

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

NORTH MACEDONIA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210 “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of North Macedonia. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

evaluation of country, GREVIO received written contributions from the Gender Equality Platform; ESE, MARGINS, Open Gate, and EIJI (jointly); and the Roma Women's Rights Monitoring, Reporting and Advocacy Network.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to North Macedonia. Where available, significant legislative and policy developments up until 26 May 2023 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the authorities of North Macedonia with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the Gender Equality Platform; ESE, MARGINS, Open Gate, and EIJI (jointly); and the Roma Women’s Rights Monitoring, Reporting and Advocacy Network), as well as a five-day evaluation visit to North Macedonia. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the authorities of North Macedonia to implement the Istanbul Convention. In recent years, the authorities have paid particular attention to adapting the legal framework and developing strategies and action plans on preventing and combating violence against women and domestic violence, including policies on advancing gender equality. Major steps forward have been taken through the adoption of the Law on the Prevention and Protection from Violence against Women and Domestic Violence, the Action Plan on the Implementation of the Istanbul Convention, and, most recently, the amendments to the Criminal Code, which introduced a definition of sexual violence and rape based on the absence of consent, and criminalised stalking, sexual harassment and female genital mutilation. GREVIO commends the North Macedonian authorities for their continuous efforts to build a solid legal framework to prevent and combat violence against women and domestic violence.

GREVIO identified several promising practices, such as the solid legal basis for the national co-ordinating body under Article 10 of the convention, which clearly sets out its composition and tasks, and includes the participation of civil society. Numerous guidelines, manuals and rulebooks for practitioners are available, for example the manual for police officers on providing gender-sensitive services to support victims of domestic violence, the guidelines and standards for the reception and accommodation of asylum seekers, and the manual for conduct of health professionals in response to gender-based violence. These guidelines set the standards which the authorities are expected to follow, and contribute to a more harmonised application of the relevant laws and practices. GREVIO welcomes the beginnings of specialisation of the institutional response to violence against women, for example of police inspectors that work in the field of domestic violence, and the opening of a special unit for domestic violence at the Skopje police. The 2019 Law on Free Legal Aid introduced victims of violence against women and domestic violence as a special category of beneficiaries of primary legal aid, contributing to women being better informed of their rights. The women’s helpline has been providing qualified counselling and support to women victims of violence since 1994, but, like most of the services operated by women’s rights NGOs, would require more sustainable government funding.

While the authorities of North Macedonia have taken important steps to adopt and implement laws, policies and measures to enhance compliance with the Istanbul Convention, the present report also shows significant gaps in their implementation in practice. The evaluation procedure has shown that traditional beliefs pose a severe challenge to combating violence against women in North Macedonia, which include the view that domestic violence is a private matter, and that women are subordinate to men. Moreover, the stigma that surrounds sexual violence and rape results in extremely low reporting rates of these crimes, which is amplified by the lack of a sufficient number of rape crisis and sexual violence referral centres. GREVIO noted that the authorities will have to focus their efforts to promoting changes in the social and cultural patterns of behaviour of women and men, with a view to eradicate harmful traditional beliefs that contribute to women being perceived as inferior to men and therefore being subjected to violence against women and domestic violence.

The present report shows that such traditional views prevail also among those who are supposed to protect victims of violence against women and domestic violence, leading to insufficient institutional responses to women's reports of violence. Time and again GREVIO received indications from non-governmental just as much as governmental sources that women victims of violence were not taken seriously by law enforcement, the judiciary and other relevant entities, leading to impunity for the perpetrators and a severe lack of protection of women from further violence. Victim-blaming attitudes also lead some police officers to treat reported instances of domestic violence as mere disputes between couples and attempt to "reconcile" the couple, rather than taking action. GREVIO identified the urgent need to ensure that the authorities' duty of due diligence towards women victims of violence is ensured, and that those state actors who fail in doing so must be held accountable, including through disciplinary sanctions. Systematic and mandatory training of all professionals dealing with women victims of violence needs to be reinforced in order to sensitize those who are mandated to prevent, protect from and prosecute all forms of violence against women and domestic violence. In addition, factors that lead to delays in treatment and high attrition rates of cases of violence against women need to be identified and addressed.

The Centres for Social Work, a key structure for the support of women victims of violence, are in urgent need of more financial and human resources to be able to effectively discharge their duties. This fact paired with the shortage of shelter spaces and the unavailability of emergency barring orders leaves many women victims of violence without the protection they need. Many of these women currently have no other option than staying with their abusers. Urgent steps need to be taken to increase the number of available places in women's shelters, to set up new shelters in areas where there are none, and to introduce emergency barring orders that comply with the convention's standards, in order to give law enforcement the possibility to immediately ban perpetrators of violence from approaching the victim.

Shortcomings have also been identified in relation to children who are victims of domestic violence, including those who witness such violence. In decisions concerning custody and visitation rights, incidences of domestic violence are not always considered by the courts, the Centres for Social Work and other relevant entities, leading to situations where women victims of violence have to encounter their abuser when handing over the child for visitation rights. This contributes to the perpetuation of the control exerted by the violent parent and jeopardises the woman and the child's safety. Greater recognition of the negative impact on children of witnessing domestic violence is needed among the relevant professionals when deciding on custody and visitation rights. Moreover, structures offering psychological support for children are not available in many parts of the country and need to be set up and expanded as a matter of priority.

An overarching issue identified by GREVIO is the statutory obligation by professionals, private persons and NGOs to report any suspicion of violence against women and domestic violence to the authorities. There are no exceptions to this obligation, which essentially makes any duty of professional secrecy redundant and takes away victims' agency, possibly even deterring them from seeking help in the first place. The blanket obligation for professionals to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence has been committed and further serious acts are to be expected, needs to be reviewed.

Lastly, the fragmentation of administrative data collected by the various governmental institutions does not provide a full picture of gender-based violence against women and domestic violence which would allow informing and evaluating public policies and laws in order to identify and remedy any shortcomings.

While GREVIO welcomes North Macedonia's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of further issues that require urgent action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- ensure the gender-sensitive implementation of laws, policies and measures in relation to all forms of violence against women, and enhance the implementation of the Istanbul Convention in relation to all forms of violence against women covered by the convention,

- beyond domestic violence, which are currently less addressed by laws, policies, programmes and support services;
- take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination, particularly when it comes to ensuring access to specialist support services, and paying more attention to the needs of women who are or might be exposed to intersectional discrimination;
 - ensure appropriate human and financial resources to implement all policies, measures and legislation aimed at preventing and combating violence against women, including adequate funding of all the relevant institutions and entities, such as the national co-ordinating body;
 - ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation, supported by appropriate and reliable data that are disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and the type of violence;
 - improve the availability across the country of preventive intervention and treatment programmes for perpetrators of domestic violence and of sexual violence;
 - strengthen integrated multi-agency cooperation structures for the protection of and support to victims of all forms of violence covered by the Istanbul Convention that involve all relevant actors, including women's specialist support services, and ensure that risk assessment and risk management procedures are central to multi-agency structures;
 - improve access of victims of violence against women and domestic violence to services facilitating their autonomy, and to continue implementing the dedicated programmes that cater to their specific needs in the areas of employment, training and housing;
 - ensure standardised care paths for victims of violence against women in the health sector that include the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to appropriate specialist support services;
 - set up and support low-threshold specialist support services for victims of all forms of violence against women, beyond domestic violence, based on a victim-centred and empowering approach, including women's shelters and specialist counselling services, and ensure their adequate geographic distribution;
 - ensure that women victims of all forms of violence covered by the Istanbul Convention are adequately informed, in a language they understand, of their rights and possibilities, including on available general and specialist support services, the right to claim compensation, the non-mandatory nature of mediation, and their rights under international human rights law;
 - take measures to ensure the effective investigation, prosecution and punishment of all acts of violence against women covered by the Istanbul Convention, including acts of physical, psychological and sexual violence against women, by training law enforcement and judicial authorities, in particular on the amended provisions of the Criminal Code, and to ensure that sanctions are effective, proportionate and dissuasive;
 - establish a crime of forced marriage which covers all the elements of Article 37 of the Istanbul Convention, and ensure the *ex officio* prosecution of bodily injury committed in the context of domestic violence;
 - ensure that specialist women's organisations, lawyers and/or state agencies provide legal aid and psycho-social support and assistance to victims during investigations and judicial proceedings;
 - effectively implement all the measures to protect the rights and interests of women and child victims or witnesses, including to protect them from secondary victimisation, at all stages of investigation and judicial proceedings.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among others, to the need to continue the revision of schoolbooks and curricula in order to eliminate discriminatory and stereotypical contents; establish a specific offence of psychological violence; and ensure that gender-based violence is detected during asylum procedures and that trained interpreters are available for women asylum seekers.

Introduction

North Macedonia ratified the Istanbul Convention on 23 March 2018. The convention entered into force in respect of North Macedonia on 1 July 2018. In accordance with Article 78, paragraph 2, of the convention, North Macedonia reserves the right not to apply the provisions under Article 30, paragraph 2; Article 44, paragraph 3; Article 55, paragraph 1 in respect of Article 35 regarding minor offences; and Article 59 of the convention. These reservations are valid for a period of five years from the day of the entry into force of the convention in respect of North Macedonia and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the Parties to the Convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of North Macedonia by letter and transmission of its questionnaire on 28 October 2021. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Authorities of North Macedonia subsequently submitted their state report on 5 April 2022 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to North Macedonia, which took place from 26 to 30 September 2022. The delegation was composed of:

- Biljana Brankovic, Member of GREVIO
- Aleid van den Brink, Member of GREVIO
- Eileen Skinnider, Consultant, Canada
- Sabrina Wittmann, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including Jovana Trenchevska, Minister of Labour and Social Policy. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Svetlana Cvetkovska, Head of the Equal Opportunities Section at the Ministry of Labour and Social Policy, who was appointed as contact person for the evaluation by GREVIO, and Sandra Kimeska, public official at the Equal Opportunities Section at the Ministry of Labour and Social Policy. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Authorities of North Macedonia.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Authorities of North Macedonia concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. North Macedonia is a parliamentary democracy with approximately 1,840,000 inhabitants.² The majority is ethnic Macedonian. Albanians constitute the largest minority group (about ¼ of the total population). Other ethnic minorities include Turks, Vlach (Aromani), Serbs, Roma, and Bosnians. The official language of the country is Macedonian, and according to Article 7 of the country's Constitution, languages used by any community exceeding 20% of the population are also considered official.³ Albanian presently meets this criterion. North Macedonia is a candidate country for accession to the European Union (EU). In 2022, the first accession negotiation conference with the EU took place.⁴

3. The 2019 OSCE-led survey on violence against women in North Macedonia showed, among other things, that 45% of women had experienced psychological, physical and/or sexual violence perpetrated by a current or former intimate partner.⁵ A significant proportion of women in North Macedonia (37%) indicated that their friends would agree that a woman needs to obey her husband. Almost half consider that domestic violence is a private matter and should be handled within the family, and 32% believe that it is important for a man to show his partner who the boss is.⁶ These traditional beliefs pose a significant challenge to combating violence against women in North Macedonia. They will have to focus part of their efforts relating to combating violence against women and domestic violence to promoting changes in the social and cultural patterns of behaviour of women and men, with a view to eradicate harmful traditional beliefs that contribute to women being perceived as inferior to men and therefore being subjected to domestic violence (see Article 12 of the Istanbul Convention).

4. GREVIO notes that there is growing awareness on the contents and purposes of the Istanbul Convention, and that the authorities of North Macedonia are aware of the main challenges that lie ahead of them. In recent years, particular attention has been paid to adapting the legal framework and developing strategies on preventing and combating violence against women and domestic violence, including policies on advancing gender equality. Major steps forward have been made through the adoption of the Law on the Prevention and Protection from Violence against Women and Domestic Violence (hereinafter, the "Law on VaW and DV"), the Action Plan on the Implementation of the Istanbul Convention, and related bye-laws and other measures, which show the authorities' political commitment. Moreover, in February 2023, amendments to the Criminal Code were passed by the Assembly of the Republic of North Macedonia, which contain important changes to the elements of criminal offences covered by the Istanbul Convention, including a definition of rape and sexual violence that is based on the absence of consent, the criminalisation of female genital

2. State Statistical Office, results of the 2021 census, summary available at: <https://popis2021.stat.gov.mk/>.

3. Assembly of the Republic of North Macedonia, the Constitution of the Republic of North Macedonia: www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspx.

4. www.consilium.europa.eu/en/policies/enlargement/republic-north-macedonia/.

5. Organization for Security and Co-operation in Europe (OSCE), OSCE-led survey on violence against women, Well-being and safety – Experiences of disadvantaged women: North Macedonia results report, p. 25, 10 May 2019, available at: www.osce.org/secretariat/419264.

6. Ibid., p. iv.

mutilation (FGM), sexual harassment and stalking.⁷ Some important draft laws and bye-laws were pending final adoption at the time of drafting this report, most importantly the amendments to the Law on Criminal Procedure, which will hopefully contribute to greater alignment of these legal instruments with the requirements of the convention. Other bye-laws are still at the planning stage.

5. GREVIO welcomes the legislative initiatives and strategic efforts which the authorities of North Macedonia have made in recent years for the implementation of the Istanbul Convention. Making legislative amendments and enacting strategies is an important step that needs to be supplemented with other measures to ensure their implementation by all relevant actors who come into contact with women victims of violence. This is an area where GREVIO has observed some progress, but also identified significant gaps, as it is set out in the following chapters of this report.

B. Scope of application of the convention and definitions (Articles 2 and 3)

6. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph a, the term “violence against women” refers to “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”, whereas the expression domestic violence is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. The definition of “gender-based violence against women” offered in paragraph d of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

7. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3, indent b., Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

8. Article 118 of the Constitution of the Republic of North Macedonia provides for the direct implementation of ratified international agreements.⁸ By virtue of having been ratified in 2018, the Istanbul Convention forms “part of the internal legal order and cannot be changed by law”. However, GREVIO has not received any examples of the application of the Convention in judicial decisions.

9. GREVIO welcomes that the Law on VaW and DV and the Action Plan on the implementation of the Istanbul Convention recognise violence against women as a gendered phenomenon. GREVIO is satisfied that Article 3 of the Law on VaW and DV contains definitions of key terms such as

7. Law on amendments to the Criminal Code, Official Gazette of the Republic of North Macedonia, No. 36/2023.

8. See Article 118 of the Constitution of the Republic of North Macedonia: “The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.”

"violence against women",⁹ "gender-based violence against women",¹⁰ "domestic violence"¹¹ and "gender",¹² as well as definitions of the different forms of violence against women contained in Chapter V of the convention which are in line with the definitions contained in Article 3 of the Istanbul Convention.

10. Moreover, the new definition of family violence (a term which is used synonymously with "domestic violence" in North Macedonia) introduced with the amendment to the Criminal Code refers to "harassment, insult, endangering safety, inflicting bodily harm, sexual or other psychological, physical or economic violence that causes feelings of insecurity, threat or fear, including threats of such actions, towards a spouse, parents or children or other people living in a marital or extramarital union or joint household as well as towards the current or former spouse or extramarital partner or persons who have a joint child or are in a close personal relationship, regardless of whether the perpetrator shares or has shared the same residence with the victim or not." Moreover, the terms "victim of gender-based violence", "violence against women" and "gender-based violence against women" are now defined in Article 122 of the Criminal Code.¹³ GREVIO welcomes the introduction of the above-listed definitions, which correspond to those contained in Article 3 of the convention. It underlines in this context that training of all relevant professionals, starting with the police, the public prosecutors and judges on these new terms and definitions will be crucial in ensuring their adequate application.

