder/Voluntary manslaughter”: A person who takes the life of another momentarily, brought into a state of strong irritation without his own fault, by an attack or with heavy insult or as a result of family violence committed by the murdered person shall be punished with imprisonment of one to five years.

<sup>14</sup> Article 130 on “Bodily harm”: (1) A person who injures bodily another, or damages his health, shall be punished with a fine, or with imprisonment of up to one year.  
(2) A person who commits the crime from paragraph 1 as an act of family violence shall be punished with imprisonment of six months to three years.  
(3) The court may sentence the perpetrator of the crime from item 1 to a court reprimand, if he was provoked with especially insulting or rude behavior by the damaged person.  
(4) The prosecution for the crime from item 1 is undertaken upon a private suit and for item 2 under motion.

<sup>15</sup> Article 131 on “Grave bodily injury”: (1) A person who gravely injures bodily another, or damages gravely his health, shall be punished with imprisonment of six months to five years.  
(2) “A person who commits the crime from paragraph 1 as an act of family violence shall be punished with imprisonment of one to five years”.  
(3) A person who gravely injures bodily another or damages gravely his health and if because of this the life of the injured person is brought into danger, or a vital part of the body or some important organ is destroyed, or is damaged permanently or to a significant extent, or a permanent disability for work is caused, in general or for the work for which he is trained, his health is damaged permanently or gravely, or he becomes disfigured, - shall be punished with imprisonment of one to ten years.  
(4) If because of the grave body injury from items 1, 2 and 3 the injured person dies, the offender shall be punished with imprisonment of at least one year.  
(5) A person that commits the crime from items 1 and 2 from negligence shall be punished with a fine, or with imprisonment of up to three years.  
(6) A person that commits the crime momentarily, brought without his guilt into a state of great irritation by an attack or grave insult or as act of domestic violence by the damaged, shall be punished for the crime from item 1 and 2 with a fine or with imprisonment of up to three years, and for the crime from items 3 and 4 with imprisonment of one to five years.

The protection of victims of psychological violence is provided with provisions for the following criminal acts: coercion,<sup>16</sup> unlawful arrest,<sup>17</sup> endangering security.<sup>18</sup>

The protection of victims of sexual violence is provided in the chapter Crimes against sexual freedom and sexual morals with the provisions for the following criminal acts:

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<sup>16</sup> Article 139 on “Coercion”: (1) A person, who by force or with a serious threat forces another to commit, not to commit, or to endure something, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 is committed as an act of family violence, the perpetrator shall be punished with imprisonment of 6 months to three years.

(3) If the crime from item 1 is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(4) Prosecution is undertaken upon a private suit for the crime from paragraph 1.

<sup>17</sup> Article 140 on “Unlawful arrest”: (1) A person who unlawfully arrests, keeps detained, or in some other way takes away or limits the freedom of movement of another, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 is committed as an act of family violence, the perpetrator shall be punished with imprisonment of six months to three years.

(3) The attempt is punishable.

(4) If the unlawful arrest is performed by an official person, by misusing the official position or authorization, he shall be punished with imprisonment of six months to five years.

(5) If the unlawful arrest lasted longer than thirty days, or if it was performed in a cruel manner, or if the health of the unlawfully arrested person was seriously damaged because of this, or if some other serious consequences set in, the offender shall be punished with imprisonment of one to five years.

(6) If the person unlawfully arrested lost his life because of this, the offender shall be punished with imprisonment of at least four years.

<sup>18</sup> Article 144 on “Endangering security”: (1) A person who endangers the security of another by a serious threat to attack his life or body, or the life and body of some person close to him, shall be punished with a fine, or with imprisonment of up to six months.

(2) A person who commits the crime from paragraph 1 as an act of family violence shall be punished with imprisonment of three months to three years.

(3) A person that commits the crime from item 1 against an official person while performing his duty, or towards several persons, shall be punished with imprisonment of three months to three years.

(4) The prosecution for the crime from item 1 is undertaken upon a private suit.

rape,<sup>19</sup> statutory rape of a helpless person,<sup>20</sup> sexual attack upon a child,<sup>21</sup> mediation in conducting prostitution.<sup>22</sup> The positive solution to prosecute *ex officio* rape and

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<sup>19</sup> Article 186 on “Rape”: (1) A person who by the use of force or threat to directly attack upon the life or body of another or upon the life or body of someone close to that person, forces him to intercourse, shall be punished with imprisonment of one to ten years.

(2) If because of the crime from item 1 a severe bodily injury, death or other severe consequences were caused, or the crime was perpetrated by several persons or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least three years.

(3) A person that forces another to intercourse with a serious threat that he shall disclose something about this person or about another close to this person, that would harm his honor and reputation, or which would cause some other big evil, shall be punished with imprisonment of six months to five years.

(4) The person who in the cases from items 1, 2 and 3 commits only some other sexual act, shall be punished for the crime from item 1 with imprisonment of six months to five years, for the crime from item 2 with imprisonment of one to ten years, and for the crime from item 3 with imprisonment of three months to three years.

<sup>20</sup> Article 187 on “Statutory rape of a helpless person”: (1) A person who commits statutory rape over another, misusing the mental illness, mental disorder, helplessness, retarded mental development, or some other state because of which this person is unable to resist, shall be punished with imprisonment of three months to five years.

(2) If because of the crime from item 1 a severe body injury, death or some other severe consequence was caused, or if the crime was perpetrated by several persons in an especially cruel or degrading manner, the offender shall be punished with imprisonment of at least three years.

(3) The person who in the cases from items 1 and 2 commits only some other sexual act, shall be punished for the crime from item 1 with imprisonment of three months to three years, and for the crime from item 2 with imprisonment of one to ten years.

<sup>21</sup> Article 188 on “Sexual attack upon a child”: (1) A person who commits statutory rape or some other sexual act upon a child shall be punished with imprisonment of six months to five years.

(2) For the rape of a child or for some other sexual act upon a child, by misusing his mental illness, mental disorder, helplessness, retarded mental development or some other state, because of which the child is incapable of resistance, the offender shall be punished with imprisonment of at least four years.

(3) If the crime from items 1 and 2 is committed by a teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person, by misusing his position or as an act of family violence, he shall be punished with imprisonment of at least five years.

(4) If because of the crimes from items 1 and 2 a severe body injury, death or some other severe consequences were caused, or the crime was perpetrated by several persons, or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least five years.

<sup>22</sup> Article 191 on “Mediation in conducting prostitution”: (1) A person who recruits, instigates, stimulates or entices another to prostitution, or a person who in any kind of way participates in handing over another to someone for performing prostitution, shall be punished with imprisonment of six months to five years.

statutory rape in the cases of domestic violence alleviates significantly the efforts to suppress and prevent such conduct which thus far has been subject to prosecution on a private notion only.

Similar solution in terms of prosecution can be found in sanctioning of sexual coercion or some other sexual act committed to a physically impaired person, where advantage is taken of the mental illness or disorder of the other person, incapacity, arrested mental development or some other conditions which renders other person incapable to resist.

The crime of ‘Sexual assault involving a minor’, copulation or some other sexual act perpetrated on a minor is criminalized. This crime committed in the context of domestic violence is qualified as a sub-type, as the members of the family have a special position concerning the care and upbringing of their children and are not expected to distort the proper development of their children.

The provisions pertaining to „mediation in prostitution” sanction the recruitment, enticing, encouraging or luring others into prostitution or other forms of taking part in making others available to third parties for the purposes of prostitution, where sexual integrity is violated.

In all above mentioned criminal acts, a higher punishment is prescribed if the act is committed as an act of family violence.

“According to the Criminal Code of 2002, all forms of trafficking in human beings are incriminated as a separate criminal act and are punishable. The country signed the Protocol for Prevention and Suppression and Sanctioning Trafficking in Human Beings, in Particular in Women and Children, which complements the Convention against Transnational Organized Crime, on December 14, 2000. It was ratified on September 28, 2004.”<sup>23</sup> The Criminal Code determines the definition of trafficking in human beings.<sup>24</sup> Minimum four years of imprisonment is foreseen for this criminal act.<sup>25</sup>

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<sup>23</sup> ESE (2005) *First CEDAW Shadow Report, ibid.*

<sup>24</sup> Trafficking in human beings is regulated with the introduction of a new crime of “Trafficking in people” in Article 418(b), which is a 2004 amendment to the 2002 Criminal Code. Trafficking means: the use force or serious threat to mislead or the use other forms of coercion, kidnapping, deceit, abuse of position or a condition of pregnancy, inability or physical or mental disability of others, or giving or receiving money or other benefits to obtain the consent of a person with control over another person, to recruit, transport, purchase, sell, shelter or accept a person for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, illegal adoption or any other similar relations or illegal transplantation of parts of the human body.

Also, the 2004 amendments and addendums to the Criminal Code introduced new types of crime: Article 418(6) on “Smuggling of migrants” and Article 418(b) on “Organizing and aiding the committal of the crime of smuggling of people and smuggling of migrants.”<sup>26</sup>

At the same time, the amendments and supplements to the 2004 Criminal Code also entailed the incorporation of criminal liability of legal entities that have taken part in committing organized criminal activities, including trafficking in human beings, to confiscate the proceeds of the crime and international cooperation with respect to confiscation of assets. The amendments and supplements to the Code of Criminal Procedure introduced provisions aimed at improving criminal justice cooperation on the international level.

As for sexual harassment, there had been no special provisions regulating the issue in the Law on Labor Relations and in the general collective agreements before the adoption of the “new” Law No. 62 of 2005 on Labor Relations on July 28, 2005. The legislator provided for prohibition of harassment and sexual harassment and all related behavior as discrimination. Sexual harassment, for the purpose of this law shall mean,

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<sup>25</sup> Paragraph 2 sanctions the following: “the person recruiting, transporting, buying, selling, sheltering or receiving children or minors for exploitation purposes is punishable with a sentence of a minimum eight years of imprisonment. Under paragraph 3, imprisonment of a minimum of four years is given to:” Those that take away the ID document, the passport or some other form of identification for the purpose of committing the crimes specified in paragraphs (1) and (2) of this Article.” Paragraph 4 incriminates the acts of: „those using or making possible for others to use sexual services of persons of whom he/she has knowledge that they are victims of trafficking.” This crime is subject to six months to five years of imprisonment. If the crime described in this paragraph is committed against a minor, the offender is given a minimum of eight years of imprisonment.” Paragraph 6 provides for incrimination of legal entities if the crime described in paragraph 1 is committed by a legal entity.

