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BY HARMONIZING THE NATIONAL LEGISLATION
WITH INTERNATIONAL AND EUROPEAN STANDARDS

by Olga Koshevaliska & Elena Maksimova***

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1. Introduction

The need for permanent discussion of gender-based violence (GBV) in academic circles and its sociological and criminological analysis, stems from the fact that gender-based violence is often a trigger and cause for multiple violations of basic human rights and vital interests. In particular, gender-based violence is a violation of human rights because it seriously threatens the safety, health and life of an individual. It is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (*i.e.* gender) differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty¹. GBV stems from unequal power relations between men and women and the resulting discrimination against women.

While GBV can affect both females and males, women and girls are disproportionately more affected. The risk of GBV against women and girls further increases in times of crisis. Some women and girls are at higher risk, such as those with disabilities and those from the LGBTI+ community². In 2022, 89,000 women and girls were killed, 55% (48,800) of all female homicides were committed by family members or intimate partners, which leads us to conclude that home is far from a safe place for some women and girls³. 2022 was the year with the highest yearly number of intentional killings of women and girls in the past two decades recorded, and women and girls in all regions across the world are affected by this type of gender-based violence. Although most of the homicides worldwide happened against men and boys, women and girls are far more affected by homicidal violence in their home, by a loved one. According to the United

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¹ UNHCR, *GBV Toolkit, Gender-Based Violence*, available at <https://www.unhcr.org/gbv-toolkit/>.

² UNICEF, *Gender-based Violence Information pack, Strengthening refugee and migrant children’s health status in Southern and South-Eastern Europe*, available at <https://www.unicef.org/serbia/en/media/16751/file>.

³ UNODC, *Gender-related killings of women and girls (femicide/feminicide): Global estimates of female intimate partner/family-related homicides in 2022, 2023*.

Nations (UN) Women's statistics, 1 in 3 women worldwide have experiences physical or sexual violence (mostly done by an intimate partner), or 35%, and 1 in 2 women killed worldwide, were killed by their partners or family member. In comparison, only 1 out of all men killed, were killed in such circumstances. In the EU, 45-55% of women have experienced sexual harassment since the age of 15⁴. 1 in 10 girls has experienced forced sexual acts⁵. 70% of all human trafficking victims worldwide are girls or women, more than 700 million women alive were married before the age of 18 and around 200 million women and girls today have been victims of female genital mutilation⁶.

The Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul's Convention)⁷ in art. 3 defines "*violence against women*" as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Historically speaking, late '80 are considered as the period when gender-based violence against women and girls started to be recognized as human rights violation. Although the Universal Declaration of Human Rights, adopted by the United Nations' General Assembly in 1948 was one of the earliest international documents to recognize GBV as a human rights violation, it didn't explicitly mention GBV, but it could be seen among the principles. Later on, the Convention on the Elimination of all Forms of Discrimination against women (CEDAW) was adopted in 1978. In 1985, the General Assembly had adopted its first resolution on domestic violence⁸, but the matter was treated as an issue of crime control and prevention, rather than as a gender-based human rights violation. In 1989, a global campaign was launched by women's rights advocates to demand that violence against women be recognized as a human rights violation and called for a "*transformation*" of international human rights law to respond to women's specific experiences of violation and degradation⁹. Officially, from 1991 "*16 Days of Activism against Gender-Based Violence*" campaign was launched by the Centre for Women's Global Leadership at its first Women's Global Leadership Institute. It has gained traction in more than 187 countries, with participation from over 6,000 organizations and a reach of over 300 million. The campaign runs annually from 25 November (the International Day for the Elimination of Violence against Women) to 10 December (Human Rights Day) and its aim initially was to raise awareness of GBV and to recognize violence against women as a human rights violation¹⁰. Afterwards, in 1993 the UN General Assembly adopted the Declaration on the Elimination of Violence against Women¹¹. In para. 5 of the Preamble of The Declaration GBV against woman and girls is recognized as "*a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those*

⁴ UN Woman, *Violence against Woman*, available at <https://archive.discoverysociety.org/wp-content/uploads/2016/11/infographic-violence-against-women-en-11x17-no-bleeds.jpeg>.

⁵ UN Human Rights Special Procedures & Equality Now, *Rape as a Grave & Systematic Human Rights Violation & Gender-Based Violence Against Women*, 2020, available at <https://www.ohchr.org/en/calls-for-input/rape-grave-and-systematic-human-rights-violation-and-gender-based-violence-against>.

⁶ Council of Europe, *Gender Identity, Gender-Based Violence and Human Rights, Gender Matters Manual on Addressing Gender-Based Violence Affecting Young People*, 2019, available at <https://rm.coe.int/gender-matters-a-manual-on-addressing-gender-based-violence-affecting-/16809e1c34>.

⁷ Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence*, ETS no. 210, signed in Istanbul on 11 May 2011.

⁸ GA Res. 40/36, 1985.

⁹ D. OTTO, *Gender, Violence and Human Rights, Handbook on Gender and Violence*, 2019, p. 359.

¹⁰ K. DHARMARAJ, *The Global 16 Days Campaign: Taking on a Life of Its Own*, 2019.

¹¹ GA Res. 48/104, 1993.

rights and freedoms and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women". The same year, the Vienna Declaration and Programme of Action recognized that the elimination of violence against women in public and private life is a human rights obligation¹². Later, the UN Commission on Human Rights, on 4 March 1994, appointed a Special Rapporteur on violence against women, including its causes and consequences¹³. Further documents, regional and international activities, intergovernmental cooperation and the activities of non-governmental organizations are in the direction of constantly promoting the need to recognize the sub-forms of gender-based violence against women and its prevention, but from the position of the existence of an inextricable connection between it and the violation of human rights, human dignity and security. In 2017, the CEDAW Committee, marked the 25th anniversary of its General Recommendation No. 19, by further elaborating the international standards on gender-based violence against women. In General Recommendation No. 35¹⁴, the CEDAW Committee recognized that the prohibition of gender-based violence against women has evolved into a principle of customary international law, binding all States.

For the reasons that women and girls are still the most frequent victims of gender-based violence, despite the fact that it is already recognized as a violation of human rights, we believe that a permanent monitoring of criminological elements, development of national legislations and implementation of good practices in this area are necessary. On the one hand, for keeping up with the new trends and developing the tools for adequate response, but also to determine the omissions that are being made in practice – which lead to constant statistics with no prospect of their reduction – and are alarming us for the need of improvement.