11. GREVIO welcomes the laws, policies and measures in place to combat domestic violence. However, it notes with concern that other forms of violence against women covered by the Istanbul Convention have received little to no attention, such as sexual violence, stalking, sexual harassment, psychological violence, forced abortion, forced marriage, forced sterilisation, violence based on so-called "honour", and female genital mutilation. Very little training and specialisation by professionals on these forms of violence are available, and few general and specialist services focus on them. More comprehensive policy instruments are needed to cover all forms of violence against women as part of the phenomenon of gender-based violence and to address them as such.¹⁴

12. Moreover, GREVIO received indications from some practitioners in governmental entities that they would appreciate being more involved in the development of laws and policies in the area of violence against women and domestic violence. GREVIO considers that stronger involvement of those concerned by these laws and policies may lead to better implementation in the long run, as it would contribute to the feeling of ownership by the relevant entities.

13. GREVIO strongly encourages the authorities of North Macedonia to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature.

9. In Article 3 of the Law on VaW and DV, Violence against women is defined as a violation of human rights, discrimination against women and refers to all acts of gender-based violence that cause or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including direct and indirect threats of such acts, coercion, arbitrary restriction and/or deprivation of liberty, whether they occur in public or private life.

10. Gender-based violence against women is defined as violence directed against a woman because she is a woman or disproportionately affects her. Gender-based violence against women covers the causes and consequences of unequal power relations between women and men as a result of a social rather than an individual problem.

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

12. Gender is defined as the specifically constructed roles, attitudes, activities and attributes that a given society considers appropriate for women and men.

13. Article 5, paragraph 4, Law on amendments to the Criminal Code, Official Gazette of the Republic of North Macedonia, No. 36/2023.

14. See GREVIO baseline evaluation report on Montenegro, paragraph 9.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

14. The Constitution of North Macedonia guarantees in its Article 9 “equality in freedoms and rights regardless of gender, race, skin colour, national and social origin, political and religious beliefs, property and social position.” Article 1, paragraph 1 of the Act on Equal Possibilities (2006) regulates equal opportunities and equal treatment of women and men. GREVIO welcomes that North Macedonia has over two decades of experience in action for gender equality, with the first National Action Plan for Gender Equality having been adopted in 1999, followed by the Law on equal opportunities between women and men, which was enacted in 2006. In 2013, the first Strategy on Gender Equality for 2013-2020 was adopted. A strategy on non-discrimination is in place from 2021 to 2026. The 2022-2027 Strategy for Gender Equality aims at improving gender equality in the country and contains a specific objective on preventing and combating gender-based violence.

15. The Law on the prevention and protection against discrimination, adopted in 2006, includes important definitions such as direct and indirect discrimination, harassment, incitement, encouragement to discriminate, victimisation, and segregation. GREVIO welcomes that this and other laws such as the Law on VaW and DV and amendments to the Law on the Rights of the Child have been adopted by the Parliament with cross-party support, which demonstrates the political commitment for these issues. The Parliament has its own commission for gender equality, and there are gender equality coordinators in all municipalities. Moreover, there are now inter-party parliamentary groups which focus on women, youth, LGBTIQ, people with disabilities and Roma.¹⁵

16. GREVIO welcomes that there are several independent bodies competent to deal with claims of discrimination. The Ombudsman's office receives complaints from individuals and issues opinions. Most cases dealt with so far concern work and labour relations, but complaints have also been received concerning violence against women. In January 2021, the national equality body “Commission for the Prevention and Protection against Discrimination” was instituted. The Commission can receive complaints from individuals and initiate proceedings for discrimination at its own initiative. Other competent entities that can receive claims of discrimination are the Constitutional Court, the ordinary courts, the Representative for determining unequal treatment of women and men, the Standing Inquiry Committee for Protection of Civil Freedoms and Rights, and the Inter-Ethnic Relations Committee.

17. Article 108 of the Law on Labour Relations requires employers to pay equal wages for equal work. GREVIO further notes that strategies are being put in place to increase women's economic independence and participation in the labour market. In 2018, the government adopted the Strategy for the Development of Women's Entrepreneurship 2019-2023, which is aimed at the continuous advancement of women's entrepreneurship, including by increasing the number of women-owned start-ups and of women employed in enterprises.

18. Despite the above laws and policy documents, available data shows that there remains work to be done in order to achieve gender equality. In its 2018 concluding remarks, CEDAW noted a wide gender pay gap in North Macedonia,¹⁶ and recommended to the authorities to identify and address its underlying causes, as well as to adopt control mechanisms to ensure compliance with the obligation of equal pay for work of equal value, as prescribed by respective provisions in the Law on Labour Relations. In 2019, North Macedonia published its own gender equality index, where it scored 62 points (based on data from 2015).¹⁷ In comparison, the EU-average was 66.2 points in the same period. Time and money were domains in which the gender equality gap was the widest compared to the EU-average – meaning that women spend much more time on unpaid care work than men, the rate of women on the labour market is low, and as a consequence, women have less access to financial resources. On the other hand, women make up more than 50% of employees in

15. European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, North Macedonia Report 202 [hereinafter, EC progress report North Macedonia 2021], p. 10, 19 October 2021, available at: https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2021_en.

16. CEDAW concluding remarks on North Macedonia, 2018.

17. https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_for_north_macedonia_.pdf.

public service, including middle management. However, they are still underrepresented in leading positions within decision-making organs in North Macedonia, both in the public and the private sectors.¹⁸ GREVIO notes that the gender equality index has not been updated. However, an updated report on “*Women and Men in North Macedonia – A statistical portrait of trends in gender equality*”, published by the State Statistical Office in collaboration with UN Women, was made available in 2022.¹⁹ It concluded that North Macedonia “still has a long road ahead to achieve a gender equal society.”

19. In this context, GREVIO welcomes the steps North Macedonia is taking to work towards achieving gender equality. Since the opening of the Resource Centre for gender-responsive policymaking and budgeting in 2022, 18 training events have been held on topics related to gender equality, with almost 200 people having been trained.

2. Intersectional discrimination

20. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12²⁰ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.²¹

21. The Istanbul Convention requires states to take into account the specific needs of women who face multiple and intersecting forms of discrimination and disadvantages. Their individual characteristics as women and, for example, as members of a minority ethnic group, as a woman with a disability, or lacking knowledge of the official language(s) of their country of residence, interact in a way that compounds discrimination. In order not to create barriers for women in exercising their right to live free from violence and to receive effective protection, interventions need to respond to the specific needs of these groups of women and offer support and protection adapted to their situation, with a view to their empowerment.²²

22. GREVIO thus welcomes that the 2020 Law on Prevention and Protection against Discrimination explicitly recognises gender identity and sexual orientation as grounds for discrimination and introduces the concept of intersectional discrimination. Article 7 of the Law on VaW and DV stipulates that the effects of gender-based violence on vulnerable categories of women²³ must be taken into account when adopting relevant measures and activities. According to Article 8 of the Law, measures, activities and services for victims of gender-based violence and domestic violence should be adapted to the specific needs of women with disabilities.

23. While GREVIO welcomes these provisions, which take into account that certain groups of women are particularly vulnerable to violence and discrimination, it has also received indications from civil society that they lack implementation in practice. Women who are particularly at risk of, or exposed to, intersectional discrimination, including women with disabilities, women belonging to minority groups, in particular, Roma women,²⁴ migrant and asylum-seeking women, LBTI women,

18. EC progress report North Macedonia 2022, p. 15.

19. www.stat.gov.mk/PrikaziPublikacija_1_en.aspx?rbr=866.

20. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

21. See paragraphs 52-54 of the Explanatory Report.

22. GREVIO baseline evaluation report on Germany, paragraph 15.

23. The law lists the following as vulnerable categories of women: pregnant women, women with children, single mothers, women with disabilities, women from rural backgrounds, women who use drugs, sex workers, migrant women, runaways, women asylum seekers, women without children, lesbian women, bisexual women, transgender women, women living with HIV, homeless women, women victims of trafficking with children, women who have suffered rape, materially deprived women, and others.

24. According to one study, 61% of Roma women stated that they have faced discrimination in North Macedonia, see NGO written submission by Roma Women's Rights Monitoring, Reporting and Advocacy Network, p. 9.

homeless women, elderly women, rural women, women in prostitution, women with addiction issues, and women in situations of detention. It follows that these groups of women face barriers in accessing protection and support, as it is addressed in Chapter IV and other relevant sections of this report. Their experiences of violence are widely under-researched and deserve more attention in order to create evidence-based policies that are targeted to address their needs.²⁵

24. More specifically, GREVIO received indications from NGOs active in the field that Roma women seeking help for different forms of gender-based encounter stereotypical attitudes among the authorities, resulting in insufficient responses. Research conducted in six cities across the country shows that Roma women face barriers due to insensitivity among social workers, as well as language barrier (it is highlighted that instead of systematic solution to address the language barrier, *ad hoc* solutions are applied, which do not meet the needs of Romani women).²⁶ Early and forced marriage, a prevalent form of gender-based violence among the Roma communities in North Macedonia, is considered to be a norm or custom, hence a cultural practice that does not necessarily entail the state's responsibility to act.²⁷ GREVIO thus welcomes the Action Plan for the protection, promotion and fulfilment of the human rights of Roma women and girls 2022-2024, which contains some measures for the protection of Roma women from gender-based violence, such as establishing protection services for victims of violence against women in Romani, and ensuring that the SOS helpline offers support in Romani. GREVIO underlines the need to address the multiple factors that contribute to Roma women's exposure to different forms of gender-based violence.

25. Several NGO sources informed GREVIO that the acceptance of LBTI women in North Macedonia is low, and that this group of women is exposed to intolerance, hostilities and violence. A National Action Plan for LGBTIQ that was planned for 2021-2025 has not yet been adopted. GREVIO hopes that, once adopted, it will contain comprehensive measures for the prevention of, and protection from, gender-based violence for LBTI women. GREVIO notes with interest that the development of a separate strategic goal for the prevention of intersectional discrimination of LBTI women as an annex to the National Strategy on Equality and Non-discrimination 2022-2026 was underway at the time of the adoption of this report.

26. The respondents in the recent OSCE study on preventing gender-based violence against women with disabilities²⁸ said that employees in institutions are often unfamiliar with the appropriate reaction to a report of violence by a person with disabilities and have difficulties communicating with them (women with hearing impairments find the lack of interpreters especially problematic).²⁹ In cases of physical violence where the police intervened, respondents stated that the situation was not resolved and that the violence continued or became worse in a matter of two to three days. Due to these obstacles to effective violence prevention and protection, women and girls with disabilities who experience violence have no trust in institutions and rarely make reports. Women and girls with disabilities who have previously reported violence also believe that they were not taken seriously due to stereotypes and prejudices which assume that women with disabilities cannot recognize what violence is.

27. **GREVIO strongly encourages the authorities of North Macedonia to:**

- a. **take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, particularly when it comes to ensuring access to specialist support services;**

25. See Chapter II – Article 11, Data collection and research.

26. Mirceva, S. (2019). *Accessibility and availability of support services for Romani women and girls who survived violence against women in Kicevo, Kumanovo,, Veles, Stip, Kocani and Prilep*, Available at: www.nationalromacentrum.org/mk/uncategorized/izvestaj/.

27. Information obtained during the evaluation visit.

28. OSCE (2022), Preventing gender-based violence against women with disabilities: *Investigative report*, available at: www.osce.org/files/f/documents/8/1/513250_0.pdf.

29. Article 4 of the Law on the Use of Languages since 29.08.2009 stipulates the right to use sign language in interaction with authorities, and also grants deaf or hearing-impaired persons the right to an interpreter. However, it appears that there is a lack of interpreters for sign language.

- b. integrate the perspective of women who are or might be exposed to intersectional discrimination, including women with disabilities, women belonging to minority groups, migrant and asylum-seeking women, Roma women, LBTI women, homeless women, elderly women, women in rural areas, women in prostitution, women in detention and women with addiction issues into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;
- c. raise the awareness of victims belonging to these groups of women about their rights to protection and support services.

D. State obligations and due diligence (Article 5)

28. Article 5 of the convention enshrines the overarching principle of due diligence: states parties are under the obligation to organise their response to all forms of violence covered by the scope of the convention in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence, as well as to provide protection for victims. It is not an obligation of result, but an obligation of means. Failure to meet this obligation incurs state responsibility for an act otherwise solely attributed to a non-state actor. The realisation of the full potential of the due diligence standard relies on the ability of state institutions to invest in equally strong terms in all the required actions of prevention, investigation, punishment, reparation and protection, starting from the duty to transform patriarchal gender structures and values that perpetuate and entrench violence against women.³⁰

29. Article 4 of the Law on VaW and DV includes a definition of the due diligence obligation, while Article 83 establishes the explicit right of the victim to file a lawsuit before a civil court to determine liability for the failure of state institutions to act with due diligence.³¹ Pursuant to the Law on Internal Affairs, internal control of the Ministry of the Interior is carried out by a special department within the Ministry. External control is ensured by the Ombudsman and the Department for Investigation and Prosecution of Crimes Committed by Persons with Police Powers and Members of the Prison Police in the Basic Public Prosecutor's Office for the prosecution of organized crime and corruption. However, no information has been made available to GREVIO as to whether or how many state officials have been investigated for failing in their due diligence obligation in connection with violence against women and domestic violence, or about any disciplinary sanctions for such misconduct.

30. GREVIO was made aware by several governmental and non-governmental sources of several instances where women victims of domestic violence sought help from the authorities, but their complaints were not taken seriously. It appears that often government officials consider violence to be a private matter between spouses and they advise the victim to stay away from the perpetrator until "things calm down", or send them back home asking the victim to reconcile with the perpetrator. Some victims were reportedly told that a complaint would not help them because the abusive partner was a well-known person. In other instances, formal reports were only drawn up by the police once the victim was accompanied by an NGO or a lawyer, but not when she went to the police station on her own. This indicates that violence continues to occur even after women report it to law-enforcement bodies and that the authorities' prior knowledge of a woman's exposure to violence does not always lead to effective protection measures to prevent women from being revictimised.

31. Similarly, as a result of a lack of precise data on the investigation, prosecution and sentencing of perpetrators,³² GREVIO cannot ascertain whether perpetrators of violence, including those who killed their wives/partners, are systematically brought to justice and punished with effective, proportionate and dissuasive sanctions, in line with Article 45 of the convention. The authorities of

30. "The due diligence standard as a tool for the elimination of violence against women", UN Special Rapporteur on violence against women, its causes and consequences, E/CN.4>2006/61, January 2006.

31. For a more detailed discussion of this provision, see Chapter V, Civil remedies against the State (Article 29).

32. See Chapter II, Article 11.

North Macedonia should therefore step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence.