<sup>26</sup> Paragraph 1 pertaining to the “smuggling of migrants” contains the following acts of “those that by the use of force or serious threat attack the life or body, who by abduction, deception or for his/her own benefit abuse their position, or who by taking advantage of the incapacity of others, illegally transport migrants across the national borders, as well as those who produce, procure or hold forged documents for such purposes.” This crime is punishable with a minimum of four years of imprisonment. Article 2 incriminates the actions of “those recruiting, transporting, selling, buying, sheltering or receiving migrants,” where a one to five years of imprisonment is provided. “If in the committal of crimes specified in paragraphs 1 and 2 the life or health of the migrant is under threat, or the migrant is treated in a degrading and cruel manner, or the migrant is prevented from exercising the rights under the international law, the offender shall be punished with a minimum of 8 years of imprisonment. If the crime described in paragraphs 1 and 2 was committed against a minor, the offender shall be punished with a minimum of eight years of imprisonment.” (Paragraphs 3 and 4.)



any verbal, non-verbal or physical conduct of a sexual nature, occurring with the purpose or effect of violating the dignity of the candidate seeking employment or employee, and which creates intimidating, hostile, humiliating or offensive environment.”<sup>27</sup> “Indirectly, this phenomenon is regulated through the incrimination of acts against gender liberty and gender morale, i.e., as solicitation into sexual relation by means of abuse of position. Namely, those who will abuse their position of power to solicit into sexual intercourse or other sexual activities on persons who are subordinate to or dependent on them, or – with the intention of harassing, intimidating or treating other individuals – in a manner that humiliates human dignity and human personality, shall be punished.”<sup>28</sup>

There are no special measures that penalize state officials in particular in prisons, detention centers, psychiatric institutions etc. The crime “Misuse of official position and authorization” foreseen within Article 353 of the Criminal Code, however, provides that “A person who while performing his duty mistreats another, frightens him, insult him, or in general, behaves towards him in a manner in which the human dignity or the human personality is humiliated, shall be punished with imprisonment of six months to five years.”

In case of violent crimes, committing them by officials usually is not an aggravating circumstance. The unlawful arrest is the only one of the offences, where performing by an official person, by misusing the official position or authorization, shall be punished with harsher imprisonment.

### 2.2.2 Criminal procedures and prosecution

There are no special procedures with regard to cases of violence against women, but the general provisions for swift procedures can be applied.

All crimes related to domestic violence are *ex officio* prosecuted except light injury which can be initiated on motion from the damaged person. Motion is initiated by the damaged person and then is submitted to Public Prosecutor Office which is authorized for further prosecution of the charges. If the damaged person decides to withdraw then the prosecutor may or may not proceed with the charges. Crimes related to trafficking in human beings are prosecuted *ex officio*. The incrimination related to sexual harassment within the Criminal Code is also prosecuted *ex officio*.

In regard of the law enforcement officers and their duty to act upon all reported cases, there are no special provisions foreseen for obligatory proceeding or adequate recording

<sup>27</sup> Akcija Zdruzenska, *ibid*.

<sup>28</sup> By imprisonment of three months to three years, Criminal Code of the Republic of Macedonia.

and investigation on each of the reported cases of violence. Indirectly through the incrimination “Not reporting a crime or an offender” partially it is guaranteed that officials including law enforcement officers will proceed in some of the reported cases of violence.<sup>29</sup>

Usually crimes related to violence against women and children are treated as aggravating circumstances that will affect on the severe punishment. If the main criminal act is prosecuted *ex officio* than all criminal acts under that incrimination are prosecuted in same manner, regardless whether they are against women and children.

If the crime is committed as an act of domestic violence, then this is considered as an aggravating circumstance and the punishment is higher than for the crimes that are not committed as an act of domestic violence, with the exception of rape and statutory rape. The crime of “voluntary manslaughter” pertains to situations where the victim of domestic violence, acting in defense against the assaults of the brute, takes his or her life. This type of murder is punishable with one to five years of imprisonment and is perceived as favorable treatment of victims of this type of violence, compared to the crime of murder, which is subject to a minimum of five years of imprisonment.

In crimes of trafficking in human beings, it is considered an aggravating circumstance if the recruitment, transportation, buying, selling, sheltering or accept a children or minors is made for the purposes of exploitation, and the offender is punished with a sentence of minimum of eight years of imprisonment. Also, when the user of sexual services, or the person making it possible, are aware that the provider of the service is a minor or a child, it is considered to be an aggravating circumstance punishable with a minimum of eight years of imprisonment.

### **2.3 Applicable provisions in civil and family law for cases of violence against women**

In 2004 a new chapter, titled “Deteriorated Family and Marital Relations and Domestic Violence” was incorporated into the Family Code.<sup>30</sup> According to its provisions, any kind of violence between family members, regardless of their age and sex, are prohibited. Violence in marriage and the family (hereinafter: domestic violence) involves the conduct of a family member who inflicts physical injuries by

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<sup>29</sup> Namely, “An official person who consciously omits to report a crime that he found about performing his duty, if according to the law a punishment may be pronounced for this crime of imprisonment of five years or more, while the crime is prosecuted *ex officio*, shall be punished with a fine, or with imprisonment of one to three years.”

<sup>30</sup> Law on Amending and Supplementing the Family Code (*Official Gazette*, No. 38, June, 2004).

force, intimidation and threats, emotionally or sexually abuses, and materially, sexually and labor-wise takes advantage of another member of the family.

Domestic violence involves actions committed (1) by one of the spouses against the other, who have lived or used to live in marriage or extra-marital union or in any kind of union as a family or if they have a common child; (2) between siblings and step-siblings; (3) against children; (4) against elderly family members; or (5) against family members having partial or full working incapacity.

## 2.4 Victim protection and protection of witnesses

The Family Code prescribes the *formal system* of protection for victims of domestic violence. The so-called non-formal system was comprised of NGOs dealing with different issues. The Center for Social Welfare undertakes measures for protecting the family and domestic violence victims independently or upon demand of a family member, in cases when there is a reasonable cause to believe that the family relations have deteriorated or domestic violence is being inflicted. The CSW undertakes measures for protection in cases when there is a reasonable cause to believe that domestic violence is being inflicted against a minor or against individuals having partial or full working incapacity.

The Center for Social Welfare is informed of the actions specified above by citizens, officials, and legal entities, which have an obligation to notify the center about the said actions without any delay. In cases when the CSW learns that domestic violence takes place in a family, it undertakes the following protection measures:

- provides necessary shelter for the individual – domestic violence victim for six months at longest, with extension possibility for another six months;
- provides appropriate health care;
- provides appropriate psychological and social intervention and treatment;
- refers victims to the appropriate counseling bureau;
- should there be a child in the family attending regular school, ensures that the child continues with regular school attendance;
- notifies the prosecution organ;
- provides legal aid and legal representation;
- brings proceedings before the relevant court;
- if necessary, files complaints with the relevant court for the purposes of ordering temporary protection measures; and
- undertakes other measures deemed essential for resolution of problems.

The establishment of a system of assistance and protection of victims of trafficking in human beings is an integral part of the national activities aimed at the fight against this phenomenon. In this light, important are the provision of the UN Convention with the Palermo Protocol against Trafficking in Human Beings which regulate the rights of the victims of trafficking; the European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings and the Statement of Commitment to the victims/witnesses and trafficking in children made on December 10, 2003 in Sofia are also important. They regulate the rights of victims of trafficking to: legal aid, information about relevant court and other procedures, medical health and other care, protection of privacy and identity and the right to compensation of damage suffered by the victims of trafficking.

The Code of Criminal Procedure is consistent with the said provisions.

The right to legal aid is guaranteed in the provisions of the law on criminal procedure which regulate the rights and responsibilities of the witness and the injured party in the criminal procedure.

For the purposes of the implementation of the right to protection of the identity and privacy of victims of trafficking, the amendments and supplements to the law on criminal procedure passed in October 2004 introduce the instrument of protection of witnesses, collaborators of justice and victims. Under the said provisions, procedural and extraordinary measures are issued to protect those persons.

To ensure that this provision is put into full operation, the Assembly of the Republic of Macedonia passed a new Law on Witness Protection on May 19, 2005, applicable to all victims and witnesses.<sup>31</sup> Article 1 of the law defines objects of protection: witnesses, victims and collaborators of justice, as well as persons close to them who act in capacity of witnesses. Article 26 defines the types of measures such as: keeping the secrecy of identity, provision of personal protection, change of place of residence and stay and change of identity. The law specifies that the Witness Protection Department under the Ministry of Interior shall be the body responsible for the implementation of those measures, while the Witness Protection Council shall be responsible for making the decision on entering the witness protection program.

As regards to rules on special conditions for hearing, they are generally prescribed within the Code of Criminal Procedure.<sup>32</sup> The investigating judge may decide the investigation to be recorded with a device for audio or visual recording, but the person

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<sup>31</sup> Law on Witness Protection, May 19, 2005 (*Official Gazette*, No. 38).

<sup>32</sup> Criminal judge practitioner, Criminal department, Court of first instance.

who is examine i.e. heard will be informed of that.<sup>33</sup> This possibility could be used in cases of violence against women as well. However, there are a few examples of such special conditions within the proceeding of trafficking cases.

There are no special provisions foreseen for special rooms for questioning of the witness/victim within the criminal procedural law provisions. Apart from lack of this type of provisions there are unwritten, regularly practiced rules to question the witness/victim in a separate room.