2. International Standards Relevant for the Change of Republic of Macedonia's National Legislation and Its Development

Phenomenologically speaking, the Council of Europe distinguishes five interrelated types of violence that can occur towards women or girls: physical; verbal, including hate speech; psychological; sexual; and socio-economic violence¹⁵. The two other categories of violence – domestic violence and (sexual) harassment – may go together with all five types of violence mentioned above. It is emphasised that some or many forms of violence can be present at the same time, particularly in abusive relationships. All forms can occur both in the private sphere (in families and intimate relationships) and in the public sphere, committed by (unknown) individuals in public space, or by organisations, institutions, and States. There is an open-ended list of subtypes of violences, that unfortunately, is constantly replenished with newer subtypes.

The Council of Europe Istanbul Convention in its articles recognizes the following types of violence: psychological violence (art. 33), stalking (art. 34), physical violence (art. 35), forced marriages (art. 37), sexual violence, including rape (art. 36), female genital mutilation (art. 38), forced abortion and forced sterilisation (art. 39), sexual

¹² World Conference on Human Rights in Vienna, *Vienna Declaration and Programme of Action*, June 1993, available at <https://www.ohchr.org/sites/default/files/vienna.pdf>.

¹³ CHR Res. 1994/45, para. 7.

¹⁴ Committee on Elimination of Discrimination against Women, General Recommendation No.35, *updating general recommendation No.19 (1992)*, 2017.

¹⁵ See <https://www.coe.int/en/web/gender-matters/types-of-gender-based-violence>.

harassment (art. 40), aiding or abetting and attempting (art. 41), unacceptable justifications for crimes, including crimes committed in the name of so-called honour (art. 42). This is a significant, legally binding instrument tackling violence against women in Europe. It defines gender-based violence against women as violence that is directed against a woman because she is a woman or that affects women disproportionately. The Istanbul Convention requires states to criminalise the forms of gender-based violence defined in the Convention. It focuses on prevention, protection, prosecution and development of integrated policies.

Another categorization made by the United Nations gives the following list of violence that occurs on women and girls, taking into account gender as a factor: intimate-partner violence, including domestic violence; sexual violence, including sexual harassment, rape, corrective rape and sexual violence in conflict; femicide; human trafficking; female genital mutilation; child marriage; online or technology-facilitated violence, including cyberbullying, doxing and non-consensual sexting¹⁶.

According to the legal terminology of EU Member States and their national legislations, EU's European Institute for Gender Equality distinguishes and gives a definitions on following sub-types of GBV: intimate partner abuse; rape; sexual assault, excluding rape; sexual harassment; stalking; intimate partner violence; female genital mutilation¹⁷. The Institute emphasises femicide and cyber violence against women and girls as sub-types which the focus of the Institute should be put on. The EU has passed a number of directives that legally oblige Member States to take certain actions in response to violence against women, which are built upon earlier directives, that are significant in shaping the definitions of different types of violence against women and preventing violence against women in its different forms: Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime¹⁸; Directive 2011/99/EU on the European protection order, which calls on Member States to improve their national laws and policies to combat all forms of violence against women and to act in order to tackle the causes of violence against women¹⁹; Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity²⁰. There are also the *Qualification Directive*²¹ and *Reception Conditions Directive*²², where first one has important definitions that play a

¹⁶ UN Women, *FAQs: Types of violence against women and girls*, 27 June 2024. available at <https://www.unwomen.org/en/articles/faqs/faqs-types-of-violence-against-women-and-girls>. Violence against women and girls is one of the world's most prevalent human rights violations, taking place every day, many times over, in every corner of the globe. It has serious short- and long-term physical, economic and psychological consequences on women and girls, preventing their full and equal participation in society.

¹⁷ See more at <https://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/legal-definitions-in-the-eu>.

¹⁸ Directive 2012/29/EU of the European Parliament and of the Council, of 25 October 2012, *establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, in OJ L 315, of 14 November 2012.

¹⁹ Directive 2011/99/EU of the European Parliament and of the Council, of 13 December 2011, *on the European protection order*, in OJ L 338, of 21 December 2011.

²⁰ Directive 2010/41/EU of the European Parliament and of the Council, of 7 July 2010, *on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC*, in OJ L 180, of 15 July 2010.

²¹ Directive 2011/95/EU of the European Parliament and of the Council, of 13 December 2011, *on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted*, in OJ L 337, of 20 December 2011.

²² Directive 2013/33/EU of the European Parliament and of the Council, of 26 June 2013, *laying down standards for the reception of applicants for international protection*, in OJ L 180, of 29 June 2013.

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role in defining the status of refugee women who have been victims of gender-based violence. The Directive defines acts of gender-specific nature as a form of persecution and it also recognises the conduct of non-State actors (including non-State armed groups, or family members) as a form of persecution or as serious harm²³. The *Reception Conditions Directive* requires the EU Member States to recognise the situation of vulnerable persons in accommodation centres and to take appropriate measures in preventing gender-based violence and to provide victims access to medical and psychological treatment or care²⁴.

The EU acceded to the Istanbul Convention in June 2023²⁵. The Convention entered into force for the EU on 1 October 2023. The European Commission has the role of a body that will coordinate and monitor the implementation of the Convention in the areas of EU accession. Based on the Commission proposal adopted on 8 March 2022, the Council adopted the EU Directive on combating violence against women and domestic violence²⁶. This legislation requires all EU countries to criminalise female genital mutilation, forced marriage and cyber violence such as the non-consensual sharing of intimate images, and also contains measures to prevent violence against women and domestic violence and sets standards for the protection of victims of these crimes. This legislation criminalises the following offences across the EU: female genital mutilation, forced marriage, non-consensual sharing of intimate images, cyber stalking, cyber harassment and cyber incitement to hatred or violence. Committing these crimes will be punishable by prison sentences ranging from at least 1 to 5 years. The Directive also contains an extensive list of aggravating circumstances, for example if a victim is a child, a former or current spouse or partner or a public representative, a journalist or a human rights defender, which carry more severe penalties, also detailed rules on the measures of assistance and protection that member states should provide to victims²⁷. Member States have three years to implement the provisions²⁸.

The list of such legal documents is long and is constantly amended. However, what is of crucial importance for an effective and unified fight against GBV is the national implementation of the recommendations and guidelines that have been given and their consistent usage in practice. Therefore, further focus will be given to the development of Macedonian legislation and practice in this area, especially as a result of the influence of the ratified international instruments.

3. Changes and the Development of Macedonian Legislation

3.1 Before the Ratification of CE Convention on Preventing and Combating Violence Against Women and Domestic Violence

²³ L. INKA (ed.), *Handbook on Counselling Asylum Seeking and Refugee Women Victims of gender-based Violence, Helping Her to Reclaim Her Story*, Helsinki, 2019, p. 17.

²⁴ *Ibid.*

²⁵ More info available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:4301302#:~:text=The%20convention%20was%20signed%20on,EU%20on%201%20October%202023>.

²⁶ See https://www.europarl.europa.eu/doceo/document/A-9-2023-0234-AM-298-298_EN.pdf.