32. In a study examining cases of gender-based killings in North Macedonia, it was estimated that out of 96 women who were murdered between 2008 and 2020, at least 50 were gender-based killings.³³ GREVIO was not made aware of any systematic attempt by the authorities to review individual cases of gender-related killings from the point of view of identifying a failure to act after a report of violence, including omissions stemming from possible institutional gender bias and discriminatory and stereotypical views of women and their experiences of violence.³⁴ GREVIO notes, in that context, that it would be advisable for the authorities to analyse whether a woman who was killed by her intimate partner had previously reported the violence. The aim would be to assess, as required under the case law of the European Court of Human Rights in relation to Article 2 of the European Convention on Human Rights, whether the state authorities “knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk”.³⁵ In this context, GREVIO recalls the importance of the initiative of the former UN Special Rapporteur on Violence against Women to establish a “Femicide Watch” mechanism or observatories on gender-related killings of women at national, regional and global levels.³⁶ GREVIO notes that the Action Plan on the Implementation of the Istanbul Convention includes a measure on the establishment of a Femicide Watch, but this measure has not yet been implemented. Further, those cases where there was a history of violence by the perpetrator against the murdered victim, but where the victim had not turned to the authorities should be analysed, in order to learn why the victim was reluctant to seek help, and make the necessary legal and policy amendments in practice.³⁷

33. GREVIO welcomes the setting up of an external oversight mechanism for the police, linked to the Ombudsman’s office. This mechanism includes the creation of a specialised unit in the Public Prosecution whose task will be to prosecute cases where allegations about abuse against the police are made, and the formation of a supervisory body as part of the Ombudsperson’s office, including members of civil society. However, GREVIO notes with concern that although the necessary legislative framework was put in place in 2019, with the support of the Council of Europe, the mechanism is not fully functional, as - for reasons unknown to GREVIO - the members of civil society have not yet taken their place as part of the new specialised body.

34. **GREVIO urges the authorities of North Macedonia to:**

- a. **step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;**
- b. **hold to account state actors for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention and to protect victims. Progress in this area needs to be measured by collecting data on such cases, and their outcome;**
- c. **analyse all cases of gender-based killings of women, with the aim of assessing possible systemic gaps in institutional response to cases of violence and preserving the safety of women.**

33. United Nations Development Programme, Analysis of cases of femicides – Murders of women in the Republic of North Macedonia 2017-2020, September 2021, p. 10, available at: www.undp.org/north-macedonia/publications/analysis-cases-femicides-%E2%80%93-murders-women-republic-north-macedonia.

34. GREVIO baseline evaluation report on Germany, paragraph 19.

35. The so-called “Osman test” – see European Court of Human Rights, *Osman v. the United Kingdom*, Application No. 23452/94, § 116, 28 October 1998, and more recently *Kurt v. Austria* [GC], Application No. 62903/15, § 158, 15 June 2021.

36. www.ohchr.org/en/press-releases/2015/11/un-rights-expert-calls-all-states-establish-femicide-watch.

37. GREVIO baseline evaluation report on Germany, paragraph 20. See also the 2019 Recommendation of the Committee of Ministers of the Council of Europe on preventing and combating sexism, available at: www.coe.int/en/web/genderequality/combatting-and-preventing-sexism.

E. Gender-sensitive policies (Article 6)

35. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

36. Article 5(1) of the Law on VaW and DV explicitly acknowledges “the structural nature of violence against women as a manifestation of historically unequal power relations between women and men.” The 2018-2023 Action Plan for the implementation of the Istanbul Convention equally has a strong gendered perspective, stating in its foreword that it is “a fact that violence deprives women of the opportunity to enjoy their fundamental human rights and constitutes a serious obstacle to equality between women and men.”

37. GREVIO is satisfied that a gendered perspective is integrated into this important law, and into the action plan. However, it also received indications from civil society that this gendered perspective does not always reach those implementing the laws and policies, as many continue to hold negative gender stereotypes, do not take women seriously when they report their experiences of violence, and sometimes even blame victims for the violence suffered.³⁸ Public opinion equally lacks a gendered understanding of violence against women and tends to view domestic violence as a private matter. 22% of women themselves think that non-consensual sex within a marriage or partnership could be justified.³⁹ Almost one third of women believe that women who report having been raped or abused exaggerate or lie about it, and 28% think that women who suffered violence often provoked the perpetrator.⁴⁰ GREVIO notes, in that context, that violence against women largely goes underreported in North Macedonia – only 2% of women stated that they reported the most serious incident of current-partner violence to the police; 21% reported violence exerted by a previous partner, and 28% reported non-partner violence. As stated above tackling these beliefs among the population and increasing reporting rates will require continuous effort by the authorities, for example through awareness raising campaigns⁴¹ and building trust in law-enforcement and the judiciary. However, GREVIO also points out that before encouraging women to report violence, the state authorities must ensure that the institutional response will be victim-sensitive, prompt and effective. Otherwise, women will be increasingly discouraged to come forward with their experiences of violence.

38. GREVIO is hopeful that recent measures taken will contribute to the understanding of the need for a gender-sensitive implementation of laws and policies relating to violence against women among relevant professionals. The Ministry of Interior issued in 2018 a police handbook on *“Providing Gender-Sensitive Support Services to Victims of Domestic Violence”*, with the support of UN Women⁴². In a similar vein, gender-sensitive parameters in the provision of basic services are contained in the 2019 “Rulebook on the standards for the reception of asylum seekers”, published by the Ministry of Labour and Social Policy. All these efforts need to be intensified and expanded to all areas relevant to the implementation of the convention to obtain lasting results, through actively and continuously ensuring the practical implementation of these rulebooks through training of all relevant professionals. Furthermore, under Article 6 of the convention, parties must incorporate a gender perspective not only at the formulation stage of policies, but also when evaluating their impact; thus, gender impact assessments should be carried out when devising measures for the

38. Information obtained during the evaluation visit.

39. OSCE-led survey on violence against women in North Macedonia (2019), p. 19.

40. Ibid.

41. See Chapter III, Articles 12 and 13.

42. Mirceva, S., Brankovic, B. (2018). Manual for Police Officers – Providing Gender-Sensitive Support Services to Domestic Violence Victims. Skopje: Ministry of Interior of North Macedonia, Training Centre and UN Women.

implementation of the convention.⁴³ However, civil society indicated to GREVIO that few evaluation reports on the implementation of government policies are available.⁴⁴

39. **GREVIO strongly encourages the authorities to:**

- a. **Ensure gender-sensitive implementation of laws and policies on all forms of violence against women covered by the Istanbul Convention;**
- b. **challenge attitudes in society and, especially, among professionals working in state agencies, which justify domestic violence and violence against women more widely;**
- c. **ensure that a gender perspective is applied in the process of evaluating the impact of implemented policies.**

43. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 48.

44. NGO written submission by Association for Emancipation, Solidarity and Equality of Women – ESE, page 12.

II. Integrated policies and data collection

40. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

41. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

42. The Law on VaW and DV was adopted in January 2021, in order to enhance the implementation of the Istanbul Convention in North Macedonia. The Action Plan for the Implementation of the Istanbul Convention runs from 2018 to 2023. Both instruments have been elaborated in cooperation with civil society organisations and constitute a solid legal and strategic framework for preventing and combating violence against women in North Macedonia, which GREVIO welcomes.

43. However, necessary amendments to align the Law on Criminal Procedure with the Istanbul Convention have not yet been adopted. Moreover, a number of bye-laws remain to be adopted in order to implement several provisions of the Law on VaW and DV, while several actions foreseen in the Action Plan have not been implemented. In addition, as indicated by NGOs working in the field of violence against women and domestic violence,⁴⁵ the Action Plan for the Implementation of the Istanbul Convention lists the sources of funding for the envisaged activities, without specifying any allocated funds. Furthermore, although the Action Plan introduced the obligation of all ministries, relevant institutions, and local self-governments units to prepare specific annual operational plans with budget implications for the implementation, many ministries did not meet this obligation.⁴⁶ GREVIO points out that, in principle, it cannot give its views on the compatibility with the Istanbul Convention of legal provisions, action plans and measures which were not in force at the time of writing this report.

44. GREVIO notes that the Law on VaW and DV systematically refers to domestic violence and gender-based violence against women, thereby covering all forms of violence covered by the Istanbul Convention. Equally, the Action Plan on the implementation of the convention covers specific actions relating to women at risk of or subject to intersectional discrimination, such as women belonging to ethnic minorities, women with disabilities, women living in rural areas, women in prostitution, migrant women, women living with HIV, homeless women, and women with addiction issues. However, GREVIO also notes that these laws and action plans do not appear to have produced the desired effects in practice yet. Indications received from women's NGOs active in the field point to these groups of women still facing barriers in accessing general and specialist services.⁴⁷ GREVIO considers that there is an urgent need to remove such barriers, so that all women victims of violence can access support services on an equal footing.

45. In order to develop evidence-based policies, GREVIO underlines the need for reliable gender-disaggregated data, which currently is not available. Furthermore, many forms of violence against women remain under-researched, and thus their prevalence is not known, for example female genital mutilation, forced abortion, forced sterilisation, and violence based on so-called "honour".⁴⁸ Data on prevalence would be useful to create specific measures to address these forms of violence in practice.

45. NGO written submission by Association for Emancipation, Solidarity and Equality of women – ESE, page 11.

46. NGO written submission by Gender Equality Platform, page 18.

47. Information obtained during the evaluation visit.

48. See Chapter II, Data collection and research.

46. GREVIO strongly encourages the authorities of North Macedonia to fully implement the existing bye-laws and adopt all the necessary bye-laws under the Law on the Prevention and Protection from Violence against Women and Domestic Violence, and to implement all actions foreseen in the Action Plan for the Implementation of the Istanbul Convention.

B. Financial resources (Article 8)

47. The provisions in Chapter III of the Law on VaW and DV stipulate that each ministry shall provide budgetary funding for implementation of preventive and protection measures for addressing violence against women and domestic violence. In 2012, North Macedonia adopted the first Strategy on Gender Responsive Budgeting (2012-2017), which GREVIO welcomes. In 2014, the concept of gender responsive budgeting (GRB) was introduced and applied for the first time in state institutions and local self-government units. In 2022, the Ministry of Labour and Social Affairs opened a resource centre for gender-responsive policy-making and budgeting. In the state report, the government provided data from several ministries and entities on their expenditure on certain programmes and institutions that benefit women victims of violence.⁴⁹ Some services for women victims of violence are funded, for example, through the Law on Games of Chance. GREVIO notes, however, that the funds made available on the basis of this law are very limited, according to information received by civil society. For example, 4 million MKD (approximately 65 000 EUR) were allocated each year in the period from 2018 to 2021 for civil society organisations that provide services to victims of violence against women.⁵⁰

48. However, despite the above laws and strategies, there seems to be little gender perspective in the management of public finances in practice. Specific budget lines for gender-sensitive government expenditure and measures relating to violence against women are missing, and the amount of the overall expenditure in that area does not appear to be available. GREVIO is aware of the different economic circumstances of states parties to the Istanbul Convention. It also notes that across all sectors in North Macedonia, the allocation of sufficient financial resources for the prevention, protection, and prosecution of violence against women is lacking.⁵¹ The Centres for Social Work (hereinafter, the “CSW”) take a central role for women victims of violence, but is reportedly understaffed. The CSW staff have many duties and responsibilities when it comes to violence prevention and protection, and more responsibilities were added through the Law on VaW and DV, but human resources were not augmented accordingly. NGOs, which provide crucial counselling and psychosocial services to women victims of violence, are heavily dependent on donors and they therefore lack financial stability and sustainability. Moreover, GREVIO notes that the existing NGO licensing system may have a negative impact on the variety of specialist services provided by NGOs.⁵²

49. With the ratification of this Convention, the Government of North Macedonia has committed itself to ensuring the allocation of appropriate financial and human resources for activities in the area of combating violence against women carried out both by public authorities and relevant non-governmental organisations. GREVIO recalls that the scope of the obligation derived from Article 8 is that of ensuring that the resources allocated are suitable for the target set or measures to be implemented. This would require a cost assessment and budgeting of any new measure and strategy proposed to ensure its effective implementation in the envisaged timeframe.⁵³ GREVIO recalls that under Article 8 and 9 of the convention, funding processes for women’s rights organisations providing specialist support services to victims should ensure adequate and guaranteed levels of funding for them to adequately provide these services.⁵⁴ The overall modest funding levels and the unsustainability of the available funding sources and approaches significantly hamper the delivery of specialist support services in North Macedonia. International funding seems to account for a significant share of the expenditure in this area and the process of EU accession of North Macedonia

49. State Report, pp. 9-10.

50. NGO written submission by Gender Equality Platform, page 22.

51. Information obtained during the evaluation visit.

52. For details, see the following subchapter on Article 9 - NGOs and civil society.

53. GREVIO baseline evaluation report on Montenegro, paragraph 33.

54. GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 39.

offers more opportunities for financial and technical support. GREVIO welcomes the readiness of the authorities of North Macedonia to co-operate with the international community, and foreign donors' willingness to finance projects related to violence against women and domestic violence. However, it also recalls the importance of the government's contribution, through the allocation of appropriate state funds, to the funding of legislative and policy measures in the area of violence against women and the provision of services for victims, in order to discharge their obligation under Article 8 of the Istanbul Convention.⁵⁵

50. GREVIO strongly encourages the authorities of North Macedonia to ensure appropriate human and financial resources to implement all policies, measures and legislation aimed at preventing and combating violence against women, including adequate funding of all the relevant institutions and entities , and for the specialist support services provided by civil society entities, and to introduce dedicated and transparent funding lines, in order to enable a regular monitoring of allocation and expenditure of funds.

C. Non-governmental organisations and civil society (Article 9)

51. There is a very active and dynamic NGO scene in North Macedonia. NGOs play an important role in operating counselling and specialist support services for women victims of violence. These range from operating helplines and running a women's shelter, to counselling services for domestic violence and sexual violence, and the provision of legal aid. Many of them base their work on a feminist, victim-centred approach, and offer specialist services which otherwise would not exist in the country.

52. The Government has a dialogue and collaboration with NGOs active in the field of violence against women, which GREVIO welcomes. This is reflected also in the fact that NGOs were involved in the drafting of the Law on VaW and DV, and other key legal instruments and policies, and that representatives from three NGOs have been included in the National Co-Ordinating Body.⁵⁶ The government also seeks to include NGOs in other multi-agency cooperation mechanisms, such as the mobile teams for detecting vulnerable persons (which is mostly focused on victims of human trafficking) and which consist of members of the police, social workers and NGO representatives.

53. In 2016, the Council for cooperation with and development of the civil society, a body that gathers government and civil society members, was established, which GREVIO welcomes. This body meets several times per year and discusses ways to involve civil society in the implementation of governmental policies.⁵⁷ In 2021, a new Strategy for cooperation with, and the development of, civil society was adopted.

54. However, concerns have been raised by NGOs on the recently introduced licensing regime, which links government funding to certain criteria, such as full-time employment of at least two staff members and their formal qualifications, which several NGOs reportedly find difficult to comply with. GREVIO stresses that these women's rights NGOs have been providing vital services for victims of domestic violence for years and operate on the basis of a gendered understanding of violence against women and a victim-centred approach, thus contributing to the implementation of important aspects of the Istanbul Convention. Some of these NGOs indicated to GREVIO that they feared being replaced by more generalist NGOs, without a gender approach, and less experience in this field. GREVIO notes that NGOs funded through sources other than the government are not subject to the licensing regime. However, women's rights NGOs are often in a precarious financial situation, depending entirely on national and international donors, and therefore are likely to need government funding in order to be able to continue operating.