There are no special provisions regarding the data protection, applicable in cases of violence against women especially. According to the Code of Criminal Procedure, the public might be excluded from the trial regarding juveniles, in order to protect the minor's interests.<sup>34</sup> All the professionals and other persons present on the trial are obliged to keep the data as official secret.<sup>35</sup> Otherwise, they will be responsible for committing criminal act (Disclosing an official secret) prescribed within Criminal Code, sentenced with imprisonment of three months to five years.<sup>36</sup>

There are no special provisions (specific measures) foreseen that will ensure respect of the rights of children during the court procedure or that will ensure presence of their parents or guardian to accompany them and to enjoy free legal advices and services if needed.

There are special procedural provisions that are applied when a person who has committed crime is a minor, and at the time of initiation of the procedure, i.e. at the trial they have not reached 21 years of age.

There are no provisions to ensure that professional confidentiality is used only on an exceptional basis with regard to sexual violence against children.

There are no provisions in the defense of the professionals, service providers dealing with cases of violence against women. However, when the offence endangering security is against an official person while performing his duty, the punishment is harsher.

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<sup>33</sup> The recording must provide following data: name of the state bode before which the act has been conducted, the locality of the act, the day and the hour when the act started and finished, the names of the present persons and in which function they are present as well as notification of the criminal case according to which the act is being initiated.

<sup>34</sup> Article 304 of the Code of Criminal Procedure.

<sup>35</sup> Article 305 of the Code of Criminal Procedure.

<sup>36</sup> Article 360 of the Criminal Code.

## **2.5 Legal assistance and representation for the victims of violence against women**

There is no organized legal assistance on the part of the state. There are no special legal aid programs (free and available) for the victims of domestic violence. Some NGOs and professional associations, including the Bar Association provide free legal assistance including free of charge representation for a certain number of cases. These types of services are not state funded (such as the NGO ESE, through its so-called Legal Aid Centers).

Basically, the legal services are equally available for men and women. The state has created mechanisms for release of the party in question from the obligation to pay the court and administrative costs in cases when they cannot afford to cover these costs. If the party in question cannot afford its own defense attorney, there is a procedure for provision of a defense attorney appointed by the court and in such a case the costs are covered by the state.<sup>37</sup>

## **2.6 Providing information for victims about their rights, obligations, and the services available**

A legal requirement to provide information for the victims in the procedures about their rights, obligations and about the services where they can seek help does not exist in Macedonia.

## **2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning**

N/A

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<sup>37</sup> In accordance with the legal provision mandatory appointment of the defence attorney is prescribed in following cases: where for the charged criminal act over ten years imprisonment is foreseen; for the criminal acts where imprisonment is above 3 years, under request of the accused person approved by the court and for all detained persons.

### **3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION**

#### **3.1 Professional guidelines and operational protocols for dealing with cases of violence against women**

After the adoption of the relevant legal legislation in regard of domestic violence only representatives from the MoLSA have prepared a draft of their internal proceeding. Due to the non coordinated approach and no define mandate of the relevant stakeholders NGOs (ESE and Akcija Zdruzenska) in cooperation with the ministries initiated and prepared draft protocols and referral system for domestic violence victims. The relevant ministries: Ministry of Labor and Social Affairs; Ministry of Interior; Ministry of Health, as well as the NGO providers of direct services: National SOS line (OZS), the Hope Crisis Intervention Center, and the NGO Shelter are included within this process. It entails unification of civil and criminal justice system directed toward establishment of effective coordinative approach to the problem in general. The mutual coordination is a question specially addressed within the protocols which are now in the phase of their internal adoption in the Ministry of Labor and Social Affairs, Ministry of Interior and Ministry of Health. The second phase will follow and it's supported by UN Trust Fund.

The protocols are prepared individually by each of the above mentioned actors. They regulate the intervention on the field of domestic violence according to the needs of the victims. They are meant to be adopted as compulsory standards for the above three ministries. Individually prepared protocols will result in one coordinative system of protection. Social workers, police officers, as well as health workers will be obliged to work with cases of domestic violence according to the protocols themselves. The NGOs providers of direct services will respect and act upon the NGO protocol.

The protocols prepared on individual basis (by each relevant ministry, in accordance of the legal mandate that they have) will result in effective and coordinative system of protection on national level. All of the protocols are based on a common principle of provision full and extensive protection to victims of domestic violence. Besides the intervention and prevention of each of the relevant actors, multi-coordinated referral system is drafted, too.

The protocols comprehend collection of data with monitoring and analysis of situation regarding domestic violence. The secondary victimization of the victims will be eliminated through establishment of unified documentation regarding data about the victims, which will follow the victim once she's send from one to another relevant institution or organization.

The rules of record, investigation and registration of cases, rules for the hearing and treatment of the victims are in the process of developing and preparing, within the UN Trust Fund project.

Cooperation and mutual coordination with the relevant NGOs is stressed and incorporated within the system of protection. The work with the victims will be done by trained professional structures according to the protocols. For this purpose the education of professional structures is from utmost importance and need to be addressed properly in the future.

The second phase of this process is directed toward additional unifications of the civil and criminal justice systems. Within the criminal justice system unification, the focus will be put on cooperation and coordination between the police and investigative judges and public prosecutors, especially in collection of evidence. The other aspect that will be addressed in parallel is standardization of the service providers and stakeholders responsible for implementation and monitoring of the civil restraining orders.

The period of implementation of the project is two years (2006–2008). The unification of the criminal justice system will be achieved in partnership with the Ministry of Interior and in cooperation with the public prosecutors and investigative judges. The budget allocated for this initiative is in the amount of 76,000 euros.

The unification of the civil justice system comprehends involvement of the Ministry of Labor and Social Affairs as a partner and NGO providers of direct services. There is a need to determine whether all services foreseen are available within the existing system of protection and whether the existing institutional forms and standards of operation allow the provision of services. As a result of the lack of unification, discrepancy between the standards of operation which reflects on the quality of services offered to the domestic violence victims within the formal (government) and non-formal (NGOs) system of protection exists. On the second issue, there is a lack of specified procedure for proposing, issuing and continuation of the temporary protective measures. Procedure for implementation and reporting on the temporary protective measures does not exist. Due to the mentioned deficiencies, the number of proposed and issued measures is insignificant.

Guideline for dealing with cases/victims of trafficking is in the preparatory phase within the Ministry of Interior. This guideline will be adopted as a by-law and will prescribe establishment of fund for compensation of victims of trafficking.



### 3.3 Medium- and long-term coordinated action plans for the different professions

The lack of special programs or action plans at national level regarding violence against women or its different forms, results in absence of periodical medium and long-term plans established within the relevant institutions. An exception in this regard is the *National Program for Combating Trafficking with Human Beings and Illegal Migration in Republic of Macedonia*, as the only document from this kind regarding violence against women. However, even this program does not prescribe deadlines for its implementation, nor does it determine the allocation of state funds in the same direction.

Once it's adopted, the *National Program for Combating Domestic Violence* will present a base upon which the relevant ministries and institutions will establish their internal medium and long-term programs and action plans on the field of domestic violence. This refers to the NGOs also. Citizen organizations will be able to define, plan and implement their future strategic tasks in this field according to the national program itself.

### 3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

The government has not yet established a special body or committee to ensure coordination between state and NGO activities in the field of violence against women. Thus, there is no systematic mechanism to involve NGOs in the drafting or implementation of laws and policies, nor they are invited to evaluate those laws and policies. Common practice is that certain consultative meetings with concrete NGOs are organized in order to get their feedback to the draft laws.

Nevertheless, NGOs are invited to participate as members in the National Commission for Combating Trafficking in Human Beings. In the field of domestic violence, NGOs have developed fruitful and extensive cooperation with the government bodies but this cooperation has not yet transformed into an institutionalized forum.

### 3.5 Leading NGOs working in the field of violence against women in the country

#### *Domestic violence*

- The *Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia* (ESE) is focused on the problem of domestic violence as a

severe form of violation of women human rights. There is a diversity regarding the sources of funding: international donors, EU funds, government support. State support is unsatisfactory.

- The mission of organization of citizens *Akcija Zdruzenska* includes strengthening and developing the women's movement in Macedonia, competent in terms of women's human rights and gender equality issues. The basic goal of this organization is to increase the level of knowledge, skills, and abilities to identify and respond to specific needs in Macedonia regarding gender equality issues through: mobilization and encouragement of the female community towards action for exercising women's rights; institutional capacity strengthening with women organizations/groups beyond Skopje; and encouraging their mutual cooperation as well as cooperation with other organizations.
- The *Organization of Women in Skopje* operates an SOS line, which in March 2005 became the National SOS line, with financial support of the Ministry of Labor and Social Affairs. The National SOS line operates 24 hours a day covering the whole territory of the Republic of Macedonia. The main aim of this line is to provide support of the victim, giving a consultant aid and appropriate referring. They also deal with trafficking in human beings and other forms of violence against women.
- The *Hope Crisis Intervention Center* is run by a non-governmental organization. The crisis intervention center operates on the whole state territory. They cover all forms of violence against women but their work is mostly focused on rape and domestic violence cases. They offer the following services: advises through telephone named as "Trust"; accompany victims to appropriate institution (hospital, police, and center for social welfare) if needed; and providing consultation, legal aid, representation in front of the court, social services, sheltering, humanitarian help etc.
- The *NGO Shelter* provides accommodation (sheltering) for the victims of domestic violence. It works in the field of prevention, direct assistance, mediation and representation, as well as education.

#### *Trafficking in human beings*

- The NGO *La Strada* works on three main campaigns: press and lobbying campaigns regarding trafficking in women; prevention and education of women at risk of violent involvement in trafficking on the national and international level; and providing of adequate psycho-social support of the women victims of trafficking.
- The NGO *Happy Childhood* deals with domestic violence and trafficking in human beings. It conducts research programs of internal trafficking in human beings and provides psycho-social support within the Transit Center for

trafficked women, managed by the International Organization for Migration and Ministry of Interior.