²⁷ Press Release of the Council, *Council Adopts First-Ever EU Law Combating Violence Against Women*, 7 May 2024.

²⁸ Press Release of the European Parliament, *Parliament Approves First Ever EU Rules on Combating Violence Against Women*, 24 April 2024.

To draw a parallel with the regulated sub-types of gender-based violence in Macedonian legislation and adequate practical recognition and treatment, we must give a brief overview of how it is legally regulated in general, but also how the sensitivity of Macedonian legislation to this issue has developed over the years.

The first legal measures taken, that are related to gender-based violence against women and girls, began with the recognition of domestic violence as a problem. With the changes in the Criminal Code of the Republic of Macedonia in 2004²⁹, domestic violence was defined for the first time, and in 9 crimes against life, body and safety of the victims, the sanction was more stringent if the specific crime was committed in the context of domestic violence (for example, in murder, bodily injury, coercion, unlawful deprivation of liberty, etc.). With the introduction of the criminal-legal protection of the victims of domestic violence, a system of civil legal protection was established, first, by amending the provisions of the *Law on Family* from 2004³⁰, and 10 years later by adopting a special *Law on Prevention, Prevention and Protection from Domestic Violence* from 2014³¹. This law was later put into effect with the entry into force of the 2021 *Law on Prevention and Protection from Violence Against Women and Family Violence* from January 29, 2021³².

On December 22, 2017, the *Law on the Ratification of Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic violence* was brought in³³. Macedonia signed it on July 8, 2011 and since then the document has been waiting for 6 years to finally be ratified. Previously, Macedonia in 1994 ratified the UN Convention on the Elimination of All Forms of Discrimination, and already in 1995, the Beijing Declaration and Platform for Action was signed. The Convention was ratified by depositing the instrument of ratification, which was delivered on March 23, 2018, and came into force on July 1, 2018. In 2018, after the ratification of the Istanbul Convention, an Action Plan³⁴ was adopted for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence. The main objective of the existing plan was to design, implement and coordinate a comprehensive national policy for the prevention and elimination of violence against women. In it, it is emphasized that Macedonia has to undertake legislative and other measures in order to provide a legal, institutional and organizational framework for the prevention of violence against women, protection of victims of violence, and punishment of perpetrators of violence. Thus, the three basic goals set by the Action Plan were: 1) harmonization of the legal framework with the provisions of the Convention; 2) establishing general and specialized services for the promotion of the protection of victims of gender-based violence and victims of family violence; and 3) implementation of activities for the prevention of gender-based violence and family violence³⁵. The action

²⁹ Art. 122, Amendments to the Criminal Code of the Republic of Macedonia, Official Gazette of R.M. no. 19/2004.

³⁰ *Law Amending and Supplementing the Law on the Family*, Official Gazette of the R.M. no. 38/2004, of 17 June 2004.

³¹ *Law on Prevention, Prevention and Protection Against Domestic Violence* (out of force), Official Gazette of the R.M. no. 138/2014, of 17 September 2014.

³² *Law on Prevention and Protection from Violence Against Women and Family Violence*, Official Gazette of the R.M. no. 24/2021, of 29 January 2021.

³³ *Law on the Ratification of the Convention to Prevent and Combat Violence Against Women and Domestic Violence*, Official Gazette of the Republic of Macedonia no. 198/2017.

³⁴ North Macedonian Ministry of Labor and Social Policy, *Action Plan for the Implementation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence in the Republic Of Macedonia 2018-2023*, august 2018.

³⁵ M. BALISHKJEVSKA, A. AVRAMOSKA NISHKOVA, *Report About the Progress of R. North Macedonia During the Implementation of the National Action Plan for Implementation of the Istanbul Convention October 2018-October 2020*, 2020, p. 5.

plan covers and mentions all forms of GBV: domestic violence, stalking, sexual violence, child marriage, female genital mutilation, honour crimes and human trafficking. With the Decision of the Government, and according to art. 15 of the Convention, in June 2021, the National Coordinating Body against Domestic Violence was established, which has the task of monitoring and analyzing domestic violence situations, coordinating the activities of competent institutions and associations and proposing measures for promotion and implementation of national policies.

3.2 Changes Made within Macedonian Legislation

The biggest progress of the state in this area in the direction of the ratification of the Convention is the adoption of the already mentioned *Law on Prevention and Protection from Violence Against Women and Family Violence*, brought in January 2021. Art. 3 of the Law, in accordance with art. 3 of the Convention, provides a glossary and defines violence against women, domestic violence, gender-based violence against women, gender, women and victims. The article further goes wider in the definitions of terms than what is done in the Convention. Thus, in addition to explaining certain other terms, it provides definitions for various sub-forms of GBV, such as physical, psychological, economic, sexual violence, for the term stalking, forced marriage, female genital mutilation, sexual harassment and sexual harassment via the Internet, forced abortion, trafficking women, forced sterilization and forced control of women³⁶. The key novelties brought by the new Law on prevention and protection against violence against women and domestic violence consist, first of all, in the fact that they include new forms of violence introduced by the Council of Europe Convention on preventing and combating violence against women and domestic violence, as well as the definitions of certain terms that have not been covered so far, and defining the vulnerable categories of women, namely: pregnant women; women with children and children with disabilities; single mothers; women with disabilities; women who use drugs; sex workers; women living with HIV; migrants, refugees, asylum seekers and stateless women; women victims of human trafficking; lesbian, bisexual and transgender women; homeless women; older women; women from rural areas environments; financially disadvantaged women and others.³⁷ What should be achieved with this law is a significant improvement of institutional and comprehensive support for victims of gender-based violence.

In the spirit of the Convention, the Law includes the principles on which they are based, such as the prohibition of discrimination, the prohibition of victimization, the existence of gender-responsive policies, the empowerment of women who suffer violence, etc. It singles out the particularly vulnerable categories of women and imposes an obligation on the entities to treat them with special attention. Furthermore, the competent institutions in view of the implementation of the law as well as the financial expenditures in this direction are specified and the duty of the state government bodies, the bodies of the local self-government units and the legal entities that exercise public powers determined by law within the framework of their departmental budgets are foreseen. to allocate funds for its implementation. Data collection and protection is also

³⁶ Art. 3, *Law on Prevention and Protection from Violence Against Women and Family Violence*, Official Gazette of the R.M. no. 24/2021, of 29 January 2021.

