

Press Release: Country Progress Regarding the Issue of Violence against Women and Domestic Violence

The National Network to End Violence against Women and Domestic Violence

“The state must prioritize adoption of legislation that would address all forms of gender-based violence, including marital and extra-marital violence, especially in marital rape, both in the public and private life”.

CEDAW Committee

Over the past 12 months, the Republic of North Macedonia received recommendations from three international instruments based on the prepared and delivered reports on the progress and the reforms achieved by the country in the respective area of reporting; however, this report will focus on the progress in the area of gender-based violence. Namely, recommendations were received by the European Commission on the country’s progress in the period March 2018-March 2019, from the United Nations following the submittal of the UPR (the Universal Periodic Review) for a period of five years (2013-2017) and from the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) for a period of 5 years.

The general conclusion is that although the country has noted progress in this area, albeit minor and mostly regarding improvement of the legal framework, the situation with regard to direct assistance and protection of women-victims of domestic violence remains unchanged.

Namely, all three reports recognize and welcome the steps the country has undertaken for improving the legislation through the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), including the preparation and adoption of the National Action Plan for its implementation (2018-2023). Furthermore, the adoption of the National Action Plan for Gender Equality (2018-2020), one chapter of which is dedicated to gender-based violence, as well as the measures undertaken for raising awareness about gender equality and eradicating gender prejudices and stereotypes as one of the most significant reasons behind the violence against women, have also been recognized as progress. Additionally, the improvements include the amendments to the Criminal Code which stipulate increasing the minimum age for common-law marriages from 16 to 18 years, including the changes in the definition of the criminal offence “hate speech” by recognizing gender-identity as one of the grounds.

All three reports express concern about certain aspects and give recommendations for follow-up in the upcoming period. One of the main remarks refers to the slow pace of implementing changes and to the need for prioritizing this area and undertaking urgent measures.

In terms of improving the legal framework, the main remark refers to the unrecognized forms of violence against women and girls, and the obstacles women are faced with in getting solutions for temporary protection. More specifically, this refers to the protraction and postponement of court proceedings for issuing temporary measures, the absence of a gender-sensitive approach during the proceedings and the absence of mechanisms for monitoring of their conduct.

The absence of a comprehensive system for data collection, segregated by relevant factors, regarding various forms of gender-based violence, including information about the perpetrator-victim relation, has been noted as a shortcoming not only in these reports, but also in many analyses conducted in this field.

“The current legislation does not recognize and criminalize all forms of gender-based violence against women and girls, including physical, sexual, psychological and economic violence in the public and private sphere, and the current legislation on domestic violence is gender-neutral and does not recognize the specific aspects of domestic violence” – CEDAW Committee.

Insufficient number of specialized serviced for assisting women and girls victims of gender-based violence

“To meet the standards of the Istanbul Convention, there will be a need for additional shelters for victims of sexual and gender-based violence and human trafficking. The Department for Gender Equality within the Ministry of Labor and Social Policy shall play a key coordinative role and must have the appropriate resources in order to ensure efficient implementation of the legal and political tools” – European Commission.

The CEDAW Committee notes that *“There is a limited number of shelters available in the member state, despite the high incidence of gender-based violence against women and girls, including domestic violence”; and that “women and girls, including women-migrants and refugees, have no access to the referral centers of the victims of sexual violence”.*

That was the bases for the recommendation ***“To increase the number of shelters and to ensure access of women-victims of gender-based violence based within a reasonable distance to counseling and rehabilitation services throughout the country, as well as to ensure a complete and uninterrupted access of women and girls victims of gender-based violence to medical and psychological support.”***

One of the recommendations refers to intensifying the efforts for strengthening the legal framework for violence against women, including ***adoption of a definition of gender-based violence and incrimination of all forms of gender-based violence in the Criminal Code.*** Amendments to the Criminal Code are also recommended regarding ***marital rape and changes in the definition of rape, i.e. deleting the condition for penetration.*** Besides by the *Working Group of the Human Rights Council*, this recommendation was

also issued by the *Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)*. The Committee underlines the huge number of murders of women (femicides), making it one of the priorities for action.