- *HOPS* develops programs for prevention of HIV/AIDS and other sexual transmitted deceases, programs for reduction of damages of using drugs, and programs for resocialization and reintegration of youth and other vulnerable groups in Macedonia (drug addicts, sex workers and their families).
- The NGO *Semper Bitola* takes part in combating all forms of violence, especially violence against women and trafficking in human beings, and it works with marginalized groups. It conducts educational and affirmative activities towards prevention and combating trafficking. Within the organization is an SOS line for violence against women, particularly victims of trafficking.

The main source of funding of the above NGOs is international donors; contribution from the state remains unsatisfactory.

#### **4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES**

Domestic violence as a form of violence against women is treated by the police only on the local level, especially on the municipal level. Juvenile delinquency, violent crime, blood and sexual related crimes inspectors are responsible for combating this type of violence. They are appointed for this task, but special training is not required for them.

Within the Ministry of Labor and Social Affairs, as a result of the legal mandate to act upon this phenomenon, separate departments were established aimed at providing professional services towards addressing family problems, social benefit issues and other appropriate measures and procedures need for effective protection of the victim of domestic violence. Professional teams within the Regional Centers for Social Welfare (in total 27) consists of two social workers, one psychologist, one medical doctor and one sociologist, upon the methodologies developed by the Government Department for social affairs were assign to provide protective measures for the victim of domestic violence (protective measures and so called civil orders for protection, as a parallel way of resolving the issue). There are not separate departments in each Center for Social Welfare; in the smaller CSW's professional teams are working parallel on domestic violence and family problems.

Trafficking in human beings is treated by law enforcement agencies on national and on local level. On national level, there are Units for combating trafficking established within the Central police services at the Ministry of Interior, under the Department for Organized Crime, Sector for Violent Crime. On the local or municipal level, there are

only eight appointed inspectors (one per sector) with jurisdiction over the cases of trafficking in human beings.

Besides the police and Center for Social Welfare there are no special units (or responsible persons) in other law enforcement agencies dealing with the cases of violence against women.

## **5. AVAILABLE SERVICES**

### **5.1 Shelters**

#### *Domestic violence*

The following information has been provided by the Government Institute for Social Work for the purpose of this analysis.

One of the remarkable changes, in the line of the newly adopted legal amendments towards domestic violence, was opening of the state shelters aimed to provide temporary housing, the basic vital needs of the victim of domestic violence.

The state has established five shelters with approximately 50–60 places available for women as primary victims and children as secondary victims. The first state shelter for victims of domestic violence opened in Skopje in April 2004 and by the end of 2004 another three state shelters for victim of domestic violence opened in Kocani, Bitola, and Strumica. In April 2005, the fifth state shelter for victims of domestic violence opened in Kumanovo.

The state shelter for victims of domestic violence placed in Skopje operates as organizational unit of the Municipal Center for Social Welfare of city of Skopje. The shelter premises are owned by the Ministry of Labor and Social Affairs. State shelters in Bitola, Kumanovo, Kocani and Strumica are situated in rented premises. Except the shelter in Skopje, which is situated in isolated area of the city, the rest of the shelters are situated on location from where victims have easy access to hospital, school, kinder garden, local transport and police station. For the sake of comparison, the state shelter from Skopje, which is separate entity with an unfavorable location, doesn't accomplish basic criteria for its purpose. All of the state shelters are functioning as regional shelters, and have mandate to shelter victims of domestic violence from other town in Macedonia, based on the official decision of the CSW.

Local CSWs operate not only shelters but in certain cases also SOS lines for victims of domestic violence. These SOS lines are functioning in the CSWs of Kocani, Bitola and Strumica.

During the temporary stay, victims of domestic violence are provided with free of charge services: housing, food, advisory psycho-social services etc. Housing in shelters is stipulated with internal "House rule book". Waiting lists for sheltering is not yet established in our referral system. Within the ESE and Akcija Zdruzenska initiative for establishing coordinated multi-disciplinary approach, the National SOS line will be in future responsible for referring the victims for sheltering and recording the data for the sheltered and victims waiting for sheltering.

Sheltering is free of charge, and based upon previously established needs assessment conducted within the Centers for Social Welfare. These mean that the procedure regarding the sheltering of the victims is under jurisdiction of the centers for social welfare where the victim is coming from.<sup>38</sup> The victims may stay in the shelter for six months, with the possibility to prolong this period to additional six months (one year in total). The persons working in these shelters are mostly social workers and psychologists.

Beside the state-run shelters, there is one shelter that operates as a non-governmental organization. The NGO Shelter has been operating since 2001. Sheltering is free of charge, based upon previously established needs assessment conducted within the shelter. The Shelter employs a total of nine people; one social worker, one psychologist, one attorney and three lawyers provide assistance particularly to victims of domestic violence. Sheltering is provided in 5–6 rooms (a total of 200 m<sup>2</sup>), which are state property.<sup>39</sup>

Despite the fact that legislative changes, imposed preconditions for appropriate reaction of the relevant institutions towards the prevention and intervention in the cases of domestic violence, still in Macedonia domestic violence is largely seen as a "private matter", especially CSWs, which proceeding in cases of domestic violence are based mostly on ad hoc intervention.

### *Trafficking in human beings*

The Ministry of Interior established in 2001 the Transit Center, where victims of trafficking are offered medical care and control by a professional team of medical personnel of the International Organization for Migration. Also, the financial support lent by this organization provides victims with: relevant professional post-traumatic therapy, social reintegration therapy, psycho-therapy and counseling by a non-governmental organization Happy Childhood; free legal aid, counseling and

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<sup>38</sup> Inconveniences might appear when there is a need to act in urgent, and there is no possibility the need assessment to be done by those CSW's where the victim is coming from (for example, when the victim already referred to another CSW).

<sup>39</sup> Information is based on a questionnaire sent to all service providers for victims of domestic violence (ESE's project ongoing activities, 2006).

regal representation. “Rehabilitation and re-socialization, however, require much longer periods than the time spent by the women at the Center.”<sup>40</sup>

“In 2001, IOM (the International Organization for Migration) and the Government signed an agreement for the police to inform IOM about all female illegal migrants. The identification and referral system for trafficked women operates within the framework of this agreement. The police identify women and girls who might be trafficked and transfer them to the Transit Center – a shelter for victims of trafficking in Skopje.”<sup>41</sup>

## 5.2 Hotlines

Different types of services are provided for the victims of domestic violence. Beside the classical SOS hotlines which are numerous, there are specialized hotlines providing unique type of advices and services, such as the Legal Aid Centers of ESE.

The oldest SOS line within the Organization of Women of Skopje in March 2005 became National SOS line, with financial support of the Ministry of Labor and Social Affairs. National SOS line operates 24 hours covering the whole territory of the Republic of Macedonia. The main aim of this line is to provide support of the victim, giving a consultant aid and appropriate referring, and it is free of charge. They provide victim’s strengthening, psychological support and referral.

Total number of victims of domestic violence who called this line in a period March 2005 till September 2005 numerates 905 persons.

Beside the National line, there are several other SOS lines operating on local level within NGO’s from the different parts of the country, aimed to help in violence against women issues. In the framework of the NGO “Open Gate–La Strada”, SOS line was established for victims of trafficking in human beings. It should be emphasized, that the SOS lines don’t have unified methodology regarding the services they are providing. The persons engaged and working on these lines are mainly social workers, psychologists, lawyers etc. There is no special unified training regarding the operation on the SOS line. However, the persons engaged within the SOS line attended some basic trainings for work with the victims and work on the SOS line. Services, that SOS lines are providing, are directed towards strengthening of the victim through psychological support, as well as referring the victims to the relevant institutions.

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<sup>40</sup> CEDAW Shadow Report for 2005.

<sup>41</sup> UNICEF, UNHCR, and OSCE/ODIHR (with the administrative support of UNDP for Bosnia and Herzegovina), Report: Trafficking in Human Beings in Southeastern Europe, 2003.

These lines are mainly funded by international donors on a project level, and there are examples where SOS line is shut down for certain period because of the lack of funds (when the project ends). Each of the SOS lines collect data on the victims, through certain forms meant for their internal use. These data are not easily accessible to the public. Codes of conduct, concerning guidelines for domestic violence treatment varies from one to another SOS line. Data on clients are not available.<sup>42</sup>

### 5.3 Crisis intervention centers

#### *Domestic violence*

Two crisis intervention centers exist in Macedonia. Women's House is run by the National SOS line, Organization of Women–Skopje; here three or four victims of domestic violence might stay for 24 hours in urgent cases (in their premises of 47 m<sup>2</sup>). Afterwards if there is need of sheltering they are redirected to the non-governmental or government shelters in accordance to their free capacities. They provide temporary sheltering, information and referral.

This is also true for the Hope Crisis Intervention Center which is run by a non-governmental organization. The crisis intervention center operates on the whole territory of Macedonia. It covers all forms of violence against women, but mostly their work is focused on rape and domestic violence cases. It offers the following services: provides advice through the telephone service called "Trust"; accompanies victims to the relevant institution (hospital, police, and center for social welfare) if needed; and provides consultation, legal aid, representation in front of the court, social services, sheltering, humanitarian help etc. All of the services are free of charge. Functioning of the Crisis Intervention Center is enabled through project activities of the non-governmental organization under which is operating. In total nine staff members are working with the victims. The operation of the crisis center is supported by 15 external stakeholders. Team is consisted of social worker, attorney and students. There are psychologist, psychiatrist, professor, social worker, economist and inspector from internal stakeholders.

All members from the Center should undergo compatible training for working on the telephone line. Time of sheltering the victims is 48 hours. The center has a database, and also prepares a monthly and annual reports for its operation.

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<sup>42</sup> A questionnaire sent to all service providers for victims of domestic violence (ESE's project ongoing activities, 2006) did not contain data on clients. It contains capacities (human, organizational, technical), and methodology of service providing.

Crisis Intervention Center provides funds by international donors; the state did not contribute in this regard. They are in the process of negotiation with local government authorities, in regard of using local community premises for free of charge.