55. GREVIO is mindful that the licensing regime pursues the legitimate aim of ensuring a certain quality standard in service provision, which is an important element to fulfil. However, the criteria

55. GREVIO baseline evaluation report on Montenegro, paragraph 34.

56. Chapter II, Article 10.

57. www.nvosorabotka.gov.mk/?q=node/99

included in the licensing regime could be re-evaluated in order to include, for example, persons with long-term work experience in the provision of services for victims of violence against women and domestic violence, rather than only accepting a formal educational degree in a related area for licensing purposes. In this context, GREVIO recalls that academic degrees *per se* do not guarantee knowledge or expertise on issues related to violence against women, and especially its gender dimension, since this topic is generally not included in the standard curriculum for professionals, such as social workers. GREVIO is concerned that the licensing regime may have a negative impact on the variety of specialist services and their capacity to adequately meet the needs of women victims of violence, and considers that the recognition of the role played by organisations specialising in the promotion and protection of women's human rights, and of the social and economic value of their activities, is a decisive criterion for assessing the alignment of public policies with the requirements of Article 9 of the Istanbul Convention.⁵⁸ Moreover, according to information provided by the civil society, the licensing regime requires women's services run by NGOs to employ two persons full time (one psychologist and one social worker), which many of them cannot afford. The latter is exacerbated by the funding scheme: those NGOs who receive funds from the government do so based on the number of services provided, and thus receive less money during those periods when they have fewer clients, even though the staff-related costs remain the same regardless of the number of clients. GREVIO notes that the above-described funding scheme may jeopardise sustainability and quality of NGO-run services.

56. **GREVIO strongly encourages the authorities of North Macedonia to ensure, *inter alia* through adequate funding, a sustainable role for women's rights NGOs providing essential support services to victims of all forms of violence against women, for example, through long-term grants based on transparent procurement procedures, and to fully acknowledge, including through the content of the licensing regime, the value and expertise that these organisations bring through their gendered approach to violence against women, centred on victims' rights and needs.**

D. Co-ordinating body (Article 10)

57. The National Co-ordination Body for the implementation of the Istanbul Convention was established on the basis of Article 15 of the Law on VaW and DV. It is composed of representatives from a variety of Government entities, judges and prosecutors, the Commission for Equal Opportunities, and the Parliament of North Macedonia, trade unions and employers' associations. GREVIO welcomes that the law also foresees the participation of three members from non-governmental organisations, which is a good example of involvement of civil society in policy-related activities.

58. The tasks of the National Co-ordination Body include the preparation and monitoring of the implementation of national strategies and action plans related to the convention, by co-ordinating the work of relevant institutions and monitoring the use of financial resources allocated to them, collecting reports on gender-based violence against women and domestic violence, and delivering an annual report on its activities and the progress achieved.⁵⁹ GREVIO welcomes the solid legal basis for the National Co-ordination Body, which clearly sets out its composition and tasks.

59. However, GREVIO notes that the National Co-ordinating Body does not currently fulfil all the tasks required under Article 10 of the convention, which include the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the convention, and the co-ordination of the collection of data referred to in Article 11 of the convention. It appears that there is little to no monitoring or evaluation of the measures and policies the co-ordinating body carries out, and it appears that no data have been collected so far. Moreover, the co-ordinating body does not have its own budget nor its own human resources that would be necessary to carry out the planned tasks. Instead, the relevant ministries finance their participation through their ordinary budget and through existing staff. GREVIO considers that without

58. GREVIO baseline evaluation report on Switzerland, paragraph 46.

59. Article 16 of the Law on VaW and DV.

a co-ordinating body that is fully institutionalised and mandated to fulfil its functions with regard to all aspects of Article 10, and which is at the same time equipped with the necessary financial and human resources, it will not be possible to develop the required holistic approach to all forms of violence covered by the convention, and to ensure its sustainable functioning. Moreover, GREVIO underlines the importance of ensuring that the evaluation of measures and policies is not carried out by the same bodies that are responsible for the co-ordination and implementation of the measures and who thus bear political responsibility for them.

60. GREVIO strongly encourages the authorities of North Macedonia to vest the national co-ordinating body with the necessary financial and human resources to ensure its sustainable functioning.

61. Moreover, GREVIO strongly encourages the authorities of North Macedonia to ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation, supported by appropriate and reliable data.

E. Data collection and research (Article 11)

62. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.⁶⁰

63. According to Article 28 of the Law on VaW and DV, all state administration bodies, courts, public prosecution, local self-government units and legal entities exercising public powers determined by that law, as well as non-governmental organisations, are obliged to collect statistical and administrative data on gender-based violence against women and domestic violence. Data must be disaggregated by sex, gender, age, community affiliation, residence and other factors determined by this or other laws, while respecting the provisions of the Law on Personal Data Protection. While GREVIO welcomes that data collection became legally mandated, it also notes that the Law on VaW and DV does not require disaggregation by all factors required by Article 11, in particular, the relationship between the victim and the perpetrator, and the type of violence are missing. Furthermore, GREVIO highlights that the authorities mostly do not fund NGO-run services,⁶¹ therefore, question can be raised whether imposing an obligation on them to collect data can be regarded as justified.

64. GREVIO was informed that the above-described provision will only be implemented once the necessary bye-laws are adopted. So far, the Ministry of Labour and Social Affairs conducted a mapping on the collection and reporting of data on gender-based violence. Moreover, in 2023, a Model for Integrated Data Collection was developed.⁶² GREVIO is hopeful that this system will soon be operational, in order to enhance the availability of systematic and comparable data on violence against women and domestic violence, and to improve evidence-based policy-making on matters related to the Istanbul Convention, and thus contribute to meeting the requirements of its Article 11, which is currently poorly implemented.

60. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

61. For more details, see Chapter II, Articles 8 and 9 – Financial resources and Non-governmental organisations and civil society.

62. www.mtsp.gov.mk/fevruari-2023-ns_article-odrzan-sostanok-na-nacionalnoto-koordinativno-telo-za-implementacija-na-konvencijata-na-sovet-na-evr.nspx.

1. Administrative data collection

a. Law-enforcement agencies and the justice sector

65. Some data are available on reported offences, prosecution and conviction rates for domestic violence and sexual violence, but not for other forms of violence covered by the Istanbul Convention. GREVIO regrets that, to date, North Macedonia has not introduced a case management system that would allow for the tracking of cases across the different stages in the criminal justice system, from filing a complaint to the police to the final judgment of the court. Some statistics exist for the police, the public prosecutors' offices and the courts, but there is the lack of harmonisation of data categories across data-collection systems used in these agencies. The assessment of conviction and attrition rates is thus not possible at the moment. Currently available data does not allow reliable analysis of possible systemic gaps in institutional and judicial response to violence, and therefore cannot be used for evidence-based policy-making. Moreover, there is a lack of precise data on the sentencing of perpetrators, which makes it difficult to assess whether sanctions are proportionate to the offence and sufficiently dissuasive. Harmonising data collection across the different sectors should therefore be made a priority.

66. Data from the civil justice sector on the number of civil law protection orders is collected, disaggregated by sex, but not by the type of violence that led to them, nor the age and relationship of the victim and the perpetrator. No recording of the number of breaches of urgent and temporary protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised (i.e. subjected to one or more further acts of violence) or murdered as a consequence of such breaches. Due to the absence of such data, it is not possible to analyse whether women benefited from such orders.

67. With regard to gender-related killings, GREVIO notes that data are available on the number of murders/cases of manslaughter each year, disaggregated by the sex of the victim and the perpetrator and their relationship to each other. However, comprehensive data in relation to any gender-based motive the perpetrator may have had are not collected. As not all killings of women are gender-related, data on the motive for the offence, the way it was carried out, and any history between the victim and the perpetrator would need to be collected and analysed to make a final classification.⁶³ Moreover, information on child victims or witnesses of violence against women and domestic violence is entirely lacking.

68. GREVIO further notes a gap in data collection in respect of the number of decisions on custody and visitation rights of children which expressly have taken into account reports of domestic violence and ensured the safety of all family members, as such data are currently not being collected.

b. Health-care sector

69. GREVIO notes that in the health-care sector, there appears to be no relevant data collection in respect of the different forms of violence against women. Data would be needed on the number of women and girls who seek help or contact the healthcare sector for experiences of violence against women, including domestic violence, broken down by the sex of both the victim, and the perpetrator, and relationship between the victim and the alleged perpetrator. Although the code for domestic violence related interventions exists in the health-care system, it is rarely used by health professionals. GREVIO underlines that this lack of data is worrying because health services are often on the frontline when it comes to detecting women victims of violence, listening to them in confidence, offering them assistance and referring them to specialist support services.

c. Social services

70. The State Statistical Office collects information from all the CSWs on the number of victims of "family violence". However, these data are not made public, and it is not clear whether they are

63. GREVIO baseline evaluation report on Germany, paragraph 60.

disaggregated by all the factors required by Article 11 of the convention.⁶⁴ GREVIO notes that no data on women and girls who contact social services for help with regard to other forms of violence against women is collected.

d. Data on the asylum procedure

71. The number of asylum claims made on the basis of gender-related persecution, or their outcome is not collected.

e. Conclusion

72. The fragmentation of administrative data collected by the various institutions as described above does not provide a full picture of gender-based violence against women and domestic violence which would allow evaluating public policies and laws in order to identify and remedy any shortcomings. GREVIO concludes that administrative data collection in North Macedonia currently falls short of the requirements of Article 11 of the Istanbul Convention. This provision requires the judiciary, law-enforcement agencies, healthcare and social welfare services, and other relevant authorities, to put in place data collection systems that record data on the basis of harmonised indicators on victims and perpetrators, disaggregated by (at a minimum) sex, age, type of violence, the relationship of the perpetrator to the victim and geographical location, while complying with the applicable personal data-protection standards as stipulated in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Recorded data should also contain information on conviction rates of perpetrators of all forms of violence covered by the scope of the convention.

73. **Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the authorities of North Macedonia to take the necessary measures, including any necessary legislative amendments establishing the duty of statutory agencies to:**

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, and health and social services) are disaggregated with regard to the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and that information on the presence of child victims and witnesses is also included;
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of, *inter alia*, allowing the assessment of conviction and attrition rates, enabling a thorough analysis of the pathway of cases through the criminal justice system chain, including law enforcement, prosecutors' offices and the courts; identifying possible systemic gaps in institutional and judicial response to violence;
- c. improve the existing data-collection models on cases of violence against women that have resulted in the killing of the victim and, where appropriate, children;
- d. introduce a data-collection system that allows the recording of the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised (i.e. subjected to one or more further acts of violence) or murdered as a consequence of such breaches;
- e. introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution;
- f. introduce data collection in the healthcare sector in relation to all forms of violence against women;

64. State Statistical Office, Women and Men in North Macedonia, p. 55, available at: https://www.stat.gov.mk/PrikaziPublikacija_1.aspx?rbr=866.

- g. increase awareness among the responsible state agencies as to the requirements of the Istanbul Convention regarding data collection and enhance the skills and capacity of these professionals to collect data;
- h. ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as stipulated in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

2. Population-based surveys

74. The 2019 OSCE-led study on the prevalence of violence against women in North Macedonia gives an indication of the extent of the problem in the country.⁶⁵ 54% of the women surveyed have reported having suffered at least one form of violence⁶⁶ since the age of 15, which translates into an estimated 416,000 women in North Macedonia. Psychological violence has the highest prevalence rate, with 44% of women having been subjected to this form of violence, followed by sexual harassment (30%), physical violence by a former or current intimate partner (10%), economic violence (10%), physical violence by a non-partner (6%) and sexual violence (2%).

75. The State Statistical Office conducted a survey from January to March 2022 on the situation of gender-based violence against women and domestic violence in North Macedonia, covering women aged 18 to 74, but GREVIO received no information which specific forms of violence were covered. A survey on the safety of women in the family and society was conducted from July to September 2022.⁶⁷ The results are forthcoming.

76. While the prevalence of domestic violence, including economic, psychological, physical and sexual violence, as well as stalking, sexual harassment is researched, GREVIO notes with concern that little to no prevalence data seems to be available on the digital dimension of violence against women, as well as some other forms of violence covered by the convention, such as against women, female genital mutilation, forced marriage, violence related to so-called “honour”, forced abortion and forced sterilisation. Since there are few to no policies, measures or services available for women victims of these forms of violence, future population-based surveys should include these forms of violence, so that the results can be used for evidence-based policy-making focused on the needs and experiences of victims. Moreover, attention should be paid in future surveys to the prevalence of violence against women among groups of women who are subject to or at risk of intersectional discrimination, such as women with disabilities, Roma women and women belonging to other ethnic groups and LBTI women.

77. **GREVIO encourages the authorities of North Macedonia to conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention, as well as to pay a particular attention to prevalence of these forms of violence among groups of women who are subject to or at risk of intersectional discrimination.**

3. Research

78. Article 11, paragraph 1b, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.⁶⁸

79. GREVIO welcomes the existing research and studies on certain issues related to violence against women, domestic violence and gender equality, which cover, for example, the level of

65. OSCE-led survey on violence against women in North Macedonia, (2019), p. viii.

66. Sexual harassment, stalking, intimate-partner and non-partner violence (including physical, psychological or sexual violence).

67. https://www.stat.gov.mk/Aktivnosti_en.aspx?rbra=323

68. Explanatory report to the convention, paragraph 77.

satisfaction of women victims of violence as users of the CSWs, existing services provided at the local level,⁶⁹ economic violence, the situation of support services for women victims of gender-based violence and domestic violence, gender-related killings of women, the efficiency of the existing sexual violence referral centres, analysis of the legislation related to health care for victims of violence, gender-based violence online;⁷⁰ cost and quality of access to justice for women victims of domestic violence,⁷¹ gender and diversity in the judiciary,⁷² the response of the justice system to violence against women,⁷³ reporting gender-based violence against women,⁷⁴ just to note a few. Often, the incentive for studies comes from international donors and they are carried out by civil society organisations. GREVIO notes that little research is government-commissioned or funded.

80. However, despite the multitude of different studies and reports available, research on the different forms of violence against women other than domestic violence and sexual violence is sporadic rather than systematic. For example, no publications are available on female genital mutilation, forced abortion, forced sterilisation, sexual harassment, stalking, or the digital dimension of violence against women. Other areas that have so far not been addressed by research are the experiences of violence of women who are at risk of or subject to intersectional discrimination, such as elderly women, LBTI women, migrant women and/or women from ethnic minorities, women in rural areas, women in prostitution, etc. GREVIO welcomes that a publication on women with disabilities and their experiences of violence is available,⁷⁵ and research on Roma women is equally instructive on these matters.⁷⁶

81. Given the findings in Chapters V and VI of the present report, GREVIO considers that a study on the responses to violence against women and domestic violence by the judiciary and law-enforcement agencies is lacking so far. GREVIO points out that the lack of (up to date) studies and research on the above issues makes it difficult for the authorities to develop targeted strategies. It further points to the need for research on the implementation of existing policies and measures, including from the perspective of the victims, as well as on the impact of domestic violence on child witnesses.