³⁷ *Report submitted by North Macedonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence* (Basic Report), Submitted to GREVIO on 5 April 2022 GREVIO/Inf(2022)5, Ministry of Labor and Social Policy, 6 April 2022.

covered. This is how data is collected through the national platform for interoperability – Macedonian Information Highway (art. 28). A special chapter has been set aside for prevention and preventive policies, as well as a special one for the protection of women victims of gender-based violence and victims of domestic violence. The competences of the authorities in acting in the direction of preventing revictimization (art. 44), as well as the method of risk assessment (art. 50), are also specified. A special chapter has been set aside for emergency protection measures – removal of the perpetrator from the home and prohibition to approach the home at the proposal of the Ministry of Internal Affairs, without the victim’s consent (art. 57) and temporary protection measures (art. 58). The law primarily aims to guarantee women’s right to live free from violence, both in the public and private spheres. The Law establishes an obligation for mandatory training of professionals who are involved in the process of protecting victims of GBV in the areas of health, education, police, justice system, social protection and other areas. The principle of due attention to the interests and needs of victims of violence is also included in the design and implementation of all measures provided by the Law. According with this Law, The Ministry of Labor and Social Policy adopted the following by-laws: Rulebook on the method of implementation and monitoring of the imposed temporary protection measures and Rulebook on the method of implementing the risk assessment for serious danger to the life and physical and psychological integrity of the victim and her family members and the risk of recurrence of violence, appropriate risk management, implementation and monitoring of measures for the protection of women victims of gender-based violence and victims of domestic violence, taken from the Centre for Social Work and the necessary forms. Other laws also underwent amendments and additions in order to comply with the Istanbul Convention and its adequate implementation.

Changes have been made in the matter of free legal aid. In May 2019, a new *Law on Free Legal Aid* was adopted³⁸, which provides greater benefits and protection for citizens. The conditions that citizens have to fulfill in order to receive free legal aid have been eased. Regarding victims of gender-based violence and family violence, this Law recognizes and includes them in primary legal aid (art. 6), as well as in the provision of secondary legal aid. In art. 20 of the Civil Code, which provides for the approval of secondary legal aid without determining the financial situation, the victims of domestic violence, as applicants for this assistance or their close family members, will be approved for secondary legal aid without determining the financial situation for initiation and representation in proceedings for the imposition of temporary measures for protection against domestic violence before a competent court. At the same time, free legal aid, with certain exceptions, is provided in all legal areas, thus increasing the coverage of endangered and vulnerable persons, and thus the possibility of greater protection of citizens’ rights. The costs related to the procedure (*e.g.* court fees, expert fees) will not be borne by the citizens, but they will be covered by the free legal aid.

A new *Law on Social Protection* was adopted in 2019³⁹, which provides for a ban on discrimination, services for victims of all forms of GBV have been established directly by state institutions, including services for vulnerable categories of women. Provision is made for the temporary residence service which provides protection and professional assistance to persons who are in crisis for the purpose of overcoming the situation and their social integration, including victims of gender-based violence and family violence. Health care, counseling services, financial assistance, temporary residence, etc. are

³⁸ *Law on Free Legal Aid*, Official Gazette of R.M. No: 101/2019, of 22 May 2019.

³⁹ *Law on Social Protection*, Official Gazette of R.M. no. 104/2019 of 23 May 2019.

provided for victims of domestic violence. On the basis of this law, a whole range of subordinate legal acts have been adopted⁴⁰.

A new *Law on Termination of Pregnancy* was passed in May 2019⁴¹. Provisions limiting access to legal and safe termination of pregnancy have been repealed. The new Law on primary education⁴² was adopted in August 2019, which includes provisions promoting equality and prohibiting discrimination, prohibiting the use of teaching materials and aids that maintain negative stereotypes and prejudices regarding gender roles, sexuality and which promotes and/or supports GBV. From the academic year 2021/22, a pilot program for comprehensive sexual education is being implemented, which means the promotion of gender equality, inclusiveness, and tolerance, but also the prevention of sexual harassment and violence. In the preparatory period for the implementation of the pilot project, a Curriculum for Comprehensive Sexuality Education for the 9th grade and a Teacher's Manual/Compendium were prepared⁴³.

3.3 Changes Made within the Criminal Code

In February 2023, the previously prepared amendments to the Criminal Code⁴⁴ were adopted in order to comply with the Istanbul Convention and adequately respond to gender-based violence.

There has been a change in the definition of domestic violence in accordance with the implementation of the provisions of the Convention. A definition of the term “*victim of gender-based violence*” was added and it was stated that a victim of gender-based violence is every woman and girl up to 18 years of age against whom the crime was committed under those circumstances. Gender-based violence against women is also defined and is said to be violence directed against women because of their membership of the female gender that leads or may lead to physical, sexual, psychological or economic harm or suffering to women, including direct and indirect threats and intimidation for such acts, extortion or arbitrary deprivation of liberty, regardless of whether they occur in public or private life (art. 121). The incrimination for the crime of murder has been expanded to include a more serious charge for killings of women or girls under 18 that occur in the context of gender-based violence (art. 122 , para. 2, point 2-a). The upper limit (from 5 to 8 years in prison) of punishment and the penalty for killing in an instant as a result of domestic violence, gender-based violence against women, has been

⁴⁰ *Rulebook on the method, scope, norms and standards for providing social benefits service for temporary residence and for space, funds, personnel and the necessary documentation for the Center for temporary residence; Rulebook on the method, scope, norms and standards for giving the counseling services and for space, funds, personnel and necessary documentation for a counseling center; Rulebook on the manner of issuing, extending, renewing and revocation of the professional worker's work license, for the form and content of the work license form; Rulebook for closer conditions for awarding funds, for the point scale form, the method of allocating funds to associations and other private social providers services, for providing social services; Prepared draft regulations on the method of execution of the imposed temporary protection measure – mandatory attendance at a counseling center for perpetrators of violence against women or domestic violence; Methodology for forming the prices of services depending on the norms and the standards for providing the social service, Decision on determining the prices of social services in the home, for non- family protection, for professional help and support and for temporary residence for 2022; etc.*

⁴¹ *Law on Termination of Pregnancy*, Official Gazette of R.M. no. 101/2019 from 22.05.2019

⁴² *Basic Education Law*, Official Gazette of R.M. no. 161/2019, 5 August 2019.