Codes of conduct, concerning guidelines for treatment of domestic violence cases vary from one organization to another.

Within ESE, in July 2002, a Legal Aid Center (LAC) was established for women victims of domestic violence. After one year of operation, aiming to make this kind of services to be available to the citizens from the eastern and western parts of Macedonia, another two ESE Local Legal Aid Centers were established (2003).

Regarding the operation of the Legal Aid Center in Skopje, its methodologies developed at the very beginning of the opening of the center, are the basis upon which the Legal Aid Center and the Local Legal Aid Centers are functioning.

Within the LAC, expert team consist of: three attorneys, a social worker, a police inspector for juvenile delinquency dealing with the problem of domestic violence and a psychologist. They provide free of charge legal and psycho-social assistance for domestic violence victims, upon previously scheduled meeting. Help is provided by telephone consultation also, but mostly clients prefer to schedule an individual meeting. Expert team has responsibility for analyzing and further case proceeding upon the identified clients need. Court representation is reserved only for the domestic violence victims which family, social, wealth and financial status are unsatisfactory.

Legal aid includes legal advices, preparing and compilation of legal documents and representation in court in regard of both civil and criminal procedures. Psycho-social support and aid includes two components: emotional support through psychological counseling provided by the psychologist; as well as social assistance information, information about the procedure within the Center for Social Welfare in regard of family and marriage disputes, custody, and adoption procedure provided by the social worker.

Adoption of the new legislation regarding domestic violence in 2004, imposed a completely new perspective in further proceeding of the domestic violence cases within the three existing Legal Aid Centers. In that direction, very important position in this process has been entrusted to the LAC's as a unique pro bono legal centers in the country, in several aspects:

- a) pro bono initiation of the criminal procedure regarding the new criminal acts towards domestic violence;
- b) pro bono initiation of the civil procedures as a continuing process;



- c) legal assistance and referring the victim to the Center for Social Welfare, which has a mandate to provide protective measures when domestic violence appears; and to put request to the court for issuing civil protection measures, aimed to prevent further domestic violence acts.

The analysis of the data for the period between June 2004 and May 2005 once again justified the importance and necessity for further existence of the pro bono legal concept through the operation of the LAC. Therefore, the trend of prevalence on reported cases during the previous years of operation can be seen from the data base records regarding LAC Skopje: In the first year of operation (between May 2002 and May 2003) the total number of beneficiaries were 275; in the second year (between May 2003 and May 2004) 316; in the third year (between May 2004 and May 2005) 404; and in the last seven months (between May and December 2005) 229.

This number resulted in making broader cooperation and referring clients, with the center for social work, and with other women NGOs, as well. The number of the clients even has been distinctly increased in the second and third year of operation due to ESE's long-term strategic orientation and the specific affirmative activities that have been made in that direction.

The qualitative and effective legal and psycho-social services that are provided by the LAC expert team, in continuation for three and half years, makes the beneficiaries to build trust and confidence in its functioning.

According to the data base out of the total numbers of beneficiaries 716 clients were provided with legal aid<sup>43</sup> and 250 clients were provided with psychological and social support and assistance.

The expert team within Legal Aid Center review potential cases of domestic violence on regular meetings. These meetings are aimed at coordinative approach towards the needs of the beneficiaries and selection of the cases for free of charge court representation.

Regarding court representation, during the third year (between May 2004 and May 2005), 34 court cases were initiated: 27 civil cases and seven criminal cases. Since the national legislation regarding domestic violence is "relatively" new (in effect from March and June 2004), the level of implementation of these laws is not on a satisfactory level. That why initiation of criminal procedures on the base of the new

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<sup>43</sup> The division can be made according to the different areas that legal aid was offered for: 298 were divorce cases; 120 were cases of alimentation; 127 were cases of property division; 44 were related to custody of the minors; 11 cases were related to inheritance; 15 were related to conducting contracts; 23 were criminal cases; 83 cases are registered under the category "other" (these are cases that can not be registered under any from the above mentioned categories).

legislation is crucial in a direction of affirmation of these court cases as a positive step towards achieving factual implementation of the articles regarding domestic violence.

Regarding the operation of the local centers, it should be noted that the number of treated cases increased due to the comprehensive strategy developed by ESE in a direction of their promotion and affirmation.

#### *Trafficking in human beings*

NGO “Open Gate–La Strada” is providing to victims of trafficking in human beings: medical checks ups, medicaments, accommodation in the shelter, emotional support, psycho-social consultations, contacts with the family, and contacts with the Center for social welfare, humanitarian aid (clothes, hygienic means, shoes, and underwear), cooperation with the prosecutor (if she is witness in the trial procedure) and vocational courses (course for professional hair dressers).

The results from there operation during 2005: the number of trafficking victims assisted was nine, all of them were female, out of which four were minors. Two of them had Macedonian nationality, five had Albanian, while two were Roma. The aim of trafficking was sexual exploitation in all of the cases.

### **5.4 Intervention programs for the perpetrators**

There are no separate programs for the perpetrators, even though the Family law (temporary measures of protection) stipulates that the court may order for the abuser to visit appropriate counseling. This type of service or program is not yet established.

As an alternative to the program for the abuser, there is another temporary measure named as “obligatory treatment for the abuser”, and this measure refers to alcoholism, drug addiction, as well as “mental illness”. However, there is a need of developing and establishing special programs directed toward correction of the abuser’s behavior especially.

### **5.5 Other victim support services**

At the moment there are no other services available for victims of violence against women except those presented in this report. There is evident need of introducing a concept of services available in the broader communities (out of those offered by the crisis or shelter centers).

## **6. EDUCATION AND TRAINING**

### **6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs**

There is no subject/topic regarding violence against women or gender stereotypes and discrimination incorporated within the primary and secondary school curricula.

There are no special programs regarding sex education incorporated within the school curricula. Certain efforts in this regards are made by the civil sector where NGOs are initiating education projects for the students.

In this direction, ESE has initiated a project directed toward education of the high school population, also addressing sexual education. The project was implemented at the Institute for Sustainable Community, with the participation of 80 high school students and 20 teachers from two high schools, in 2004; and at Geneva Global, with 80 high school students and 20 teachers from two high schools in 2006.

### **6.2 Mandatory and other training programs for future professionals**

There are no mandatory training programs that will continuously upgrade the knowledge of the relevant professional groups on this field.

### **6.3 Mandatory and other training programs for practicing professionals**

Mandatory programs do not exist, but there are occasional training programs for various practicing professionals organized by the state and some of the NGOs.

The Ministry of Labor and Social Affairs (MoLSA) and the Ministry of Interior (MoI) already conducted certain trainings in the field of domestic violence. The MoLSA was supported by UNICEF, and in the period from November 2004 to May 2005 it has organized two clusters of trainings, each cluster lasted three days. A multidisciplinary training seminar titled “Work with victims of domestic violence in the communities” was presented to 86 professionals from different areas: social workers, police, health workers, judicial and NGO sector took place.

The Ministry of Interior has also conducted training on domestic violence directed toward higher and lower structures within the police hierarchy. Two hundred officials attended the training which comprehended the legal changes regarding the problem and police jurisdiction in the same direction. The Duluth Model for dealing with cases

of domestic violence was presented to the participants. The education was funded by the Women's Program of the OSI-Macedonia.

The Center for the Continuous Education of Judges at the Association of Judges of Republic of Macedonia has implemented the following activities in the field of trafficking of human being and illegal migration during 2003 and 2004:

- a) In cooperation and with the financial support of OSCE mission, Skopje they have implemented two seminars aimed at judges, public prosecutors, deputies public prosecutors and court personnel;
- b) In the framework of the Stability Pact Initiative, a project named as Regional Module was implemented for training of judges and public prosecutors in this field. Organizer of the project was the Ministry of Justice. A manual was prepared and published as a result of these seminars. This initiative was financially supported by OSCE mission in Skopje, Office for Democratic Institutions and Human rights (ODIHR) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). Three appellate courts (regions) were covered by this initiative;
- c) In cooperation with IOM, a project named "Education for trafficking in human beings and illegal migration" was implemented. Education was implemented through three one-day specialized seminars and one two-day seminar for management of cases of trafficking, for the judges, and public prosecutors. Practicum was prepared as a result of this project.

During 2005, CCEJ has continued their cooperation with IOM, through implementation of two advisory meetings on this issue and on positive practices. In cooperation with OPDAT and Association of the Public Prosecutors of Macedonia two seminars were organized on the following topics: "Detecting and prosecuting sexual violence-related crimes" and "Forensic expertise and analysis of criminal acts related to child sexual abuse."

#### **6.4 Gender equality issues in higher education curricula and human rights programs**

Within the framework of the Euro Balkan Institute, Research Center for Gender Issues, which main focus is introducing, developing and promoting legitimacy of the research and education in the field of the gender/feminist studies in Macedonia and in South-Eastern Europe, exist. As a result of this mission, this institute succeeded to influence the formal educational system in Macedonia, and also to provide incorporation of several new courses on post-graduated studies within the state universities. The main achievements in this regard were establishing of the common, inter-institutional Center for development of the educational curricula in regard of the

gender studies, in cooperation with State University „St. Cyril and Methodius”.<sup>44</sup> The idea for non-formal alternative education has been implemented through the so-called School for Gender and Politics, which is working within the Center.

Important part of the Center’s work domain is promotion and affirmation of the women’s rights as human rights and gender equality in Macedonia. The Research Center for Gender Issues has its own database related to the position of women, gender relations, so it can provide important information for affirmation and promotion of women group acting. The funding for the Euro Balkan is coming from international donors.<sup>45</sup>

In the secondary school curricula there is a separate subject named “Civil society”, which addresses the concept of human rights. Unfortunately the gender perspective is not incorporated in the human rights education programs.