82. Lastly, GREVIO notes that despite the country having been affected by the conflict between the ethnic-Albanian National Liberation Army and the State's security forces in 2001, and having received refugees during the armed conflict in the region in the 1990s, there is limited information and data available on conflict-related violence against women and any effects thereof. Some information about this issue can be found in the OSCE-led survey of 2019, which showed that almost one in four women in North Macedonia lived in a situation of armed conflict that lasted more than one week; 19% can be considered as directly conflict-affected. The study demonstrated that conflict-affected women are much more likely to have suffered previous-partner violence (47% of conflict-affected women have experienced physical or sexual violence from a previous partner, as opposed to 31% of non-conflict-affected women).⁷⁷

69. National Network to End Violence against Women and Domestic Violence: *Analysis of cases of femicides – Murders of women in the Republic of North Macedonia 2017-2020*, September 2021; Baseline study report on satisfaction of women victims of violence as users of services in Centers of Social Work in N. Macedonia, January 2021; *Baseline research: existing rehabilitation and integration services provided at the local level in Republic of North Macedonia*, March 2020; Murders of Women in the Western Balkans region, 2021; all available at: <https://glasprotivnasilstvo.org.mk/en/research-and-publications-on-the-network/>.

70. Publications by the National Network to End Violence against Women and Domestic Violence that are available only in Macedonian: <https://glasprotivnasilstvo.org.mk/istratzhuvan-a-i-publikatsii/>.

71. Association for Emancipation, Solidarity and Equality of Women – ESE, publications in Macedonian and English available at: www.esem.org.mk/en/index.php/library.html

72. Gender and Diversity in the Judiciary, available at: www.osce.org/mission-to-skopje/531704.

73. Integral Regional Study. "Is justice failing women survivors of violence? Action-oriented recommendations for effective prevention, protection and prosecution in the Western Balkans and Turkey", UN Women, 2020, available at: <https://eca.unwomen.org/en/digital-library/publications/2020/05/integral-regional-study-is-justice-failing-women-survivors-of-violence>.

74. Macedonian Helsinki Committee, "Who can(not) report gender-based violence against women?" 2022, available at: <https://mhc.org.mk/en/publicationsanalyzes-en/who-cannot-report-gender-based-violence-public-policy-document/>.

75. OSCE Mission to Skopje, Preventing Gender-based violence against women and girls with disabilities, 2022, available at: www.osce.org/mission-to-skopje/513250

76. NGO written submission by Roma Women's Rights Monitoring, Reporting and Advocacy Network.

77. OSCE-led survey on violence against women in North Macedonia (2019), p. 49-53.

83. GREVIO encourages the authorities of North Macedonia to step up efforts to commission and support research on:

- a. all forms of violence against women, including those that are not currently explored;
- b. the experiences of women victims of violence that are subject to or at risk of intersectional discrimination;
- c. the effects of conflict-related violence on women;
- d. the effects that domestic violence has on children exposed to it;
- e. the responses to violence against women and domestic violence by the judiciary and law-enforcement agencies;
- f. the implementation of existing policies and legislative measures, including from a victim's perspective.

III. Prevention

84. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

85. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

86. GREVIO welcomes that North Macedonia's Law on the prevention and protection against VaW and DV, the Law on equal opportunities between women and men, and the Action Plan on the implementation of the Istanbul Convention all address gender-based violence and domestic violence in connection with gender equality. This approach attests to the authorities' clear focus on the need to integrate preventive measures against violence against women and domestic violence in a wider, holistic response challenging social norms. Despite these laws and policies, however, available studies on perceptions and attitudes towards violence against women and domestic violence show that negative gender stereotypes which contribute to such violence continue to persist among the population.⁷⁸ Thus, there is a need to continue to challenge gender-biased mind-sets and the harmful practices which risk perpetuating, drawing *inter alia* from the recommendations which have been issued on this matter by other international human rights monitoring bodies such as CEDAW, which noted in its 2018 concluding observations persisting discriminatory gender stereotypes in the educational system, within the police force and the judiciary.⁷⁹

87. In this context, GREVIO underlines the value of Recommendation CM/Rec(2019)1 of the Committee of Ministers to member states on preventing and combating sexism.⁸⁰ Addressing the root causes of violence against women requires a reflection around women's roles in society and in the family, perceptions of their agency and the existence of negative stereotypes, including possible institutional bias, in order to identify pathways towards greater equality between women and men. The drafters of the Istanbul Convention were mindful of the need for mentalities and attitudes to change at the level of individual men and women, who through their behaviour, perpetuate violence against women.⁸¹ A positive contribution to achieving such change can be made by men and boys acting as role models, agents of change and advocates for equality between women and men and mutual respect. This can be done by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities, and should be explored according to the drafters of the convention.⁸²

88. The National Action Plan on Gender-Based Violence Prevention Involving Boys, Men and Fathers aims at increasing public awareness of the importance of involving boys, men and fathers

78. See, for example, the OSCE-led survey on violence against women in North Macedonia, (2019.).

79. See, for example, CEDAW conclusions on North Macedonia 2018.

80. <https://rm.coe.int/cm-rec-2019-1-on-preventing-and-combating-sexism/168094d894>.

81. Explanatory Report, paragraph 85.

82. Explanatory Report, paragraph 88.

in the primary prevention of gender-based violence and the promotion of gender equality. It addresses the need to strengthen institutional capacities for systemic implementation of educational programmes on the prevention of gender-based violence, and establish programmes to support and involve boys and men in gender-based violence prevention. GREVIO welcomes that the authorities of North Macedonia recognised the great potential in involving men and boys in violence prevention.

89. GREVIO strongly encourages the authorities of North Macedonia to take measures to prevent all forms of violence against women covered by the Istanbul Convention, by:

- a. **promoting the understanding within society of the gendered nature of violence against women;**
- b. **promoting changes in mentalities and attitudes as expressed by public opinion which contribute to justifying and perpetuating violence against women;**
- c. **addressing structural inequalities between women and men as the root causes of such violence;**
- d. **promoting programmes and activities for the empowerment of women.**

B. Awareness raising (Article 13)

90. In 2020, the Ministry of Labour and Social Affairs conducted a campaign to encourage the reporting of domestic violence during the state of emergency due to the Covid-19 pandemic. The campaign was broadcasted on social media and on public television. Moreover, leaflets and posters containing information on where to report domestic violence were distributed in places frequented by women, such as pharmacies, markets and shops. This resulted in an increased number of police reports for domestic violence.⁸³ In July 2022, a new campaign was carried out, aimed at raising awareness of the protection for women afforded by the Law on VaW and DV, sending the message that these forms of violence are not a private matter. The campaign was aired on national TV and social media.

91. The independent regulatory body "Agency for Audio and Audiovisual Services" is part of the Media Literacy Network, which currently has 73 members, including NGOs and educational institutions. The Agency helped in the dissemination of the campaign "You are not alone" carried out by the Ministry of Labour and Social Policy.⁸⁴ Moreover, the authorities run yearly campaigns during the sixteen days of activism against violence against women in November.

92. In 2019 and 2020, the OSCE Mission to Skopje implemented a campaign to fight gender stereotypes called "Speak up against rumours", which engaged more than 20 000 participants online and offline and aimed at replacing harmful rumours against women and girls with positive counter-narratives.⁸⁵ Equally, other international organisations like UN Women have in the past implemented awareness-raising campaigns, for example on child marriages among the Roma community.

93. While GREVIO welcomes the above campaigns, it also notes that they focused on domestic violence, leaving aside all other forms of violence covered by the Istanbul Convention. Future campaigns should thus also target sexual violence and rape, sexual harassment, forced marriage, stalking, digital manifestations of violence against women, forced marriage, etc. Moreover, it appears that there has not yet been a campaign to raise awareness about the harm caused to children who witness domestic violence. GREVIO considers that more efforts should be made by the authorities to send a message of zero tolerance for any form of violence against women. In that context, GREVIO points out that it would be important to actively involve women's NGOs in the design and implementation of awareness-raising campaigns, in order to benefit from their expertise of working directly with victims, or to financially support campaigns developed by women's NGOs.

83. Information obtained during the evaluation visit.

84. www.avmu.mk.

85. <https://www.osce.org/mission-to-skopje/492826>.

94. Besides targeting the general population, GREVIO finds that there is a need to diversify awareness-raising activities so that the information and messages disseminated are relevant to the particular needs and concerns of vulnerable groups of women, such as women belonging to ethnic minorities, disabled or elderly women. In that context, GREVIO welcomes that the Ministry of Labour and Social Policy together with other stakeholders organised community events for Roma women and girls in Shuto Orizari in 2022 and 2023, informing them of available services for victims of violence. Members of NGOs, the police, the CSW and many other governmental and non-governmental services participated, to enable community members to identify whom they could ask for help. This campaign was accompanied by a nationwide social media campaign which received much attention. Further community events are planned, targeting different ethnic groups of women and girls.⁸⁶

95. Furthermore, awareness-raising campaigns should be designed to overcome the difficulties faced by certain women such as women living in rural or suburban areas, to access mainstream information and/or modern information technology.⁸⁷ Additionally, awareness-raising among all women and girls about international legal norms and standards on women's human rights and equality between women and men should also be addressed by future campaigns. Women also need to be made aware of the available remedies to claim their rights, both domestically and internationally.

96. GREVIO strongly encourages the authorities of North Macedonia to diversify their awareness-raising efforts in order to address *all* the forms of violence against women covered by the Istanbul Convention, besides domestic violence. Specific attention should be paid to reach vulnerable groups of victims, especially when they are at risk of intersectional discrimination, and to duly inform women victims of their rights under international human rights law. Campaigns should be carried out by partnering with women's NGOs active in supporting women victims of violence.

C. Education (Article 14)

97. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

98. In 2018, North Macedonia adopted amendments to the Law on Textbooks for Primary and Secondary Education, aimed at further limiting discriminatory and stereotypical content of textbooks and ensuring their quality. In the same year, amendments to the Law on Primary Education were enacted, which extended the measures for protection against discrimination and promotion of equality, as well as affirmative action to overcome discrimination on any grounds. GREVIO welcomes that the amended primary education scheme contains a special chapter on ensuring gender sensitivity/equality, which encourages a gender perspective in the training of teachers, teaching content without gender stereotypes, and using a gender-sensitive approach, calling for a critical attitude towards gender inequality.

99. Article 35 of the Law on VaW and DV stipulates that the Ministry of Education and Science shall take preventive measures such as introducing programmes for equality between women and men, non-violent conflict resolution, eliminating stereotypes based on gender, culture, customs, beliefs and traditions, and other practices which are based on the idea of the inferiority of women.

86. <https://northmacedonia.unfpa.org/en/news/unfpa-launched-campaign-%E2%80%9Cthere-help-life-without-violence%E2%80%9D>

87. GREVIO baseline evaluation report on Albania, paragraph 57.

Moreover, the Law on VaW and DV introduced violence prevention activities and sex education⁸⁸ in primary and secondary schools. Article 36 of the Law on VaW and DV states that programmes for non-violent conflict resolution, promoting gender equality and eliminating gender stereotypes and other harmful practices must start as early as in pre-school education, which GREVIO welcomes. Moreover, GREVIO notes with interest that in 2022, the state Bureau for Education Development put together a Draft National Strategy for Comprehensive Sex Education (CSE) in primary schools 2023-2030, which envisages the introduction of CSE in all primary schools in the 9th grade. Violence is one of the seven components covered by the strategy. In that context, GREVIO reiterates that the Recommendation CM/Rec(2019)1 to member states on preventing and combating sexism calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality to be incorporated into school. GREVIO thus encourages the authorities to offer related courses at all levels of the education system.

100. According to the information provided by the authorities, all the areas covered by Article 35 of the Law on VaW and DV are present in the curricula as currently in force, mostly covered under the subject of “life skills education”, but also integrated into other subjects. However, data show that gender stereotypes continue to play a role in the choice of study subjects for girls and boys in secondary education.⁸⁹ GREVIO is conscious that the measures taken to implement Article 14 of the convention need time to reach the desired effect. Attention must be paid to their continuous implementation in order to achieve the desired results.

101. GREVIO welcomes the ongoing efforts undertaken by the authorities of North Macedonia to review textbooks and curricula at schools in order to eliminate gender stereotypes. Amendments are being made to teaching materials with gender-based or other type of stereotypes. Steps should also be taken to promote in non-formal education, as well as in sports, cultural and leisure activities the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships.

102. **GREVIO invites the authorities of North Macedonia to continue their efforts in implementing Article 14 of the Istanbul Convention at all levels of education, including to:**

- a. **continue the revision of schoolbooks and curricula in order to eliminate discriminatory and stereotypical contents;**
- b. **promote in non-formal education, as well as in sports, cultural and leisure activities the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships.**

D. Training of professionals (Article 15)

103. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

104. There have been several initiatives to train different professional groups, on the basis of projects or other initiatives, and carried out either by the authorities or by international organisations, often in collaboration with NGOs. The police, staff of asylum reception centres, and asylum case officers already receive some level of initial or in-service training, mostly on domestic violence and to a much lesser extent on some of the other types of violence covered by the Istanbul Convention. However, GREVIO identified several other professional groups that would require more systematic and wider training to arrive at a more comprehensive understanding of the different forms of violence against women (apart from domestic violence), their gendered nature and dynamics, as well as their

88. Information on the evaluation of the pilot programme is available at: <https://24.mk/details/evaluacija-na-pilot-programata-za-seopfatno-seksualno-obrazovanje>.

89. State Statistical Office and UN Women, “Women and Men in North Macedonia: a statistical portrait of trends in gender equality”, p. 32, 2022

linkages with women's inequality with men. It is of particular relevance to ensure initial and in-service training for all those who are in direct contact with women victims of domestic and gender-based violence.

105. GREVIO notes with satisfaction that Article 11 of the Law on VaW and DV makes it obligatory that the persons implementing the law are trained thereof, including among others, the local governments, the judiciary, the public prosecutor's office, and the police. This obligation extends to preparing and implementing a programme for the initial and in-service training for the professionals working on violence against women and domestic violence, with the aim of institutionalising these trainings. There is also a legal requirement, stipulated in Article 17 of the Law on VaW and DV, that the Ministry of Labour and Social Policy approves and ensures the quality and multi-agency approach of training programmes on violence against women and domestic violence for different professional groups. The Law also provides for establishing a register of trained persons for conducting initial and continuous training on violence against women and domestic violence. However, gaps remain in the implementation of the relevant legal provisions, which will be addressed below. With regard to the police, GREVIO welcomes that there is a number of police inspectors who specialised on domestic violence and who have undergone in-service training on gender responsive policing of domestic violence cases. The police benefits from institutionalised basic training on domestic violence, and efforts are being made to extend this to in-service training. Unfortunately, the process of in-service training of police officers has been postponed due to restrictions linked to Covid-19 and apparently, they have not resumed since. Moreover, in 2019 and 2020, members of several professional groups received trainings on the gender-sensitive provision of services to victims; however, as not all relevant professionals were reached, further training sessions will be necessary on all forms of violence of women covered by the Istanbul Convention, the dynamics and cycles of domestic violence, and on the harmful effect that witnessing violence has on children. To prevent secondary victimisation through insensitive questioning, specific training of all law-enforcement officials who may come into contact with victims of violence should be intensified, including addressing issues around "rape myths" and gender stereotypes. In this context, GREVIO welcomes that a manual for police officers on providing gender-sensitive services to support victims of domestic violence has been developed for the purpose of their basic training. Moreover, in 2022, the Ministry of the Interior conducted training for 50 police officers, on topics such as risk assessments, the implementation of emergency barring orders and temporary protection measures.