⁴³ *Report submitted by North Macedonia pursuant to Article 68, cit., p.10.*

⁴⁴ *Law to Amend and Supplement the Criminal Code*, Official Gazette of R.M. no. 36/2023, of 17 February 2023.

tightened. This tightening partially conflicts with the need for sensitivity towards the victims of gender-based violence and domestic violence who kill their aggressor, who are mostly women and girls, and the need to respect the developed Battered woman syndrome among them. We believe that there should have been a change here, but in the opposite direction for the victims who, in a state of strong irritation with an attack or with a serious insult or as a result of family violence, gender-based violence, will commit murder⁴⁵. A new incrimination has been added for mutilation of female genital organs (art. 129). The incriminations of bodily injury and serious bodily injury have been added, and as qualified forms, the commission of the acts “*when committing gender-based violence, violence against women or domestic violence or out of hatred or against a person who is particularly vulnerable due to his age, serious physical or mental disorders or pregnancy*” (arts. 130 and 131). The incrimination for coercion has also been changed and more severe punishment is provided for those who commit the crime under the specified conditions, which mean gender-based and family violence (art. 139). The same decision was made with the amendment made for the crime of unlawful deprivation of liberty (art. 140) and endangering security (art. 144). A new article was added, 144-a, which incriminates stalking as a separate crime. The behavior of repeated unauthorized following, stalking or otherwise interfering in the personal life of another or establishing or attempting to establish unwanted contact with him by moving in the space where that person is located, with misuse of personal data, is prohibited by using means of public information or other means of communication, or otherwise psychological abuse, harassment or intimidation, which will cause a feeling of insecurity, anxiety or fear for his safety or the safety of a person close to him. Further changes have been made in the incrimination, which stipulates as punishable behavior sexual assault and rape (art. 186), sexual abuse of a weak person (art. 187) and rape of a child under 15 years of age (art. 188). A new incrimination for sexual harassment has been added and the same is provided as a verbal, non-verbal or physical action, or actions committed through the use of electronic means of communication that have a direct or indirect, real or symbolic meaning of incitement, indecent offer, luring, expression of sexual passion or another action that clearly reminds of sexual intercourse or other sexual acts equated to it, and thus will injure his dignity, causing a feeling of discomfort, annoyance, humiliation or fear (art. 190-a). And in the case of intermediation in performing prostitution, it has also been added as a qualifying circumstance if the acts were committed during the performance of family or gender-based violence against women (art. 191).

4. Gender-Based Violence Toward Women and Girls in North Macedonia – Why These Changes Were Necessary

4.1 GBV Toward Women and Girls in Numbers

To show why such drastic changes were needed in the Republic of North Macedonia, it is best if we do it through the statistics on gender-based violence against women and girls.

Femicide, or the killing of a woman because she is a woman, is the most severe and severe form of gender-based violence against a woman or girl. The Macedonian legislation has improved in this direction, by introducing a qualifying form of the basic

⁴⁵ See more on this topic in E. MAKSIMOVA, O. KOSEVALISKA, *Battered Woman Syndrome in Female Perpetrators in Republic of North Macedonia*, in A. STANOJOSKA, D. DIMOVSKI, E. MAKSIMOVA (eds.), *Battered Woman Syndrome in Female Perpetrators in Republic of North Macedonia*, Cham, 2023, pp. 133-163.

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form of murder, but has not yet singled out the act as a separate incrimination and has not defined it as femicide. Over the years, however, we have had difficulties in extracting statistics, because there is no sensitivity among the institutions that collect them. What we have at our disposal are statistics on the total number of female victims of this crime. The recorded data on female victims of the crime of “murder” by the Ministry of Internal Affairs for the period 2012-2020 are as follows:

Female victims of the crime of “murder” (2012-2020)											
Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
women killed	11	6	8	4	7	8	9	5	5	3	2

Table 1. Source: Ministry of Internal Affairs⁴⁶

Regarding the victims of domestic violence, viewed from the aspect of separate incriminations for which it was reported (we do not have a separate indictment for domestic violence, it is a qualifying circumstance for a series of incriminations in the Criminal Code), we have the following statistics:

Female victims of the crimes “murder”, “bodily injury” and “endangering security” during domestic violence (2011-2021)			
Year	Crime “murder” during domestic violence (art. 123, para. 2)	Crime “bodily injury” during domestic violence (art. 130, para. 2)	Crime “endangering security” in domestic violence (art. 144, para. 2)
2011	4	356	121
2012	1	366	122
2013	/	356	185
2014	2	480	233
2015	/	528	300
2016	/	432	241
2017	4	449	283
2018	6	570	266
2019	2	506	318
2020	3	512	276
2021	1	562	297

Table 2. Source: Ministry of Internal Affairs⁴⁷

Just for illustration, for the same crimes done during domestic violence, for the period from 2020-2022, the data gathered from the State Statistics Office, regardless of the gender, are the following:

Female victims of the crimes “murder”, “bodily injury” and “endangering security” during domestic violence (2020-2022)

⁴⁶ Decision of Ministry of Internal Affairs to respond to a request for free access to information of a public nature, No. 16.1.2-591/3, of 5 May 2023.

⁴⁷ Decision of Ministry of Internal Affairs to respond to a request for free access to information of a public nature, No. 16.1.2-1245/1, of 14 October 2022.

Year	Crime “murder” during domestic violence (art. 123, para. 2)	Crime “bodily injury” during domestic violence (art. 130, para. 2)	Crime “endangering security” in domestic violence (art. 144, para. 2)
2020	4	594	337
2021+	5	656	357
2022	7	675	389
total cases of family violence	992	1056	1117

Table 3. Source: State Statistics Office⁴⁸

In all years reviewed, over 90% of the total number of perpetrators of crimes committed from a position of domestic violence are men (2020: 90.7%; 2021: 90.1%; 2022: 91.9%), and above 70% of the victims are female (2020: 79.8%; 2021: 77%; 2022: 79.1%)⁴⁹.

In 2020, according to data published by the Ministry of Internal Affairs⁵⁰, 1,025 perpetrators of domestic violence were reported, of which 930, or 90%, are men. Of them, 483, or 52%, are husbands or men in an extramarital union. If we analyse the data on victims of reported domestic violence in 2020, out of 1,051 reported victims, 839, or 80%, are women.

The rate of women victims of violence per 10,000 inhabitants, according to the State Statistics Office for 2022, is as follows:

Women victims of violence in North Macedonia (2022)					
Age of the victim	18-29	30-44	45-64	65-74	18-74
Psychological violence	8.5	5.8	10.0	9.1	8.4
Physical violence (including treats)	14.7	11.7	14.9	17.8	14.4
Sexual violence	1.2	1.5	1.1	0.5	1.1
Physical violence (including treats) or sexual violence	14.7	11.7	15.0	17.8	14.5
Psychological violence, Physical violence (including treats), or sexual violence	16.6	11.7	15.2	18.7	15.0

Table 2. Source: State Statistics Office⁵¹

Taking into account the figures listed above, we can note that these changes were more than necessary, and their implementation a *conditio sine qua non*. There is a steady increase in gender-based violence, which although it may not have been officially recognized as such over the years, is still more than obvious. Adequate recognition and treatment of offenses and crimes in this area are the first step towards dealing with the

⁴⁸ State Statistics Office, *Women and Men in North Macedonia*, 2023, p. 98

⁴⁹ *Id.*, pp. 98-99.

⁵⁰ Home Office, *Total Number of Perpetrators by Gender and Family Relationship – Domestic Violence*, 2020.