## 7. THE ROLE OF THE MEDIA

### 7.1 Media law provisions concerning violence against women and the portrayal of women

There are no media laws concerning violence against women. The Law No. 100 of 2005 on Broadcasting comprehends general provisions in this direction. According to this law, one of the main principles regarding the radio and TV programs is equality of the freedom and rights regardless sex, race, national, ethnical and social origin, political and religious believes, societal status of the person. Article 70 of the Law on Broadcasting stipulates “programs must not include pornography, over ranged violence,<sup>46</sup> or other programs which might seriously endanger physical, psychological or moral development of children and young”. Article 71 says that “Program contents which might endanger physical, psychological or moral development of children and young, and are not prescribed in the Article 70 of this law, can be broadcasted only in the period between 0:00 and 5:00 hours.”

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<sup>44</sup> See [www.euba.org.mk](http://www.euba.org.mk).

<sup>45</sup> In 2005 they were: Network Women’s Program of the Open Society Institute–Budapest/HESP; Kvinna Till Kvinna Foundation; Foundation Open Society Institute–Macedonia (FOSIM); European Commission (CARDS Program); OSI ZUG via LGI; European Initiative for Democracy and Human Rights (EIDHR), Charles Stewart Mott Foundation; Rockefeller Brothers Fund; Freedom House; and Pey Cox.

<sup>46</sup> Furthermore, the law defines the term “excessive violence”.

## **7.2 Guidelines and codes of conduct for media professionals**

There are no codes within the media that would take into account the issue of violence against women, sexism and stereotyped portrayal of women.

## **7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women**

Macedonia does not have media watch organizations in the sense of continuous monitoring of the media in regard of violence against women, sexism and stereotyped portrayal of women. The mandate of the Council of Broadcasting is determined by the Law on Broadcasting, which has no provisions applicable for cases of violence against women.

## **7.4 Training programs for media professionals on violence against women**

Regarding the training of the media professionals, there are no compulsory established programs/trainings directed toward promotion of the non-stereotyped image of women and men.

## **7.5 Media activity in raising the awareness of the general public of violence against women**

The issue of violence against women is not priority on the agenda of media. However, it is present on the different campaigns organized by NGOs on certain issues. Regarding violence against women, the period of “16 international days of activism on violence against women” attracts the media interest. Both written and electronic media are reporting on these events. Moreover, there are examples when media are in some way involved in the campaigns organized within the period of 16 days of activism. The campaign in 2005 on domestic violence initiated by ESE and Akcija Zdruzenska was supported by two national televisions, through free broadcasting of the spot prepared for the purpose of the campaign.

## **7.6 Analyses on violence against women in the media**

Regarding the media response toward violence against women, the NGO Info Center has conducted monitoring of the media on this issue (2003).<sup>47</sup> It was a part of regional monitoring of the Network of Women Information and Documentation Centers

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<sup>47</sup> See: [voinfocentar.org.mk](http://voinfocentar.org.mk).

conducted in 15 states from Central and Eastern Europe, which results were revealed in 2003.

These data is related to the report and writing about violence against women in written media. It comprehends data about victims and abusers and different forms of violence.

According to the monitoring, most of the articles related to violence against women are incorporated within “black chronicle” in the newspapers (78.2 percent). Regarding the space provided for this kind of articles, only 7.8 percent of them were on the front page of the newspaper. More than a half of these articles are addressing trafficking in human beings and police actions in this field. The data elaborated in 80.8 percent of the cases is referring to the committed violence, and 19.2 percent are related to attempts to commit violence. Regarding the type of violence, sexual and physical violence are the most presented by the media. The economic and psychological violence are less represented. Regarding the victims’ age, women from all ages are victims of some form of violence. When we cross-reference the data about the form of violence and the victims’ age there is a conclusion that women under 18 are more often victims of physical (63.6 percent) and sexual (36.4 percent) violence.

## **8. AWARENESS RAISING**

### **8.1 Campaigns on violence against women**

#### *Domestic violence*

Campaigns as a complex form of awareness-raising are organized mainly by the NGO actors. This does not mean that the state institutions do not conduct such activities. For example, the MoLSA organized a public (national) campaign on domestic violence during the spring of 2005. Comparing with funds provided by the NGOs from international donors, states contribution/proportion is very little.

The campaigns organized by NGOs are focused on different forms of violence against women. “International 16 days of activism against violence against women” is the period when most of the campaigns on domestic violence are organized. Each campaign, as such, includes media coverage of certain events in order to address the target group effectively (victims of domestic violence), and to introduce the public with the campaign message. This part of the campaigns comprehends press conferences, video clips, announcement in certain written or electronic media etc.

Parallel to the media part, the campaigns are mostly followed by preparation and printing of certain informative materials such as: flyers, posters, and brochures.

Beside these components, each campaign in dependence with its diversity, incorporates organization of concrete events directed toward specific group (professional structures) or the public in general. For this purpose, the tribunes, roundtables, panel discussions and workshops are comprehensive part of the campaigns as well.

The duration of these events (campaigns) varies. For example, the campaigns on domestic violence that ESE is organizing each year last for 16 days, in accordance with the international practice.

As an example of coordinated and joint national campaign, was the 2005 year campaign during the “International 16 days of activism against violence against women”. The ESE, together with the Ministry of Labor and Social Affairs, Ministry of Interior, Ministry of Health and NGOs, has organized a nationwide campaign with the motto “Inter-agency cooperation towards combating domestic violence.”

In a period from 2002 to 2004, IOM has organized a national campaign that encompassed different types of activities: awareness raising campaigns through distribution of posters and packages in 55 police stations all over the country; awareness raising campaigns to address internal trafficking; and awareness raising campaigns through organization of seminars for lawyers country-wide organized with MBA.

## **8.2 Conferences and other awareness raising, information, and prevention programs**

Celebrating ten years after the enactment of the Vienna Declaration and Action Program, ESE has organized conference titled as “Violence against Women – Obstacle in Achieving True Equality”. The conference was held from November 27 to 28, 2003, while the subtopics covered were as follows:

- the role and meaning of the Gender Equality Unit in terms of including gender issues into the mainstreams of the society, as well as of the violence toward women as stipulated in the *National Action Plan for Gender Equality*;
- basic international documents regarding human rights, with special attention to women’s rights and commitments of the Republic of Macedonia in relation to the fulfillment of their provisions (sources, institutions and procedures);
- range, kinds and methods of suppressing family violence occurrence in Macedonia – activities performed by the non-governmental organizations with regard to the visualization and resolving of this phenomenon;
- trafficking in women and activities performed by the non-governmental organizations with regard to the visualization and resolving of this phenomenon; and



- sexual molestation and activities performed by the non-governmental organizations with regard to the visualization and resolving of this phenomenon.

The conference was attended by the representatives of twenty four non-governmental organizations from Macedonia who work on the problem of violence towards women. The purpose of this conference was to give a retrospective of the past activities performed in the field of family violence, trafficking in women and molesting at job, as subclasses of the phenomenon of violence toward women and their collective assessment. The conclusions of this conference are as follows:

Cooperation and coordination are required among the NGOs, and specifically:

- in the field of raising public awareness, with special attention to the cultural, and thus, sociological differences between different populations, for example: taking into account the characteristics of the Romany population, the ways of approximating this phenomenon to them are determined, as well as establishing and building a complete system for supporting the victims;<sup>48</sup>
- identifying the dimensions and weight of the problem (situation diagnosis) through collection of all data from the research projects and surveys conducted in the field of violence toward women and the related phenomena, their analysis and determining the situation at national and local level.

It was also concluded that cooperation is necessary between the NGOs and government's institutions, and specifically: cooperation at national level – a permanent body, to serve as activity coordinator, to plot strategy and set priorities; cooperation at local level – establishment of coordination councils from all relevant government and non-governmental organizations.

### **8.3 Information materials for the victims about their rights and the services they can seek help**

There are examples of government institutions preparing and disseminating informative materials regarding the rights of domestic violence victims and instances where to go (Center for Social Welfare in Kocani). However, the information materials regarding domestic violence are mainly prepared by the NGO's, providers of direct services for the victims of this form of violence. Within these materials, victims are introduced with their rights, the concrete services which are offered to them, and the

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<sup>48</sup> System mapping at national and local level, expanding the network of SOS lines, expanding the network of shelters and sanctuaries, keeping the records in a standardized manner, building a reference system among all actors involved, at national and local level and establishing and building a complete system for victim support.

government institutions where they can ask for help and support as well.<sup>49</sup> These materials are prepared periodically in correlation with the available funds for this purpose.<sup>50</sup> The State's contribution is unsatisfactory.

In the framework of the campaigns on trafficking in human beings, leaflets and brochures were prepared and distributed. American embassy in Macedonia has funded a project named "Elaboration of informational materials on the rights of victims of trafficking." There are three brochures: for the legal rights of the VOTs regarding new amendments, directory of activities and services provided by domestic and international organization and institutions for the victims and prevention lessons. These brochures were distributed all over the country in several languages. Brochures were prepared and published by NGO TEMIS.<sup>51</sup>

## 9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

### 9.1 Research programs and surveys

#### *Domestic violence*

The only empirical research on domestic violence was done in 2000 by the Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (ESE). This research focused on the scope and prevalence of domestic violence. The survey has shown that 61.5 percent of the female interviewees were victims of psychological violence. The prevalence of physical violence is 23.9 percent.

Since the research was implemented at two levels, a twofold approach to the problem was adopted, the basic one being victim-based. The research tried through the personal experience of women to reach the scope and the substance of the very phenomenon. Considering the serious indicator of which is the silence and non-reporting of the violence, an additional method – the method of reporting by another person – has been used.

The research results speak about widespread violence against women within the family. With 61.5 percent rate of reporting of the psychological violence against women and

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<sup>49</sup> ESE is preparing such materials in continuity since the establishment of the LAC in 2002. These materials are prepared on Macedonian and Albanian language.

<sup>50</sup> As regard to the number of copies, for example ESE in 2005–2006, printed 4000 Macedonian and 2000 Albanian Legal Aid Centers brochures, aimed at promotion of three Legal Aid Centers of ESE (Skopje, Shtip and Tetovo)

<sup>51</sup> *Trafficking in human beings in SEE*, 2004, UNICEF, UNOHCHR and ODIHR.