106. As far as judges and public prosecutors are concerned, the Academy for Judges and Public Prosecutors regularly conducts trainings and introduce teaching material on issues such as equality between women and men, non-stereotypical gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and right to personal integrity. The Academy implements these activities in the initial and continuous training regarding the prevention of violence against women, protection of victims of violence, as well as punishment of perpetrators of violence. Previous trainings have included topics such as the standards set by the Istanbul Convention, conducting conversations with minors and victims of sexual exploitation, sanctions for perpetrators of domestic and gender-based violence, and a debate on the draft Law on VaW and DV (before its adoption). GREVIO welcomes these training initiatives, but notes that they do not seem to cover the detection and root causes of the different other forms of violence against women, the patterns and dynamics of abuse as well as the prevention of secondary victimisation, nor does it address post-separation violence. These are topics that should be covered in future trainings.

107. In view of the inadequacies of the judicial response to violence against women, which is dealt with in Chapters V and VI of this report, GREVIO is concerned that in practice the continuous training of judges and prosecutors on violence against women is left to their own discretion, despite being mandatory, as prescribed by law. Indications received by GREVIO from civil society organisations show that there is a lack of awareness and knowledge among judges and public prosecutors, who often do not see violence against women or domestic violence as a serious crime and therefore often try to mediate and reconcile the partners, advising the victim to go back home to the perpetrator.⁹⁰ Moreover, the professionals working at the probation services who are involved in

90. NGO written submission by Gender Equality Platform, and information obtained during the evaluation visit.

supporting judicial-decision making processes and expert witnesses who are issuing opinions on child visitation or custody rights lack appropriate training. GREVIO thus considers that continuous and mandatory training is necessary for judges, public prosecutors and all other relevant legal professionals and expert witnesses.

108. Moreover, in light of the amendments to the Criminal Code adopted in February 2023, it would be highly advisable that the police, judges and public prosecutors and all relevant legal professionals receive in-depth training on the new legal provisions, in order to ensure their consistent and systematic application in practice.

109. When it comes to educational personnel, Article 35 paragraph 4 of the Law on VaW and DV stipulates that the Ministry of Education and Science must provide, through the Bureau of Educational Development, continuous education on gender equality, non-violent conflict resolution, respect for differences, information on all forms of gender-based violence against women and domestic violence, and sexual and gender-based education. GREVIO welcomes this clear commitment to the training of education personnel, and commends the authorities that almost 88% of all teachers in primary education have completed this training.

110. Health professionals are often the first to come into contact with a woman victim of violence. Their training in the different forms of violence covered by the Istanbul Convention is therefore of critical importance. However, initial and in-service trainings are not conducted systematically, focus mainly on domestic violence, and to a much lesser extent on sexual violence. More efforts are needed to equip those working in the healthcare sector with the necessary knowledge on all forms of violence against women, their causes and consequences.

111. Social workers are another important professional group which often encounters victims of violence, and have a relevant role in combating domestic violence. Staff at the CSW receive initial as well as in-service training from the Institute for Social Activities to work with victims of violence against women and domestic violence. The institute supervises the professional work of the centres and prepares annual programmes relating to the needs for continuous training of professionals. In 2022, 986 professionals were trained in the framework of continuous professional education, out of which 817 were women and 169 were men. GREVIO welcomes the continuous in-service training provided to social workers, but notes that their training does not appear to include all forms of violence against women covered by the Convention.

112. In conclusion, systematic and mandatory initial and in-service training on gender-based violence against women is not institutionalised for all relevant professionals, and it heavily focuses on domestic violence, leaving most other forms of violence against women aside. Restrictions linked to the Covid-19 pandemic appear to have halted many of the training initiatives and have not resumed since. Further training efforts must be made in order to train all relevant professionals on all forms of violence against women covered by the Istanbul Convention. GREVIO notes, in that context, that the legal requirement to establish and maintain a register of trained persons for conducting initial and continuous training has not yet been implemented. Protocols and guidelines that are firmly grounded on the standards set forth in the Istanbul Convention and which address the duties and responsibilities of professionals for effective response to violence against women and the underlying causes, including understanding its gendered dynamics, should be introduced. NGOs and civil society organisations should systematically be involved in the development of training materials on all forms of violence against women. Moreover, training materials should periodically be updated in order to include new developments and findings. Lastly, a regular, standardised, and institutionalised evaluation of knowledge gained through the training should be put in place.

113. GREVIO notes with interest that in 2022, an e-module for training on gender-based violence and domestic violence was developed, targeting professionals that work in the protection of victims of these forms of violence.⁹¹

91. <https://emodulirbn.mtsp.gov.mk/>.

114. GREVIO strongly encourages the authorities of North Macedonia to ensure that all professionals dealing with victims or perpetrators receive systematic and mandatory initial and in-service training on identifying and responding to *all forms of violence against women, including its digital dimension*, while focusing on the victims' human rights, safety, individual needs and empowerment, the prevention of secondary victimisation. Training should cover topics such as the use of protective measures, the psychological dynamics of domestic violence against women, post-separation violence, and the harmful impact of witnessing domestic violence on children, including the need to take into account domestic violence in determination of custody and visitation rights. Moreover, training should be based on the principles of non-discrimination and equality between women and men, and be developed in close co-operation with independent women's NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the professional standards that staff should follow.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

115. Article 56 of the Criminal Code and Article 58 of the Law on VaW and DV stipulate that the judiciary may order a perpetrator of domestic violence and violence against women to follow a preventive treatment programme. However, GREVIO was not informed by the authorities how many perpetrators were sent to treatment for alcohol/drug addiction or mental illness. It wishes to point out, as noted in previous evaluation reports, that programmes which focus on medical treatment for substance abuse or mental health issues, but do not at the same time aim at behavioural change in perpetrators of domestic violence by emphasizing the need to take responsibility for their violent actions, do not amount to preventive intervention and treatment programmes within the meaning of Article 16 of the convention.⁹²

116. Perpetrators can also be referred to a treatment programme by a CSW and by the probation service of the Ministry of Justice. After a temporary protection measure is pronounced by a court, it is mandatory for the perpetrator to attend a treatment programme.

117. GREVIO notes that rulebooks on perpetrator programmes have been introduced.⁹³ While recognising the intention of the authorities to establish clear standards and guidelines for perpetrator programmes, GREVIO notes that a mapping study on Perpetrator Programmes in the Western Balkans, conducted by the European Network for the Work with Perpetrators, in partnership with UN Women, concluded that "the implementation of perpetrator programmes is surprisingly poor in practice".⁹⁴ Effectively, there is only one functional programme implemented by a government entity, namely at the CSW in Skopje, even though there are eight government-run counselling centres in the country, which all are organisational units of the CSWs. A monitoring report conducted by the NGO Hera in 2021 concluded that - with the exception of the programme at the CSW Skopje - these programmes are not functional.⁹⁵ At the other centres, there is not enough trained staff to work with perpetrators - in total, there are about seven counsellors for the whole country.⁹⁶ Moreover, GREVIO notes that there are currently no programmes for perpetrators of domestic violence who are in custody.

92. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 199.

93. A Rulebook on the Manner of Implementation of the Protective Order-Mandatory Psychosocial Treatment for Perpetrators of Family Violence was adopted in 2015, and a Guide on Standards and Procedures for the Work of the Counselling Centres for Perpetrators of Domestic Violence by Institute for Social Affairs was introduced in 2018.

94. Jovanović, S. & Vall, B., Perpetrator Programmes in the Western Balkans; Mapping the Existing Practices and Ways Forward. Berlin: The European Network for the Work With Perpetrators of Domestic Violence (WWP EN), p. 69, 2022, available at: <https://eca.unwomen.org/en/digital-library/publications/2022/06/perpetrator-programmes-in-the-western-balkans-mapping-the-existing-practices-and-ways-forward>.

95. <https://hera.org.mk/wp-content/uploads/2022/06/Izvestaj-za-sproveduvanje-na-Istanbulskata-konvencija.pdf>

96 Information obtained during the evaluation visit.

118. It appears that there is no strict separation between the work with perpetrators and couple counselling, as GREVIO received indications from civil society that the victim and even the couple's children are sometimes summoned to attend a counselling session together with the perpetrator.⁹⁷ GREVIO considers this practice is not in line with the requirements of the Istanbul Convention and thus should be stopped.

119. The number of perpetrators of domestic violence ordered each year to follow treatment is low compared to the number of, for example, protection orders issued. In 2021, 806 protection orders were imposed, but only 46 perpetrators were mandated to undergo treatment.⁹⁸ GREVIO thus notes that the available legal measures are not used enough. In any case, there is no capacity to treat all perpetrators of domestic violence. Altogether, 87 perpetrators of domestic violence received treatment in 2020 at the counselling centres of the CSW, and 75 in 2021.

120. GREVIO concludes that the CSW does not provide a sufficient number of programmes for perpetrators of domestic violence in accordance with Article 16 of the convention, and thus points to the urgent need to set up further adequate programmes that incorporate the core elements set out under this provision and in the corresponding sections of the Explanatory Report to the Istanbul Convention.⁹⁹ These include the need to ensure that programmes encourage perpetrators to take responsibility for their actions, re-examine their attitudes and beliefs towards women. further, the programmes should incorporate a gendered understanding of violence against women. Another core principle of perpetrator programmes is the need to establish a close co-operation with women's specialist support services, law enforcement agencies, the judiciary, probation services and child protection or child welfare offices where appropriate. To protect women from further violence and avoid giving victims a false sense of security, priority consideration must be given to the needs and safety of victims, especially where they still live with their abuser. In addition, as GREVIO has noted previously, the short and long-term impact of all perpetrator programmes should be assessed by independent entities, in line with standard methodological rules, and independent scientific studies on the treatment methods should regularly be carried out, in order to analyse whether the programmes actually serve their preventive purpose¹⁰⁰. Moreover, current internationally recognised standards also indicate that perpetrator programmes should take into account the perspective of children living in abusive relationships.¹⁰¹

121. As regards programmes for perpetrators run by civil society organisations, there is only one such programme in the whole of North Macedonia. It is organised in the First Family Centre in Skopje and run by the NGO Hera, which established the programme in 2013 and receives the majority of its funds from the city of Skopje, but also from international donors. Staff is trained to work with perpetrators, based on expertise from Austria and Croatia.¹⁰² GREVIO does not have information on the content of the programme or on the number of counsellors who were trained to use the programme. The centre has an integrated service for women and children victims of domestic and gender-based violence, and implements a protocol strictly separating work with perpetrators from work with victims, which GREVIO welcomes. Part of the centre's work is to ensure the victims' safety and offer psychosocial support to them. The feedback from the victims on the perpetrators' behaviour is taken into account in the programme with perpetrators. Moreover, parenthood skills form part and parcel of the work with perpetrators, where children are present in the family, and there is a special team of psychotherapists only working with child victims of domestic violence. Once the treatment is concluded, the First Family Centre reports back to the entity that referred the perpetrator. In addition, some perpetrators participate in the programme(s) voluntarily.

122. The First Family Centre used to receive clients from the whole of North Macedonia, but it had to decrease its services related to perpetrators of domestic violence due to funding cuts by the City

97 NGO written submission by ESE; MARGINS; Open Gate and EIJI, p. 49, and information obtained during the evaluation visit.

98 WWP EN, Perpetrator Programmes in the Western Balkans, p. 71.

99. Explanatory Report, paragraphs 103-104.

100 See: *Mid-term horizontal review of GREVIO baseline evaluation reports*, paragraph 204.

101 Hester, M. and Lilley, S.J. (2014). *Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention*. Strasbourg: Council of Europe, page 16.

102. Information obtained during the evaluation visit.

of Skopje linked to the Covid-19 pandemic, despite an increase in demand. This resulted in waiting lists even for perpetrators from Skopje wishing to receive treatment.¹⁰³ GREVIO is concerned about the lack of sufficient treatment places and considers that urgent measures are needed to ensure that every perpetrator of domestic violence can have access to treatment and intervention programmes without delay, by making sustainable funds available to the existing programmes. GREVIO underlines the real need to increase the capacities of the available intervention and treatment programmes for perpetrators of domestic violence, and to improve the availability of such programmes across the country.

123. GREVIO strongly encourages the authorities of North Macedonia to improve the availability across the country of preventive intervention and treatment programmes for perpetrators of domestic violence that incorporate the core elements set out by Article 16 of the Istanbul Convention, including in custodial settings and for out-patient treatment, and to ensure that the programmes are sustainably funded and adequately staffed. Entities working with perpetrators should be embedded in local multi-agency structures and closely co-operate with relevant stakeholders, such as women's support organisations, the police, the justice system and general support services.

124. GREVIO strongly encourages the authorities of North Macedonia to ensure that the impact of all perpetrator programmes is assessed by independent entities, in line with the standard rules of methodology.

2. Programmes for sex offenders

125. A programme for convicted sex offenders was piloted in Idrizovo Penitentiary in 2017. It was developed in collaboration with external experts and the Council of Europe in the framework of the project "Strengthening the protection of the rights of sentenced persons".¹⁰⁴ However, it appears that this project was not rolled out to other prisons. GREVIO was not provided information about the content of the programme.

126. To GREVIO's knowledge, treatment programmes for perpetrators of sexual violence outside prison settings do not exist in North Macedonia, nor is it possible for sex offenders to continue their treatment during the probation service. However, GREVIO takes note that the Ministry of Social and Labour Policy developed an action plan to work with perpetrators (2022-2027), which includes the initiative to develop treatment programme for perpetrators of sexual violence. GREVIO is hopeful that this action plan will be implemented without delay.

127. GREVIO strongly encourages the authorities of North Macedonia to continue with their ongoing plans to expand the intervention and treatment programmes for perpetrators of sexual violence in line with the requirements of Article 16, paragraph 2 of the Istanbul Convention, taking due account of promising practices developed internationally, with the general aim to prevent re-offending.

F. Participation of the private sector and the media (Article 17)

128. Pursuant to Article 37 of the Law on VaW and DV, the media shall raise awareness of all forms of gender-based violence against women and domestic violence, promote gender equality and eliminate gender stereotypes, through informative and educational broadcasting programmes. Moreover, news and media staff shall work with associations or create their own standards of reporting professionally on violence against women and domestic violence.