⁵¹ State Statistics Office, *Women Victims of Violence in North Macedonia, According to the Age Group and Type of Violence*, 2022.

problem. For example, conducted research from OSCE Mission in Skopje⁵², on violence against women in North Macedonia in 2018 showed that only 7% of women in Macedonia experienced stalking, which data is most likely due to insufficient recognition of stalking as a special type of violence. A large part of the reported cases also ended without any resolution for the reasons that the law enforcement authorities considered that they had no basis on which to act if the person “*didn’t do anything*” to the victims⁵³. After the Law was amended, only in the first few months we saw an improvement in this area, having in mind the proper recognition of the crime by citizens and authorities. From February 15, 2023 until June 30, 2023 in total 17 crimes of “*stalking*” were recorded. In 16 of the cases, the perpetrator was male⁵⁴. It is of a significant value to put the proper name to the proper crime and to develop the proper tools for adequate response. However, prevention in total is the main goal, and we are failing drastically there⁵⁵.

4.2 Case-Study

One particularly shocking case was about a perpetrator who was charged by the prosecution with “*serious bodily injury*” (art. 131, para. 3 of the Criminal Code). Namely, during a verbal dispute, the suspect committed domestic violence against a woman with whom he had previously lived in an extramarital union for several years. He punched her in the head several times and then pushed her towards the bathroom shower. The victim fell and suffered a serious bodily injury from which she fell into a comatose state⁵⁶. The woman passed away⁵⁷. On October 27, 2022, Prosecutor office from Kavadarci submitted an indictment to the competent court with a proposal to extend the detention measure and a proposal to determine a security measure – mandatory psychiatric treatment and custody in a health facility. This means that for the crime charged, the perpetrator can be sentenced to one to five years in prison for the murder of a woman during domestic violence, the Criminal Code at the time of the events provided for a prison sentence of at least ten years or life imprisonment.

This news triggered an avalanche of reactions in the public. The Platform for Gender Equality expressed serious concern about the qualification of femicide. They stated that the qualification set in this way would only enable the imposition of a lighter sanction and would not achieve the goals of punishment, nor would it reflect the essence of femicide as the most severe form of gender-based violence. They demanded that the council, when passing the decision on approving the indictment, should reclassify the offense as “*murder*” from art. 123, para. 2, item 2, for which it is stipulated that whoever deprives another of his life during domestic violence will be punished with imprisonment

⁵² Research Conducted by OSCE, *The Well-Being and the Safety of Women*, 2019, available at https://www.osce.org/files/f/documents/3/5/419264_1.pdf.

⁵³ National Network Against Violence Against Women and Domestic Violence, *The Silent Terror that Knows No Borders*, 2023, available at <https://glasprotivnasilstvo.org.mk/wp-content/uploads/Tivkiot-terorsto-ne-poznava-granici-Temaski-Izvestaj-Demnenje-2023.pdf>.

⁵⁴ Decision of Ministry of Internal Affairs to respond to a request for free access to information of a public nature, No. 16.1.2-1031/3, of 1 August 2023.

⁵⁵ See more of this below in Section 5 Conclusion.

⁵⁶ Public Prosecutor’s Office of the Republic of North Macedonia, *Resident of Negotino Suspected of Serious Bodily Injury During Domestic Violence Against a Woman, Public Announcements*, 3 August 2022, more information available at <https://jorm.gov.mk/zhitel-na-negotino-osomnichen-za-teshka-telesna-povreda-pri-semejno-nasilstvo-vrz-zhena/>.

⁵⁷ M. VIDIMLISKI, *The Woman from Negotino Who Was Beaten by Her Partner Died*, in *Канал 5*, 7 August 2022.

of at least ten years or with life imprisonment.⁵⁸ They emphasized that, in the spirit of the Istanbul Convention, and in accordance with our legislation, the public prosecution was obliged to apply the principle of due diligence, and that after inspecting the files, it was seen that the entire case consisted only of photographs from the scene of the incident, expert opinion on the defendant's mental state and expert opinion on the blood and prints found in the apartment. The presence of alcohol in the defendant's blood contributed to the fact that the expert considered that at the time of committing the crime, the perpetrator was significantly impaired. Regarding the intention, the Prosecutor's Office was guided only by the testimony of the accused who said that he only wanted to beat her. Prequalification was not done, in relation to the incrimination, neither by the prosecution nor by the court, but a high prison sentence of 15 years was passed, after a confession of guilt by the suspect⁵⁹.

Another case that happened in 2020 was about a wife who was seriously injured in a family home by a husband through physical and verbal violence⁶⁰. Initially, the prosecutor's office filed a charge of attempted murder against the perpetrators, art. 123 , para. 2 t. 2 c.v. art. 19 st. 1 of the Criminal Code, the expert reports of the victim and the accused, and after the procedure, the judgment was passed declaring the perpetrator guilty of the crime of "murder" from art. 123 , para. 2 t. 2 c.v. art. 19 st. 1 of the Criminal Code, i.e. attempted murder during domestic violence. However, with the second instance procedure before the Skopje Court of Appeal, the defendant's appeal was accepted and the first instance judgment was annulled. The Court of Appeal stated that the factual situation established by the first-instance court did not correspond with the evidence presented during the procedure and that the injuries ascertained by an expert do not correspond with the testimony of the injured party and that the overall injuries are "serious bodily injury". The case was sent back to the first instance court for retrial and decision. Thus, the Court of First Instance in Veles held a new main hearing, at which the public prosecutor, in the closing remarks, amended the legal qualification of the criminal offense that is charged to the accused from the criminal crime "murder" from art. 123 , para. 2 t. 2 c.v. art. 19 st. 1 of the Criminal Code in a criminal offence "serious bodily injury" from art. 131 para. 2 c.v. para. 1 of the Criminal Code, i.e. from attempted murder during domestic violence to serious bodily injury caused during domestic violence, for which the suspended sentence is significantly lower⁶¹. The Court declared the accused guilty according to this qualification. The perpetrator was previously convicted of the crime of "rape" of his wife's sister, for which he was sentenced to prison for 6 (six) months.⁶². The two cases listed above were not properly "labelled". Being classified as

⁵⁸ Платформа за родова еднаквост (Gender Equality Council Project), *The Inappropriate Qualification Does Not Reflect the Essence of Femicide as the Most Severe Form of Gender-Based Violence*, 11 November 2022, available at <https://rodovaplatforma.mk/blog/2022/11/01/реакција-несоодветната-квалификаци/>.

⁵⁹ V. KLINCHAROVA, *Fifteen Years in Prison for the Criminal Who Beat His Ex-Partner to Death!*, in *Фокус*, 23 November 2022, available at <https://fokus.mk/petnaeset-godini-zatvor-za-negotinetsot-koj-dosmrt-ja-pretera-poraneshnata-partnerka/>.