“Amendments to the Criminal Code in order to ensure that the definition of rape and other sexual crimes are based on the absence of consent; and to remove the condition that penetration is an element of a criminal offence.”

CEDAW Committee

Consequently, ***revision of the national legislation in order to harmonize it with the Istanbul Convention*** is recommended.

In the implementation of the Law on Prevention and Protection from Domestic Violence, ***special attention should be given to the provision of appropriate support to victims of domestic violence.***

Invoking its general recommendations no. 35 (2017) on gender-based violence against women, updating general recommendation no.19 (1992) on violence against women, the CEDAW Committee recommends:

- to ensure that the **National Coordination Body against domestic violence has a mandate regarding all forms of gender-based violence against women** and that it adopts measures for identifying and combating specific gender-related aspects of domestic violence;
- adoption of a **comprehensive strategy for elimination of all forms of gender-based violence against women**, addressing the basic reasons for gender-based violence and high-risk situations for women with disabilities, women in prostitution and women in detention;
- to **systematically collect data, segregated by relevant factors**, on cases of gender-based violence and discrimination of women brought before courts, including on the number of decisions for temporary protection, and inclusion of such data in the next interim report;
- **to ensure a warranted access to free legal aid in procedures related to gender-based violence against women**, especially regarding decisions for temporary protection, prevention of stigmatization and alleviating the burden of proof from the victims seeking protective measures; to guarantee implementation of such decision by the police and courts and to ensure coordination among the competent institutions;
- in the part **National Human Right Institutions**, the Committee recommends that the State **undertakes all necessary steps in order ensure full harmonization of the Ombudsman Office with the principles relating to the status of the national institutions for advancement and protection of human rights (the Paris Principles)**, taking into account the recommendations of the Global Alliance of National Human Rights Institutions. Moreover, it recommends that the State ensures the appropriate human, financial and technical resources for the Ombudsman Office and strengthen its mandate regarding the protection of women`s rights and gender equality.

Unfortunately, it is still difficult to say that the situation with women-victims of violence and domestic violence has been improved. A new Law on Social Protection has been adopted, which does not recognize women victims of domestic violence as a separate vulnerable category and does not stipulate special measures for their financial support. Additionally, the new law does not stipulate solutions for the most burning issues – the right to housing (permanent and/or temporary) for women-victims. The preparation process of the new Law on Gender-Based Violence is finished, and the Law is adopted by the Government, but it's still not adopted by the Parliament. The process of amending the Family Law has not been started yet although was planned to begin in the first half of 2019. The harmonization of the Criminal Code with the provisions of the Istanbul Convention is in its initial stage, and no amendments to the Law on Housing have been announced. Moreover, although in 2018 the country opened three new crisis centers for victims of sexual violence in Skopje, Tetovo and Kumanovo, to meet the standards of the Istanbul Convention, additional shelters for victims of sexual and gender-based violence and human trafficking will be needed.

The National Network to End Violence against Women and Domestic Violence welcomes the efforts by the Ministry of Labor and Social Policy in the direction of improving the legal framework for prevention and protection from different forms of gender-based violence. As already mentioned, the process of drafting the text of the new Law on Prevention and Protection from Violence against Women and Domestic Violence was transparent and included all relevant stakeholders. Furthermore, since 2017, the Ministry has increased the budget for supporting the organizations that offer specialized services for women victims of domestic violence. In the first half of this year, the Ministry developed and adopted a Methodology for calculating the costs for 6 specialized services for women-victims of violence.

One of the biggest concerns is that no change in the legislation so far has changed the status of women victims of violence and domestic violence, despite the international recommendations

The situation regarding this issue is alarming, as these developments (or the lack thereof) have a long-term impact on the economic and social status of women, especially the most vulnerable groups, leading to an increased poverty risk in women, their exclusion from social and health insurance, economic instability and an increased risk of exposure to violence.

We call on the competent institutions and the Government of the Republic of North Macedonia to pay due diligence to the problem of violence against women and domestic violence and to urgently start implementing the recommendations of the international bodies in the direction of more successful implementation of the Istanbul Convention