129. Under the Law on Equal Opportunities for Women and Men of 2012, the Agency for Audio and Audiovisual Media Services, which is an independent regulatory body, prepares annual analyses of the treatment of gender issues, and on how women and men are represented on national

103. Information obtained during the evaluation visit.

104. www.coe.int/en/web/cooperation-in-police-and-deprivation-of-liberty/fyrom-hf-see

television. In line with the above Law, once a year, the Agency submits a report to the Parliament of the Republic of North Macedonia on the way of portraying and depicting women and men, as well as the gender-related issues covered in the broadcasters' programming concepts and contents.¹⁰⁵ It also published guidelines for monitoring standards in reporting on cases of gender-based violence in 2021, which GREVIO welcomes.¹⁰⁶

130. GREVIO notes with interest that the Agency for Audio and Audiovisual Media Services regularly holds meetings and workshops for journalists and media staff, often in collaboration with NGOs active in the field of violence against women. In June 2022, a workshop was organised on "Gender-Based Violence and the Professional Journalistic Reporting Standards", thereby implementing the relevant measure in the Action Plan on the Istanbul Convention, which GREVIO welcomes.¹⁰⁷ In 2021, several NGOs joined efforts to elaborate a Handbook for Gender-Sensitive Reporting in the Media, which was presented at the workshop.¹⁰⁸ Moreover, a group of NGOs has compiled publicly available learning modules for journalists and media staff to help them better understand issues related to domestic violence and violence against women.¹⁰⁹

131. In February 2023 the Agency for Audio and Audiovisual Services launched a new website intended to be a resource center for the media and journalists, where they can find domestic legislation and international documents on gender, including gender-based violence; research by the Agency and civil society organisations on various gender issues and topics; links to Centres for Social Work, NGOs, women's helplines, as well as a mobile application for women's safety.¹¹⁰ The site is also intended to help the public finding relevant information, such as how to report gender-based and domestic violence.

132. GREVIO commends the Agency for Audio and Audiovisual Media Services for the proactive approach it takes in promoting gender equality in the media. However, it appears that the way media in North Macedonia reports on violence against women still contains gender-biased language, tends to sensationalise instances of domestic violence, and takes a critical view towards the victim rather than scrutinizing the perpetrator's actions.¹¹¹ Therefore continuous efforts are necessary to encourage the media to ensure that standards in relation to the non-stereotypical and non-sexist portrayal of women, including in the context of reporting on violence against women, are observed.¹¹²

133. GREVIO has received from media organisations pointing that women journalists are disproportionately targeted by online hate speech and misogynist comments.¹¹³ It therefore welcomes that the OSCE Mission to Skopje has developed an e-learning course that aims at helping female media professionals to adopt digital safety approaches that will contribute to keeping them safe online.¹¹⁴ However, GREVIO stresses that such measures must be accompanied by decisive action by law-enforcement and the judiciary to bring perpetrators of digital dimension of violence against women to justice.¹¹⁵

134. As regards the private sector, GREVIO has not been made aware of any initiatives by the authorities of North Macedonia to actively encourage companies to participate in the development and implementation of policies on the prevention of violence against women and domestic

105. <https://avmu.mk/en/13738-2/>.

106. <https://avmu.mk/en/2021/11/10/avms-guidelines-adopted-on-monitoring-the-implementation-of-reporting-standards-in-cases-of-gender-based-violence-in-the-media/>.

107. <https://avmu.mk/en/2022/06/17/workshop-held-on-gender-based-violence-and-the-professional-journalistic-reporting-standards/>.

108. <https://hops.org.mk/wp-content/uploads/2021/07/ZA-WEB-A4-MKD.pdf>.

109. <https://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2021/03/Moduli-za-mediumska-pismenost-UN-vimen-final.pdf>

110. www.rodotimediumite.mk

111. See, for example, <https://unbiasthenews.org/fixing-macedonia-reporting-gender-based-violence/> and <https://www.reportingdiversity.org/public-room-how-the-n-macedonian-media-missed-the-opportunity-to-shed-light-on-gender-based-violence/>.

112. See also the Recommendation CM/Rec(2019)1 of the Committee of Ministers to member states on preventing and combating sexism, available at: <https://rm.coe.int/cm-rec-2019-1-on-preventing-and-combatting-sexism/168094d894>.

113. Information obtained during the evaluation visit.

114. <https://www.osce.org/mission-to-skopje/502870>.

115. See Chapter VI, Articles 49 and 50.

violence.¹¹⁶ This could take the form of developing partnership with media in awareness-raising campaigns, in drawing up internal self-regulatory guidelines and complaint mechanisms for violence against women such as sexual harassment, and by fostering a work environment where violence against women is openly condemned and victims feel that they can be heard and supported.

135. In light of the ever-rising problem of violence against women committed via digital means,¹¹⁷ Internet and communication technology (ICT) companies should be encouraged to be involved in the prevention of violence against women committed through the use of IT technology.

136. Additionally, in partnership with civil society, the authorities should consider developing programmes aimed at enabling children, parents and educators to take a critical approach to and protect themselves against (other) harmful images and messages of a sexual or violent nature conveyed by information and communication technologies.

137. **GREVIO invites the authorities of North Macedonia to:**

- a. **continue their efforts to encourage the media to ensure that self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women, including in the context of reporting on violence against women, are observed;**
- b. **encourage the private sector, including ICT companies, to take an active part in the prevention of violence against women, and to devise programmes aimed at protecting children from harmful images and messages of a sexual or violent nature conveyed by information and communication technologies.**

116. Explanatory Report, para. 106.

117. See GREVIO's General Recommendation No. 1 on the Digital Dimension of Violence against Women.

IV. Protection and support

138. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

139. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

140. Article 12 of the Law on VaW and DV stipulates that protocols for inter-institutional cooperation shall be prepared, on the level of the relevant national institutions and on the level of local self-government. GREVIO notes with interest that the Ministry of Labour and Social Policy established a working group to draft a Protocol for multi-agency cooperation among all entities responsible for taking measures for prevention, prevention, and protection to victims of all forms of violence against women and domestic violence, with support from UNFPA and British Embassy. The working group consists of representatives of all relevant ministries, the Judicial Council, the Council of Public Prosecutors and civil society organisations. The protocol was in the process of being adopted at the time of drafting this report.

141. Moreover, pursuant to Article 55 of the Law on VaW and DV, multisectoral teams shall be set up, which consists of members of the CSW, the police, a health institution, and a member from a civil society organisation. Such teams are responsible for drawing up safety plans for women victims of gender-based violence and victims of domestic violence, including children; and carry out coordinated activities in order to provide assistance to the victim.

142. It appears that in practice, some multi-agency cooperation structures have been established in North Macedonia, such as the 24/7 specialist intervention team for vulnerable persons in Skopje. Multi-sectoral teams for victims of domestic violence have been established at several CSWs, and multi-sectoral teams for the protection of children victims of abuse, neglect and violence have been instituted in 12 cities. However, it appears that civil society organisations are not involved in these structures, which is regrettable.

143. While GREVIO welcomes these legally-mandated steps towards the establishment of a multi-agency approach, it also notes that the existing multi-agency cooperation focuses almost exclusively on domestic violence and does not include other forms of gender-based violence covered by the convention. Guidelines, standard operating procedures for specific professional groups, and protocols for multi-agency cooperation are lacking, and several necessary bye-laws to the Law on VaW and DV have not yet been adopted. A protocol for multi-agency cooperation in cases of domestic violence was adopted under the previous “Law on family violence”; however, GREVIO is not aware that it is still in use. Moreover, GREVIO received indications from civil society that when the police and the CSWs conduct standardised risk assessments, they do not systematically involve all relevant authorities or specialist NGOs.¹¹⁸ These are all elements which should be taken into account when implementing Article 18 of the Istanbul Convention.

118. Information obtained during the evaluation visit.

144. While GREVIO welcomes that victims of domestic and gender-based violence against women can receive a range of services and support at the CSW, it has also found that the centres lack capacity and specialist counsellors and thus are not able to fulfil all of their tasks. No other “one-stop shop” services exist, which would offer a range of services offered by law enforcement agencies, lawyers, therapists, medical professionals and social workers in the same premise.

145. Additionally, GREVIO is concerned about the fact that women who turn to general and specialist support services may be aware that there is an unconditional reporting obligation of professionals and individuals if they suspect a case of domestic violence or violence against women. This means that in practice, access to support services for women who do not want to report violence is limited. In addition, this practice goes against the victim-centred approach of the Istanbul Convention, which requires that victim agency is ensured.¹¹⁹

146. GREVIO strongly encourages the authorities of North Macedonia to expand and strengthen their current efforts to establish integrated multi-agency cooperation structures for the protection of and support to victims of all forms of violence covered by the Istanbul Convention that involve all relevant actors, including women’s specialist support services.

147. To this end, GREVIO strongly encourages the authorities of North Macedonia to develop and adopt mandatory guidelines and/or protocols for relevant professionals on how to respond to cases of all forms of violence against women covered by the Istanbul Convention, on the basis of multi-agency co-operation, giving due regard to the specific needs of women victims in relation to the specific form of violence experienced. These guidelines and/or protocols should be based on a gendered understanding of violence against women, focus on the human rights and safety of victims, aim at the empowerment and economic independence of women victims and avoid secondary victimisation, as set out in Article 18, paragraph 3.

B. Information (Article 19)

148. The 2019 OSCE-led survey on violence against women in North Macedonia showed that almost half of the women surveyed had not recently seen any advertisements on combating violence against women. Almost two-thirds felt somewhat informed on what to do in case they experience it, but not many were familiar with the specialist support services for victims of violence against women that are offered by NGOs.¹²⁰ However, pursuant to the Law on VaW and DV, once a woman victim of violence gets into contact with the authorities, she has the right to be informed about the measures, activities and services for protection and to select the services and measures to help, support and protect her, which GREVIO welcomes.

149. As part of a campaign to encourage the reporting of domestic violence in 2020, the Ministry of Interior, together with the OSCE and UNFPA, produced information flyers and posters for victims of gender-based violence against women and domestic violence, with information on how to report to the police, victim’s rights, and the availability of support services. These were distributed in public places which are frequented by women (pharmacies, markets, institutions, etc) during the Covid-19 pandemic. However, it is not clear whether these information materials are available in all relevant languages and in formats that are accessible for women with disabilities, or whether the campaign is continuing.

150. GREVIO notes with concern that a 2022 report produced by a local Roma women-led NGO based in Skopje found that only 60% of the Roma women who had reported gender-based violence to the Centres for Social Work were provided with information about their rights as victims.¹²¹ More effort must be applied to ensure that all women victims of forms of violence covered by the

119. For more details, see Chapter IV, Article 28.

120. OSCE-led survey on violence against women in North Macedonia (2019), p. 60-61.

121. <http://www.errc.org/reports--submissions/research-on-the-access-and-functionality-of-the-system-for-protection-of-romani-women-victims-of-domestic-violence-on-the-territory-of-skopje>.

convention receive timely and comprehensive information about support services and legal and other measures available, in a language they understand.

151. GREVIO encourages the authorities of North Macedonia to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of all forms of violence against women and domestic violence, in a language they understand, including in formats that are accessible for victims with disabilities.

C. General support services (Article 20)

1. Social services

152. GREVIO reiterates that it is of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild their lives.¹²² In a similar vein, it is crucial to ensure access to the labour market for women victims of domestic violence by developing specific schemes such as co-operation with public or private-sector employers, and to provide them with vocational training opportunities, to fast-track their reintegration into the workforce and thus contribute to their economic independence.¹²³

153. Article 88 of the Law on VaW and DV stipulates that staff of social and health services are required to provide support and assistance to victims of domestic violence and women victims of gender-based violence, as well as to refer them to specialist support services. One of the first places to turn to after having experienced domestic violence or gender-based violence against women are the CSW. GREVIO has been made aware of a number of concerns regarding the functioning of the CSW, including that the centres are understaffed and that staff is overworked, but have a wide range of responsibilities towards women victims of violence, such as counselling them, deciding on visitation rights after separation, conducting risk assessments and deciding on the appropriate protective measures, applying for temporary protection orders, and monitoring the observance of such orders (see Articles 45 to 48 of the Law on VaW and DV). GREVIO welcomes that a study on the satisfaction of women victims of violence as users of services of the CSW was conducted. However, this study indicated that in practice, the CSWs do not have sufficient resources to assist women in the process of overcoming the consequences of violence and starting a new life.¹²⁴ GREVIO notes with concern the claims of civil society actors that social workers often refer women victims of domestic violence to centres for family counselling/couple counselling.¹²⁵ Furthermore, women victims belonging to groups that are, or may be at risk of intersectional discrimination, such as Roma women, women with disabilities, and women with substance abuse issues experience additional barriers when they are approaching CSWs¹²⁶.

154. GREVIO is concerned that during the state of emergency linked to the COVID-19 pandemic, the CSW were closed and only had limited reachability via telephone. This closure left many women victims of domestic violence without any social support for months. GREVIO considers that emergency plans should be prepared in order to avoid such a situation in the future.

155. Turning to economic empowerment for women victims of violence, the Ministry of Labour and Social Policy adopted a Programme for the Reintegration of Victims of Violence pursuant to Article 99 of the Law on VAW and DV. A draft document of this programme, which includes models for temporary housing, psychological counselling with mentoring, different types of financial assistance, opportunities for education and training in various areas, as well as measures for employment was

122. See GREVIO baseline evaluation reports on Austria, paragraph 95; Germany, paragraph 143; Portugal, paragraph 127; and Serbia, paragraphs 110 and 115.

123. GREVIO baseline evaluation report on Germany, paragraph 143.

124. National Network to End Violence Against Women and Domestic Violence, Baseline study report on satisfaction of women victims of violence as users of services in Centers for Social Work in North Macedonia, p. 22, January 2021, available at: <https://glasprotivnasilstvo.org.mk/en/research-and-publications-on-the-network/>.

125. NGO written submission by ESE; MARGINS; Open Gate; and EIJI, page 35.

126. Information obtained during the evaluation visit.

prepared. This programme also stipulates that employment and support measures should be tailored to the specific needs of the victims, which GREVIO welcomes. Moreover, the CSW can refer women victims of violence to the Employment Service Agency, where they can be enrolled in an employment programme, attending training courses and receiving support to find employment or to start their own business. Women victims of gender-based and domestic violence are specifically listed as target groups, for example to access subsidised employment and for mentoring support if they decide to start their own business, which GREVIO welcomes. However, no data is available on how many women have made use of these services.

156. It appears that there are no programmes which would prioritise women victims of domestic or gender-based violence in social housing schemes, which would be particularly relevant for women in need of affordable housing after staying in a shelter or having to leave other temporary housing.

157. GREVIO notes that under the Law on Social Protection, women victims of gender-based violence are not recognised as beneficiaries of the various social and financial forms of support provided by the state to citizens in social risk. Only victims of domestic violence benefit from such support, to access shelters, receive counselling, and a one-off financial assistance. In practice the latter often falls short of the already low upper limit of 15 000 denars (approx. 240 euros),¹²⁷ as it usually ranges between 1 000 and 4 500 denars (17 to 73 euros).¹²⁸

158. GREVIO underlines that in order to adequately recognise and address the needs of victims of violence, training of all relevant professionals, such as housing officers, labour market officials, social welfare officers and healthcare providers on the forms and consequences of violence against women is crucial. However, such training is not always part of the standard training curricula for public officials working in social support. As a consequence, women victims of violence attempting to gain economic independence may not be met with the understanding they need.¹²⁹ Women victims belonging to groups that may be exposed to intersectional discrimination experience additional barriers when approaching CSWs, including Roma, women with disabilities and women with substance abuse issues.

159. GREVIO urges the authorities of North Macedonia to provide adequate human and financial resources to allow the Centres for Social Work to discharge their responsibilities in an effective manner and to provide training to social workers on the gendered nature of violence against women, including domestic violence, with the aim to, inter alia, improve their capacities to assist women victims, including those who are at risk of intersectional discrimination.

160. GREVIO encourages the authorities of North Macedonia to improve access of victims of domestic violence and violence against women to services facilitating their autonomy, and to continue implementing the dedicated programmes that cater to their specific needs in the areas of employment, training and housing, thus contributing to their recovery, economic independence and empowerment.