⁶⁰ A man from Veles beat his wife with a cable, he will be held responsible for attempted murder, A1on, from November 5, 2020, available at [Велешанец си ја претепал сопругата со кабел, ќе одговара за убиство во обид \(a1on.mk\)](https://www.a1on.mk/vest/velesanec-si-ja-pretepal-soprugata-so-kabel-ke-odgovara-za-ubistvo-vo-obid)

⁶¹ N. GABER-DAMJANOVSKA, G. GAJDOVA, *Femicide in the Republic of North Macedonia: Situation, legal framework and case law 2018-2022*, in *Advice on Individual Rights in Europe Center*, 2023, pp. 61-72.

⁶² In the reasoning of the judgment it is stated that while women was being beaten, the following insults were addressed to her by the perpetrator: "whore, I wish your mother would rise from the grave, so you could lie in it", then he hit her several times with the cable while the victim stood up and knelt down begging him for a drink of water, but he answered: "die, I'm not giving you water" until the witness arrived, daughter A.K., who called for the intervention of SVR V. From the blows, to S.K. she was inflicted with severe

“*serious bodily harm*” does not capture the key changes in legislation made towards adequate recognition of femicide and its adequate sanctioning in practice.

A similar recent case recently, for the first time after, had an appropriate recognition (after the Criminal code was amended). In September 2023, a 46 year-old woman in Kochani suffered from 40 stab wounds inflicted by a man who extorted money, in front of the home where she lived. The woman previously reported threats several times to the police and the public prosecutor’s office, from where she also sought protection. After the announcement of the case, all non-governmental organizations reacted immediately⁶³. The Helsinki Committee suggested that the most severe crime should be seen as femicide and nothing else. The Platform for Gender Equality responded that another femicide occurred due to the inaction of the institutions. They believe that this raises doubts about whether the institutions acted appropriately and with due care and whether the reports submitted by the victim were treated as reports of gender-based violence and whether all appropriate measures were taken, such as by the police, because that the victim reported to the police, as well as from the prosecutor’s office, but also from the center for social affairs, as institutions that should provide protection to victims of gender-based violence⁶⁴. After an indictment was filed by the Basic Public Prosecutor’s Office Kočani, and after a guilty plea, the Basic Court in Kočani, in April 2024, passed a judgment of conviction for one person for a crime – “*murder*” committed during gender-based violence and in a ferocious manner, while the perpetrator was sentenced sentence – life imprisonment⁶⁵.

After the amendments in 2024, we also have the first verdict for the crime of “*stalking*” under art. 144a of the Criminal Code⁶⁶. The convict again unauthorizedly followed the victim with whom he was in an intimate relationship from March 2022 until May 2022 and tried to establish contact with her. He was given a prison sentence of 9 months and a suspended sentence with protective supervision.

5. Conclusion

From what we have seen above, we can conclude that Macedonia, like the majority of countries in the region, faces a serious problem of adequate recognition of gender-based violence and its treatment. The first step towards any improvement is the implementation of international and European solutions, but also their adequate application. Since the implementation of the Istanbul Convention, we have had an improvement, but not in all sectors and not as much as needed. Reports that give data from the survey about the state’s progress in the implementation of the mentioned Action Plan for the implementation of

physical injuries, manifested by bruises in the area of both forearms, bruises in the area of the left thigh, bruises in the area of the left side of the chest and a fracture of the right ulna in the distal end above the wrist.

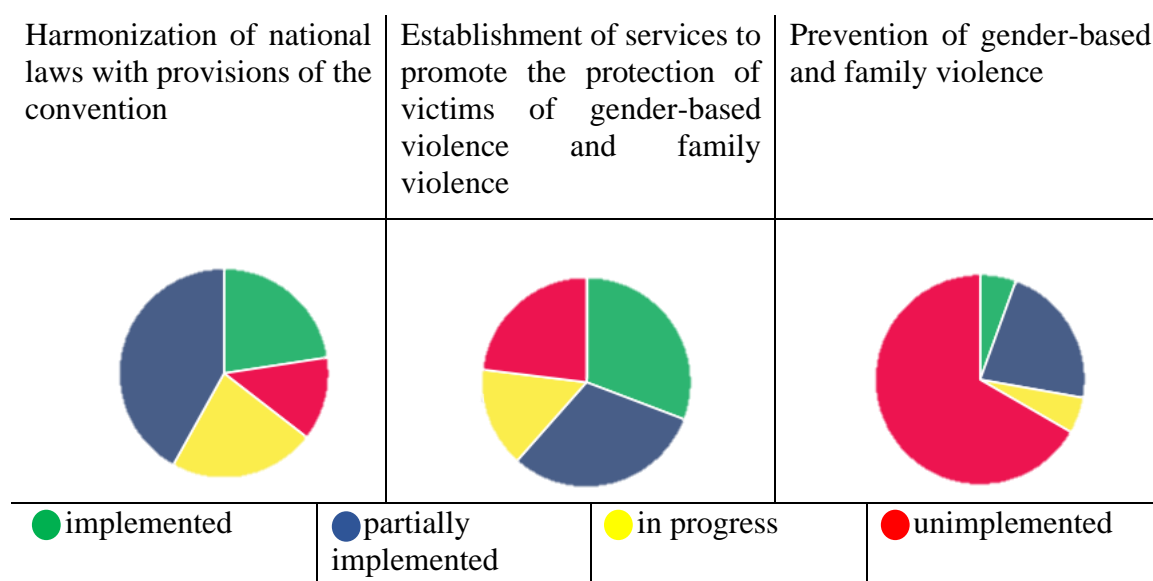
⁶³ *Murder in Kochani: Woman Stabbed in Front of the House Where She Lived*, in 360степену, 25 September 2023, available at <https://360stepeni.mk/ubistvo-vo-kochani-zhena-izbodena-so-nozh-pred-kukata-vo-koja-zhiveela/>.

⁶⁴ *The System Failed and Failed To Protect The Woman From Attacks: The Platform for Gender Equality demands responsibility for femicide*, in Faktor, September 26, 2023, available at <https://www.faktor.mk/sistemot-potfril-i-ne-ja-zashtitil-zenata-od-kochani-platformata-za-rodova-ednakvost-bara-odgovornost-za-femicidot-->.

⁶⁵ *Life Imprisonment for the Killer Who Butchered a Woman in Kočani, Who Reported Him for Blackmail*, in Telma, 18 April 2024, available at <https://telma.com.mk/2024/04/18/dozhivoten-zatvor-za-ubieczot-koj-iskasapi-zhena-vo-kochani-otkako-prethodno-i-se-zakanuval-a-nikoj-ne-i-pomogal/>.

⁶⁶ Basic Court Tetovo, Judgment of 28 February 2024, K-198/24.

the Istanbul Convention⁶⁷ until December 2023 indicate that we have the least progress in the prevention of gender-based violence and family violence:



The same report also provides information that out of a total of 81 municipalities that have an obligation to implement activities from the ratified convention and the Action Plan, 25 implemented and 41 did not implement part of the activities, 1 municipality submitted an incomplete response and 14 did not provide any response at all. General conclusion is that by December 2023, more than a half of the activities planned under the National Action Plan are not implemented, and a lot of them have not even started⁶⁸.