23.9 percent of expansion of the physical violence, one may declare that data on the scope of violence against women in the country are alarming.

The most prevailing form of violence against women in Macedonia is psychological violence.<sup>52</sup> The psychological violence is mostly manifested among the Albanian population, for which it is known, that with respect to other nations and ethnic minorities who live in the state, has most traditionally regulated and most introvert family and marital relationships. It manifests much more, with respect to other nationalities, the prohibition for the woman to work outside the home. This is another indicator on the “threatened” traditional roles in the marriage and the need to preserve the same. The economic dependency of the woman, which implies a certain gender distribution of the roles, with the employment of the woman and acquisition of her economic independence, is lost as one of the basic preconditions from which the husband draws his power of domination. This implies violation of the long-lasting balance of inequity, and simultaneously it is one of the preconditions for redefining the roles between the spouses.

Physical violence was reported as a personal experience by every fourth female respondent. It has been manifested through several different forms, lighter and more serious. The fact that every third woman sought medical intervention and assistance shows that the problem of domestic violence gains in its seriousness, not only according to its quantitative but also in terms of its qualitative dimension.

Unemployment among women is one of the most acute factors of risk to become a victim of all types of violence. However, according to the research results, besides the women, also the male aggressors are often unemployed, with lowest incomes. Those are the circumstances in which the violence exists most frequently in the state. For the man, the loss of the job means removal from the public sphere, and simultaneously he loses also the basic attribute of the gender identity in the traditional sense. The risk upon the environment of violence, and in particular of violence against women is thus increased.

The alcohol is an important factor that is a risk for the family to live under conditions of violence. Every fourth aggressor drinks often, and every second was under the effects of alcohol during the last incident.

The multi-ethnic character of the state has proven itself as important also in regard to violence against women that is to its scope (or the expressed preparedness to report the

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<sup>52</sup> It is most frequently manifested, according to the experience of female respondents through the following contents: “his word must always be the last one”, “he insists to know where and with whom she is all the time”, and “overly jealous or possessive” contents which show, but also support the traditional roles of spouses, the inferior position of the woman and the ownership attitude towards her.

violence), the type of violence and particularly the contents which comprise it. However, the ethnic membership, by itself does not represent a factor of violence against women, but instead according to the conceptual positioning of the research the explanation should be sought in the preservation of the traditional matrix of regulating the relationships in the marriage and family, the treatment of the woman but also in the objective living conditions. The female members of the Roma population are most often exposed to the physical violence (every second woman reported it). This is a population with lowest social status, with highest rate of unemployment, with loosest and most informal marital relationships, with a particular life philosophy, but also with a mentality in which the violence is incorporated as a mechanism of communication with the woman.

The most global conclusion about domestic violence in the state is that its roots and perseverance can be found in the traditionally regulated marital and family relationships, with clearly and very much manifested gender roles which determine as well the gender identity in this sense. On the other hand, also the inconvenient objective conditions in which a substantial proportion of the population lives objectively lead in a certain manner to the deterioration of such defined roles, which in its turn results in aggressiveness.

The building of a strategy for prevention of violence has imperatively imposed itself in the state. At the basis of the strategy there should be the process of redefinition of the gender roles. However, the first step, should be made is the legislative regulation of this issue, through which a legal framework would be created for changing the attitude of the society towards the problem of domestic violence.

In 2006 ESE planned to conduct a second survey on domestic violence. The survey would be complemented from two parts. The first part of the survey will be focused on the determination of the nature, prevalence and forms of violence, with comparative analysis of the findings of the first survey conducted in 2000. The methodology used here will correlate with the one used in the conduction of the first survey. The second part of the survey will focus on the national legislation on domestic violence adopted in 2004. In this direction this part will comprehend three components: perception of the legal changes in Family Code and Criminal Code; practical implementation of these legal changes, and services needed for the victims of domestic violence.

### *Trafficking in human beings*

The Skopje office of the International Organization for Migration (IOM) conducted a research on trafficking in human beings. During February and March 2001, BRIMA conducted omnibus survey for IOM with the aim to investigate the awareness of and the attitude towards trafficking issue. Quantitative research was performed using the method of "face-to-face" interviews.

The sample is drawn using a multi-stage, stratified random sampling method.<sup>53</sup> 1490 interviews were planned, 1459 were returned in 131 sampling points. Results were created in three separated data bases named: national representative sample (1,084 respondents), central-eastern regional sample (712 respondents), and north-western regional sample (747 respondents).

Of the national representative sample, 89.9 percent of the respondents stated that they were aware of trafficking occurring in Macedonia. Respondents who answered negatively had the opinion that the problem of trafficking does not exist in Macedonia (10.1 percent), they are not interested in the issue (50.4 percent) or never heard about it (36.3 percent).

About intention to get more information about trafficking: 58.1 percent of respondents from the national representative gave positive answer and 41.9 percent gave negative answer.

Regarding the differences between trafficking and prostitution: 30.4 percent of the national representative said that they know the differences between trafficking and prostitution and 69.6 percent said that they don't know the differences. Descriptions of positive answers: 1. Prostitution is voluntary sale, trafficking is sale with force (65.6 percent); 2. Prostitution takes money, trafficking is trading with women (13.3 percent); 3. Prostitution and trafficking are connected and they are equal (17.2 percent); 4. Trafficking is from abroad, prostitution is from our country (1.2 percent); 5. Prostitution is legal, trafficking is illegal (1.5 percent); 6. Purpose of trafficking is not only prostitution but political business (0.6 percent); and 7. Don't know to explain (0.6 percent).

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<sup>53</sup> 1. At the first stage the number of respondents for each of the regions was specified in proportion to the size of the adult population aged 18+ that lives in it. Specific task in this survey was increasing of number of respondents, for 50 percent, in Ohridski region, Poloshki region and Kumanovski region, as follows: In Macedonia 7 regions were covered: Skopski region – 300 respondents, Pelagoniski region – 129 respondents, Ohridski region – 134+134 respondents, Poloski region – 164+164 respondents, Povardarski region – 100 respondents, Kumanovski region – 90+90 respondents, Bregalniski region – 185 respondents.

2. At the second stage 131 municipalities (municipality is the basic administrative in Macedonia) in 27 communities were chosen. 131 sampling points were located according to: urban/rural split (type of settlement), municipality size and respectively, the number of persons in the sample. Of them the respondents to be interviewed were defined by random choice using Kish matrix.

3. Finally, in each of the sampling points interviewer randomly choose the address (street) in each sample point, than go to a house and by using schema he pick the respondent. Ten interviews are conducted at each sampling point. A minimum 10 percent of the interviews is subject to back-check by field supervisors and 5 percent by BRIMA staff.

Overall the survey has an error margin due to sampling of +/- 2.5 percentage points.

Concerning the question: “Today hundreds of foreigners are working within “sex industry” in Macedonia. Why do you think they come here?”, 53.4 percent of the national representative respondents think that they came in Macedonia to earn money; 13.2 percent of respondents think that they came because they can’t find work in their country; 4.2 percent of respondents think that they came because they are forced to come here; 22.4 percent of respondents think that they came because they have been tricked to come here; 3.7 percent of respondents think that they came because there are many foreigners in our country; 0.8 percent of respondents think that they came for other reasons; and 2.2 percent of respondent don’t know.

One situation was considered: “Let’s consider the following situation. A girl is offered a job abroad as a seller at a market stand. She willingly accepts a job, but when she gets abroad with her new employer, she is forced to become a prostitute. In your opinion, who is guilty for this situation and to what extent?” Respondents from the national representative think that the employer is guiltiest in the given situation (70.6 percent), the second guiltiest is society in her country (39.1 percent), the person itself (38.8 percent), buyers of services (29.2 percent), society (abroad) (27.5 percent), the parents (24.1 percent), and other (5.1 percent).

On question “Do you think trafficking is present in your place of living?” 42.2 percent from the national representative answered positively, 46.9 percent negatively, while 11.0 percent did not know the answer.

From those who are aware of presence of trafficking in their place of living on question “From whom have you heard?” answers of the national representative are as follows: 30.7 percent said they have heard from friends, 13.4 percent said have seen it in newspapers, 7.9 percent said they have seen it themselves, 22.5 percent said have seen it on TV, 2.9 percent said other, 22.6 percent had no answer.

When asking questions about responsibility for occurrences of trafficking in Macedonia 70.8 percent of respondents from national representative consider that the very responsible for occur of trafficking is lack of laws and regulations, 66.0 percent consider that the second very responsible are criminals, 64.4 percent consider that the third very responsible is corrupted police, 58.9 percent consider that the Government is the fourth very responsible, 22.8 percent consider that the fifth very responsible are foreign soldiers, 18.2 percent consider employees in ICO are the sixth very responsible, 13.0 percent consider that local citizens are the seventh very responsible for occurrences of trafficking in Macedonia.

Asking about „How would you solve the trafficking problem in Macedonia?” respondents from the national representative gave following answers: 11.2 percent would reduce the number of visas issued, 25.2 percent would increase control at the

borders, 13.0 percent would legalize prostitution, 47.7 percent would pass proper laws and regulations for this issue, 2.4 percent said other and 0.6 percent said 'don't know'.

## **9.2 Violence against women on the agenda of research centers dealing with equality issues**

There is no research center that would deal with equality issues.

# **10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN**

## **10.1 Official statistics, data collection, and specific indicators on violence against women**

Official statistics has not developed specific indicators on violence against women and the relevant government bodies do not use a common, unified methodology for data collection.

The only available source of data was found on the web site of the Ministry of Interior, which is presented below. The rest of the relevant actors in this field are gathering and sharing data only upon written request. All of them are collection data on the basis of their legal mandate. Neither one of the relevant actors provides gender-disaggregated data.

According to the sources of data presented by Ministry of Interior in the past nine months of 2005, 207 criminal acts were registered (98 in 2004), 948 misdemeanor (623 in 2004), and 2,773 complaints were processed (1,785 in 2004). Comparing with the same period last year, criminal acts increased twofold.