Another problem is that there are still no active efforts to fulfill the international obligations for the protection of the victims by the Government. The minimum standards foreseen in the Istanbul Convention for the provision of specialized services for women victims of violence within state institutions have not yet been met, or are otherwise non-functional. Psychological violence is not yet provided as a separate crime. It is particularly worrying that there is almost no activity for the prevention of gender-based violence against women and girls and domestic violence⁶⁹. That the practice is the real problem in our country is also shown by the data that from 2018 to 2022, the reported cases of domestic violence increased by an incredible 61%, and the punishment with a prison sentence for the shooters fell from 3% to 1%⁷⁰.

The adoption of the amendments to the laws, especially the Criminal Code, was preceded by a series of consultations with proposals for their more adequate alignment with the text of the Convention. With the Criminal Code, gender-based violence is already defined through the amendments mentioned above. The crime of murder, as a qualifying form, provides for the deprivation of life of a woman or girl up to 18 years of age, when

⁶⁷ *Summary Report on the Progress of R. North Macedonia for the Implementation of the National Action Plan for the Implementation of the Istanbul Convention*, cit.

⁶⁸ Universal Practice Review, *Violence Against Women and Children, Loud Against Violence, The National Network Against Violence Against Women and Domestic Violence*, 2023, available at <https://glasprotivnasilstvo.org.mk/wp-content/uploads/2-pager-draft2.pdf>.

⁶⁹ *Ibidem*.

⁷⁰ Shocking Statistics: Domestic Violence Goes Unpunished, 1% of the Perpetrators End Up in Prison - Ohrid Man Won Custody of His Son Despite Multiple Reports to the Police, in *Lider*, 2024, available at <https://lider.mk/shokantna-statistika-semejnoto-nasilstvo-e-nekaznivo-1-od-nasilnicite-zavrshuvaat-vozator-ohrigjanec-go-dobil-staratelstvoto-nad-sinot-i-pokraj-povekjekratnite-prijavi-vo-policija/>.

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committing gender-based violence, which contributes to femicides being recognized as the most serious form of gender-based violence (but femicide is not set aside as a separate incrimination). “*Sexual harassment*” and “*stalking*” are completely new incriminations introduced in the Code with the mentioned amendments. The act of sexual harassment also includes harassment through the use of electronic means of communication, which is a significant step forward. The definition of domestic violence is complemented by psychological and economic violence.

Amendments and additions to other laws have been made in order to comply with the Convention, proposals for further improvement have been made. Unfortunately, most of them are still just words on paper. What remains to be monitored is the practice of change and its consistent implementation.

ABSTRACT

Gender-based violence, although a broad concept that can affect everyone equally, regardless of gender and age, still hits women and girls hardest, making them the most common victims in the world. The violence usually comes from an acquaintance, an intimate partner, that is, someone whom the woman previously knew and trusted. Gender violence, from a criminological point of view, has several emerging forms, as well as factors that lead to its emergence. The subject of this paper is a review of the efforts made by the Republic of Macedonia for greater success in the fight against gender-based violence, primarily through the implementation of good international and European practices and documents. Gender-based violence as a global problem requires a global approach. Adopting domestic acts that will satisfy the recommendations of international entities in this direction is only the first step towards a successful fight against this phenomenon. The implementation and harmonization of the practice with the world and European trends is what is particularly problematic and the detailed consideration of which will be approached in this paper. By presenting cases from the Republic of North Macedonia, the way the law enforcement authorities treated them before and now, we will determine if there is a shift in this point. Through an in-depth analysis, the article aims to provide insights into the specific challenges that North Macedonia is facing. It will explore initiatives, policies, and community-driven efforts that contribute to breaking the chains of violence and fostering a culture of respect and equality. This paper will give a critical review of the compliance of the domestic legal framework with European and international trends and a critical review of the needs for improvement at the national level, through statistics and quality of solutions.

KEYWORDS

Case Law, European Union, Gender-Based Violence, International Documents, National Legislation, Woman.

GLI SFORZI DELLA REPUBBLICA DI NORD MACEDONIA NEL
POTENZIAMENTO DEL CONTRASTO ALLA VIOLENZA DI GENERE
ATTRAVERSO L'ARMONIZZAZIONE DELLA LEGISLAZIONE NAZIONALE
CON GLI STANDARD INTERNAZIONALI ED EUROPEI

ABSTRACT

La violenza di genere, sebbene rappresenti un concetto ampio che può colpire tutti allo stesso modo, indipendentemente dal sesso e dall'età, investe ancora più duramente le donne e le ragazze, rendendole le vittime più comuni al mondo di questo tipo di condotta. La violenza di solito proviene da un conoscente, un partner intimo, cioè qualcuno che la donna conosceva in precedenza e di cui si fidava. La violenza di genere, da un punto di vista criminologico, presenta diverse forme emergenti, nonché fattori che portano alla sua comparsa. L'oggetto del presente documento è una rassegna degli sforzi compiuti dalla Repubblica di Macedonia per ottenere maggiore successo nel contrasto alla violenza di genere, principalmente attraverso l'implementazione di prassi virtuose e atti internazionali ed europei. La violenza di genere come problema globale richiede un approccio globale. L'adozione di atti nazionali che soddisfino le raccomandazioni delle entità internazionali in questa direzione è da considerarsi solo il primo passo verso una lotta efficace contro il fenomeno. L'attuazione e l'armonizzazione delle prassi nazionali con le tendenze mondiali ed europee è però proprio ciò che risulta particolarmente problematico e la cui considerazione dettagliata sarà affrontata nel presente contributo. Con la presentazione di casi pratici occorsi nella Repubblica di Macedonia del Nord, in particolare il modo in cui le autorità di contrasto li hanno trattati prima e ora, verrà stabilito se vi è stato un cambiamento sotto quest'ultimo profilo. Attraverso un'analisi approfondita, l'articolo si propone di fornire spunti di riflessione sulle sfide specifiche che la Macedonia del Nord si trova ad affrontare. Esplorerà iniziative, politiche e sforzi guidati dalla comunità che contribuiscono a spezzare le catene della violenza e a promuovere una cultura del rispetto e dell'uguaglianza. Il presente scritto fornirà una revisione critica della conformità del quadro giuridico nazionale con le tendenze europee e internazionali e una revisione critica delle esigenze di miglioramento a livello nazionale, attraverso statistiche e qualità delle soluzioni.

KEYWORDS

Documenti internazionali, Donne, Giurisprudenza, Legislazione nazionale, Unione europea, Violenza di genere.