From the analysis of realized cases, domestic violence is more frequent in Skopje, where 69 criminal acts were registered, 259 misdemeanors and 1,218 complaints. Most of the victims of domestic violence are women (1,379 cases), then parents 884 cases, children 372, former spouses 258, husbands 243, illegitimate spouse 100, and in 724 cases victims are family members (brothers, sisters grandmothers, mother in law etc.).

According to the type of crimes registered, 207 criminal acts are bodily harm (85 in 2004), and 21 a grave bodily harm.

According to the study that was prepared in 2005,<sup>54</sup> 55 cases were registered in 11 Courts through Macedonia, during the period of one year (2004–2005), in all 33 Basic courts on territory of the country. 29 judgments have been brought, 20 cases have been in a procedure, and for 4 cases the procedure is pending. This data indicate that 44 percent of the cases are without judgment, 36.7 percent of the cases are in procedure and 7.3 percent are pending.

If we compare this information with data from the National SOS line, in the same period (905 victims identified), it can be concluded that victims of domestic violence are not using the available legal means for protection of their rights in front of the courts.

The most frequent criminal act is bodily injury. In 2005 there were eleven cases of bodily injury, five judgments have been brought to court, two of the cases are in a procedure and 4 of them are pending. From the report we have recognized that 45.4 percent of the cases were judged, 54.6 were not completed, 36.4 percent of the cases were pending and 18.2 percent of cases were in a procedure.

Presented results are gained from a request sent to all courts of first instance, but only 14 out of 33 of them answered. Three courts of first instance responded that they don't have procedures with regard to domestic violence.

Data about the number of convictions and court cases in the percentage of initiated procedures are not disaggregated by gender.

Usually, all government institutions have an obligation to prepare a national report on their operation on annual basis. However, none of them are for the public and they are used only for their internal purposes. As an exception, the data from the police regarding domestic violence is incorporated on the official web site of the Ministry of Interior of Republic of Macedonia. This makes these data accessible for the general public. However, this is not the case with the Centers for Social Welfare and the courts. NGOs are receiving the data they are gathering on their demand, since these data are not accessible otherwise.

At this point there is no centralized genetic data bank in cases of sexual violence. There are individual cases which have been subject of examination and analysis by the Institute for Forensic Medicine and Macedonian Academy for Science and Art. This examination are conducted on request of courts i.e. Ministry of Interior. The Republic of Macedonia does not have a law which would regulate the handling of DNA samples.

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<sup>54</sup> ESE and Union of Women Organizations of Macedonia (UWOM) in 2005 prepared study regarding domestic violence in Macedonia as a part of the regional project "Support women human rights in the Western Balkans". Within this study the letter was sent to the courts in our country regarding the data on domestic violence.



Central laboratories within the Ministry of Interior will introduce DNA method at the end of 2006 with the methodology and protocols required with the European standards on this field. It is expected that in the near future all three above mentioned institutions will meet required criteria in working on DNA.

## **10.2 NGO statistics on violence against women**

NGOs and service providers usually keep some statistics on cases of domestic violence, but data collection does not follow a unified methodology and does not result in a comprehensive database.

The Legal Aid Centers of ESE and its local centers (Stip and Tetovo) have unified approach regarding statistics. For this purpose even in the initiation of the centers a unified data base was developed. Here are some of the basic data gathered: 376 persons asked for help in the period between January 1 and December 31, 2004 from the Legal Aid Center from Skopje. Most of them are women.<sup>55</sup>

# **11. CASE LAW ON VIOLENCE AGAINST WOMEN**

## **11.1 Cases on violence against women before the national and international bodies dealing with human rights issues**

The Constitution of the Republic of Macedonia does proclaim equality of all citizens in their freedoms and rights, regardless of their gender, race, complexion, national and social origins, political and religious beliefs, property and social status.<sup>56</sup>

Article 54 of the Constitution contains an additional second guarantee for the human rights and freedoms (postulated in Article 9), which precisely states the instances in which the rights and freedoms of citizens may be restricted.<sup>57</sup>

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<sup>55</sup> For more details see Section 5.2.

<sup>56</sup> This is the case in other legal acts as well: Law on Labor Relations, Law on Obligation Relations, Family Code, Law on Inheritance, Law on Associations of Citizens and Foundations, Law on Health Protection, Law on Ownership and Other Material Rights.

Article 137 of the Criminal Code of the Republic of Macedonia prescribes imprisonment for those who will deprive of or restrict the rights of people and citizens defined in the Constitution, law or a ratified international convention on the basis of their gender, race, complexion, etc., as well as for those who, on the basis of such differences, will entitle citizens to privileges contrary to the Constitution, law or a ratified international convention.<sup>58</sup>

When it comes to protection of freedoms and rights of citizens defined in the Constitution and laws, there are special powers assigned to the Public Attorney, who may initiate a procedure within his/her competence, upon identifying such a violation on part of state administration bodies and other bodies and organizations with public authorities.

In case of violation of the legal provisions related to gender issues, the substantive legislation in the Republic of Macedonia envisages two types of liability: offence and criminal liability. The former is postulated in individual laws,<sup>59</sup> while the latter is defined in Article 137 of the Criminal Code, which refers to violations of equality of citizens.

The criminal law prescribes the same penalties for all perpetrators and the citizens are equal in the eyes of the Constitution and the law.

The applicable legislation although mostly is in compliance with the provision of the Convention, is such that its practical application knows of deviations, as a result of customs, tradition and stereotypes existing in the country.

In cases of discrimination, the law foresees court and other types of legal protection that women may turn to in the same manner and under the same terms as men. The court practice of the Constitutional Court includes several initiatives for assessment of

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<sup>57</sup> Article 54 of the Constitution of the Republic of Macedonia reads: "Freedoms and rights of people and citizens may only be restricted in instances defined in the Constitution. Freedoms and rights of people and citizens may be restricted in times of war or extraordinary situations, in accordance with the constitutional provisions. Any restriction of freedoms and rights may not be discriminatory on grounds of gender, race, complexion, language, religion, national or social origin, property or social status. No restriction of freedoms and rights may refer to the right to life, prohibition of torture, inhumane and humiliating treatment and punishment, legal definition of punishable acts and sanctions, as well as to the freedom of belief, conscience, thought, public expression of thought and religion."

<sup>58</sup> From three months to five years; in case such an act is committed by an official in the course of their service, they shall be punished by imprisonment of six months to five years. Following the amendments to the Criminal Code in 2004, legal entities are also subject to fines for such criminal acts.

<sup>59</sup> The Law on Labor Relations, Law on Health Protection, Law on Elementary Education, Law on Secondary Education, and other special laws.

legality of laws and provisions related to discrimination, but none has been accepted thus far. As pointed out, it is interesting that women submitted none of those initiatives. Judges interviewed in a capacity of experts stated that their court practice (both civil and criminal) includes no cases of discrimination based on gender. No statistical records are kept of the issue.

Regardless of the constitutional and legislative regulations described above, cases of violence against women have not been brought to the national human rights bodies yet, and they were not presented to and discussed in international human rights forums.

### **11.2 Published court decisions, case studies, and analyses of case law**

Court cases of violence against women have not been published yet in the Republic of Macedonia, not has been any case studies or analyses of case law in the field. Furthermore, the judges do not have any guideline on ruling in cases of violence against women.

## **12. RECOMMENDATIONS TO THE GOVERNMENT**

- Prescribe a multi-agency coordinated approach on violence against women;
- Develop the necessary protocols and internal procedures for the relevant stakeholders concerning the handling of cases of violence against women;
- Introduce mandatory courses on violence against women in the curricula of continuing education for the professionals engaged in the field of violence against women;
- Standardize the services available for victims of violence against women;
- Earmark a budget line item for the implementation of the policies developed in the field of violence against women;
- Launch special programs to provide free and accessible legal aid for victims of violence against women;
- Develop a national program to combat domestic violence and adopt a national action plan which shall specify the tasks and the timeline, and earmark a budget line. Involve all relevant stakeholders in the preparation of the plan and in the monitoring of its implementation; and
- Intensify government activities in the field of trafficking in human beings and coordinate the regional initiatives in this area.

## ANNEXES

### Annex A. List of laws and regulations screened

Criminal Code

Code of Criminal Procedure

Family Code

Law No. 18 of 2001 on Obligation Relations

Law No. 19 of 2004 on Amending and Supplementing the Criminal Code (*Official Gazette*, March 30, 2004).

Law No. 38 of 2004 on Amending and Supplementing the Family Code (*Official Gazette*, June, 2004)

Law No. 74 of 2004 on Amending and Supplementing the Code of Criminal Procedure

Law No. 38 of 2005 on Witness Protection (*Official Gazette*, May 19, 2005)

Law No. 62 of 2005 on Labor Relations (*Official Gazette*, July 28, 2005)

Law No. 100 of 2005 on Broadcasting

Law on Associations of Citizens and Foundations

Law on Elementary Education

Law on Health Protection

Law on Inheritance

Law on Ownership and Other Material Rights

Law on Secondary Education

Law on Social Protection

United Nations Convention against Transnational Organized Crime, supplemented by the Protocol to prevent, suppress and punish trafficking in persons, especially women and children

European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings

## Annex B. List of documents and books consulted

*National Action Plan for Gender Equality* (2000)

*National Program for Combating Trafficking in Human Beings and Illegal Migration in Republic of Macedonia* (2002)

*National Program for Combating Domestic Violence* (draft)

*National Program for the Promotion of Gender Equality* (draft)

*National Action Plan for Combating Trafficking in Children* (draft)

Akcija Zdruzenska (2005) *SEE EONET Analyses on the Five EU Directives Related to Equal Pay for Men and Women*. Skopje: Akcija Zdruzenska.

Association for the Emancipation, Solidarity and Equality of Women in the Republic of Macedonia (2005) *First CEDAW Shadow Report*. Skopje: ESE.