127. Article 62 of the Law on Social Protection.

128. Baseline study report on satisfaction of women victims of violence as users of services in Centres for Social Work in North Macedonia, p. 23.

129. GREVIO baseline evaluation report on Germany, paragraph 143.

2. Health-care services

161. Healthcare workers are often the first to come into contact with a woman victim of violence, which is why their ability to identify victims, and react sensitively to their needs, is crucial.¹³⁰ This can be achieved through training initiatives for practitioners in public and private healthcare settings, so that medical professionals can be knowledgeable points of first contact for victims.¹³¹

162. A Protocol for health care professionals in cases of domestic violence,¹³² providing guidance on how to respond to the medical needs of victims, was in force until the enactment of the Law on VaW and DV in 2021, but then ceased to be in force. GREVIO notes with great concern that there is currently no national protocol for health care professionals in place that would ensure standardised care paths in cases of violence against women, including the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to the appropriate specialist support services. It also considers that any future protocols should not only focus on domestic violence, but also address the specific needs of victims of different forms of violence against women covered by the convention.

163. GREVIO welcomes the fact that the Manual for conduct of health professionals in response to gender-based violence, including persons with disabilities¹³³, prepared by the Institute for Family Medicine of the Ministry of Health, serves as an educational tool for health care professionals and includes a definition of gender-based violence, recognises the power imbalance between women and men, applies a gender-sensitive and victim-centred approach, elaborates on the identification of violence against women, lists risk factors and gives guidance on safety planning and documenting injuries and referrals to other professionals. Moreover, the Manual provides screening questions, in order to enable health professionals to communicate better with women with disabilities and other women subject to or at risk of intersectional discrimination.

164. In addition, GREVIO notes that co-operation between the healthcare sector and specialist support services is lacking; and that reliable care and standardised referral pathways are missing.

165. Although Article 51 of the Law on VaW and DV provides for free health care services for women victims of VAW and domestic violence, GREVIO was informed by civil society organisations that hospitals sometimes charge victims a participation fee for receiving the health care they need. In many cases, other services are not free of charge for the victim either (such as the examination of injuries and medical treatment, documenting the injuries and collecting evidence of a bodily injury and mental integrity, issuing medical documentation for the established injury that clearly and comprehensively describes the type and extent of injuries, and the provision of medical documentation to the victim that can be used as evidence in court cases). GREVIO notes with concern that NGOs indicate that some hospitals and health centres make access to free health care services subject to a certificate from the CSW stating that a women has officially reported being a victim of violence.

130. The World Health Organization states in that respect that: "While preventing and responding to violence against women requires a multi-sectoral approach, the health sector has an important role to play. The health sector can: advocate to make violence against women unacceptable and for such violence to be addressed as a public health problem; provide comprehensive services, sensitize and train healthcare providers in responding to the needs of survivors holistically and empathetically; prevent recurrence of violence through early identification of women and children who are experiencing violence and providing appropriate referral and support; promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people; generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems." See www.who.int/news-room/fact-sheets/detail/violence-against-women.

131. See GREVIO baseline evaluation report on Denmark, paragraph 110.

132. Official Gazette of the Republic of Macedonia, 2010.

133. Fimka, T., Stavrik, K., Fakovik, N., Matevska, V., Kocovska, E. (2020). Manual for Conduct of Health-care Workers in Cases of Gender-based Violence, including Persons with Disabilities. Skopje: HERA, Association for Health Education and Research (in Macedonian only), available at: <https://hera.org.mk/prirachnik-za-postapuvane-na-zdravstvenite-rabotniczi-vo-sluchaj-na-rodovo-bazirano-nasilstvo-vkluchuvajki-gi-i-liczata-so-poprechenost/>

166. Moreover, GREVIO is concerned that several groups of women face additional barriers in accessing health care services, including LBTI women,¹³⁴ Roma women, and women with disabilities.¹³⁵ GREVIO received information from NGOs working with victims that there is often a shortage of medical doctors in Roma settlements and areas where Roma live, which leads to serious health consequences for women victims of violence.¹³⁶ A recently published report revealed that out of 15 Roma women victims of gender-based violence that were interviewed, only one had been offered the necessary medical care upon reporting violence to the Centre for Social Work.¹³⁷ Women with disabilities victims of gender-based violence face multiple barriers when trying to access health care providers, such as communication problems due to lack of interpreters for sign language or the lack of information material in accessible formats, and physical barriers for women with reduced mobility. At the same time, women with disabilities are more likely to become victims of violence, with a recent report indicating higher prevalence rates than the general population.¹³⁸ The European Commission noted that victims of gender-based and domestic violence face serious challenges in accessing health care services during the Covid-19 pandemic.¹³⁹ In this context, GREVIO was informed of the promising practice that the two mobile gynaecological outpatient clinics are part of the national health system, catering to women who would otherwise not have access to obstetric health care, for example women in prostitution, women with addiction issues, Romani women, women in rural areas, women in prison, and migrant women.

167. **GREVIO strongly encourages the authorities of North Macedonia to:**

- a. ensure that medical aid and documentation are provided free of charge to women victims of all forms of violence covered by the Istanbul Convention, regardless of whether the incident has been reported to the authorities;
- b. introduce a protocol for health care professionals to ensure standardised care paths in cases of violence against women and domestic violence that include the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to appropriate specialist support services;
- c. promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services;
- d. ensure equal and barrier-free access to health care for all women victims of domestic and gender-based violence, without discrimination.

D. Specialist support services (Article 22)

168. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

169. Both governmental and non-governmental entities in North Macedonia offer specialist counselling and support for women. In the area of domestic violence, the primary support service providers are the Centres for Social Work and women's rights organisations. The CSW operate eight shelter centres, and the CSW of the city of Skopje additionally operates the Integrative counselling

134. CEDAW concluding observations on North Macedonia, 2018.

135. Information obtained during the evaluation visit.

136. Information obtained during the evaluation visit.

137. www.errc.org/reports--submissions/research-on-the-access-and-functionality-of-the-system-for-protection-of-romani-women-victims-of-domestic-violence-on-the-territory-of-skopje.

138. OSCE Mission to Skopje, Preventing Gender-based violence against women and girls with disabilities, 2022, available at: www.osce.org/mission-to-skopje/513250.

139. EC progress report North Macedonia 2022.

centre for marriage, family and domestic violence.¹⁴⁰ However, GREVIO did not receive information on the Integrative counselling centre, especially whether they apply couple counselling/family therapy in cases of intimate partner violence.

170. Women's rights NGOs provide a series of specialist support services, including shelter, legal aid, psychosocial assistance, and telephone helplines. There are, for example, nine specialist services run by NGOs for psycho-social support of victims of all forms of violence covered by the convention. In Skopje, there are two specialist counselling centres, one of which is financed by the City of Skopje. NGOs further carry out advocacy services, issue reports, carry out research, and are actively involved in the elaboration of legal and policy measures, which GREVIO welcomes. Despite the indispensable and important support that they provide to victims of domestic and gender-based violence, both on an individual and a collective level, their outreach and capacity is hampered by insufficient and project-based funding, primarily dependent on international and/or private donors.¹⁴¹ Moreover, while there is a wide offer of support available in the capital, this is not the case in other cities or regions of the country. Many areas do not have psychosocial counselling available for women victims of violence. Women living in rural areas face particular difficulties in accessing specialist support for domestic violence or other forms of violence covered by the convention. GREVIO considers that ensuring an adequate geographic distribution of such services throughout the whole country should be made a priority.

171. GREVIO notes with concern that specialist support services in North Macedonia focus strongly on the provision of counselling and assistance to victims of domestic violence. Victims experiencing other forms of violence against women such as sexual violence, sexual harassment, stalking, manifestations of violence against women in its digital dimension, FGM, violence based on so-called "honour" and forced marriage also have access to these specialist support services. However, the staff may not always be trained or have specialist knowledge on all these forms of violence. In addition, services do not always cater for women with specific needs, who are at risk of or subject to intersectional discrimination, such as women with disabilities, women in prostitution, migrant and asylum-seeking women, women with addiction issues, and others. Lastly, there are no specialist services for women victims of violence operated by women's rights NGOs in the south-western and south-eastern regions of North Macedonia. More efforts and policy measures should be undertaken in order to ensure that women victims of all forms of violence covered by the convention have equal and barrier-free access to specialist services, without discrimination. Moreover, specialist services should be set up in an adequate geographic distribution.

172. The unconditional requirement to report to the authorities cases of domestic violence under the Law on VaW and DV also extends to NGOs, since Article 41, paragraph 2 of the Law on DV and VaW specifies that any person in a legal entity is obliged to report information they have about gender-based violence against women or domestic violence to the police or the CSW.¹⁴² Given that women's NGOs are legal entities, GREVIO notes with grave concern that such reporting requirements, if implemented, can seriously affect the relationship of trust between specialist support service providers and women victims. Mutual trust is one of the foundation of women's NGOs' work, and a lack thereof may ultimately discourage some women from coming forward to seek help.¹⁴³ Applying the duty to report to governmental and non-governmental providers alike may jeopardise the provision of services which is based on confidentiality – a fundamental principle which women-to-women specialist services operate under.¹⁴⁴ One of the reasons why women often may prefer to disclose their experiences to women's NGOs (rather than to state agencies) is that women's NGOs fully respect the principle of privacy and confidentiality. GREVIO considers there is a need to allow victims the opportunity to turn to women's NGOs, which are not under an obligation to report the violence to the authorities, with a few exceptions outlined in the recommended standards for support

140. www.jumcsrskopje.gov.mk/oddel-sovetuvaliste.

141. See Chapter II, Financial resources and Non-governmental organisations and civil society.

142. See in this respect Chapter IV, Reporting by professionals.

143. GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 142.

144. GREVIO baseline evaluation report on Slovenia, paragraph 209.

services¹⁴⁵. In addition, the reporting obligation means that women victims of violence may be reluctant to seek assistance at the CSW.

173. GREVIO strongly encourages the authorities of North Macedonia to support the setting-up of low-threshold support services for victims that have specialist knowledge on all forms of violence against women, beyond domestic violence, based on a victim-centred and empowering approach, and taking into account the needs of specific groups of women, including those who are or may be exposed to intersectional discrimination, relying on the long-standing expertise and experience of women's NGOs. Moreover, an adequate geographic distribution of such services must be ensured.

174. GREVIO strongly encourages the authorities of North Macedonia to review the obligation to report imposed on women's NGOs, giving due regard to one of the core principles of their work, which is to protect the confidentiality and privacy of victims.

E. Shelters (Article 23)

175. There are 11 government-operated shelter facilities in North Macedonia, including one specifically for victims of human trafficking and sexual violence. They are funded by the Ministry of Labour and Social Policy. The shelter in Strumica is funded by the municipality of the city but run by an NGO. Most of the shelters for victims of domestic violence are located in larger cities and difficult to access for many women from rural and remote areas. There is no shelter in the whole Polog region, even though this region is densely populated.¹⁴⁶ A new shelter in the Polozhik region was planned to open in December 2022.

176. Only three facilities are operated by NGOs, namely two shelters and one crisis centre (for short-term accommodation). One of these is a temporary accommodation centre for victims of violence designed to meet the needs of women taking into account their sexual orientation and gender identity. The shelter that was operated by the Macedonian Women's Rights Centre was closed, for reasons unknown to GREVIO.

177. GREVIO received indications from both governmental and non-governmental sources that there are simply not enough shelter places available in North Macedonia.¹⁴⁷ At the time of writing this report, there were 103 beds available in the country, which it implies that it falls short of the target of one family place per 10 000 head of population.¹⁴⁸ One consequence of this lack of capacity is that in practice, women are often asked to leave the shelter after three months, even though Article 92 of the Law on VaW and DV foresees that a woman may stay at a shelter up to one year.¹⁴⁹ Victims therefore time and again have to return to the perpetrator and are thereby deprived of the protection they need. It appears that there are plans to increase the cooperation between municipalities to ensure that women find a place in a shelter when needed, but this has not yet been implemented.

178. GREVIO received indications from civil society that the staff at the governmental shelters receives no specialised training to provide adequate support to the victims or meet their needs.¹⁵⁰ It would be important to ensure that all shelters in the country operate on the basis of a gendered understanding of violence against women and a victim-centred approach, with a view to empowering victims and facilitating their autonomy, and that all staff members receive relevant initial and in-

145. Recommended standards for support services require that confidentiality must be guaranteed, which means that any written or spoken communication or other information containing anything that could identify the victim or the service used should only be passed on to others with the service user's informed consent. The only exceptions are to protect the service user when there is a reason to believe that her life, health or freedom is at risk and to protect the safety of others when there is a reason to believe that they may be at risk. See Council of Europe, Kelly L. and Dubois L. (2008), *Combating violence against women: Minimum standards for support services*. Council of Europe, Strasbourg, page 39.

146. <https://meta.mk/en/no-shelter-centers-for-abused-women-in-north-macedonias-polog-region-victims-get-refuge-in-other-cities/>

147. Information obtained during the evaluation visit.

148. Explanatory Report, paragraph 134.

149. Information obtained during the evaluation visit.

150. Information obtained during the evaluation visit.

service training. GREVIO did not receive any information during the visit whether shelters are included in multi-agency co-operation mechanisms at the local level.

179. GREVIO is concerned that accessing those shelters which are operated by the CSW is conditional upon the victim reporting the violence to the police. It notes that this practice is not in line with Article 23 and must be changed.

180. GREVIO welcomes that there is a government-run shelter for LBTI women, and that most government-run shelters are adapted for women with disabilities. It notes, however, that women with substance abuse issues, women in prostitution, and trans women have limited access to shelters.¹⁵¹ GREVIO stresses that all women must be able to access a safe place for them and their children, without any barriers and without discrimination.

181. While most of the shelters cater to victims of domestic violence, support for victims of sexual violence is offered only in one shelter in the country. Following an amendment to the Law on Social Protection in 2018, the shelter for victims of human trafficking provides accommodation and psychological support to victims of sexual violence. While the staff has extensive experience in supporting women victims of trafficking, specially trained professionals to work with women victims of sexual violence are missing. In addition, the shelter only has limited accommodation capacity. GREVIO notes that there are no specialist shelters for victims of any other forms of violence against women. Girls and women who are at risk or have been subjected to forced marriage do not have a dedicated place to go, neither do women and girls at risk of violence based on so-called "honour", to name but a few examples.

182. An issue faced by NGO-run shelters is that in order to be licensed and thus eligible for government funding, they must be barrier-free, which not all of the existing facilities are.¹⁵² GREVIO acknowledges that the aim of the licensing system is to ensure a certain level of such as at least two beds and a minimum surface of 6m² per person, and barrier-free access for women with disabilities, which are important factors. However, in the context of a shortage of shelter spaces, the first priority should be to keep existing facilities open and not to decrease the number of places available. In addition, solutions should be found to ensure that there is an adequate number of shelters accessible for women with disabilities.

183. **GREVIO urges the authorities of North Macedonia to:**

- a. increase the number and capacity of appropriate and easily accessible shelters providing safe accommodation in relation to all forms of violence covered by the Istanbul Convention;
- b. ensure that shelters are available in an adequate geographic distribution;
- c. ensure that all women victims of gender-based violence and their children have access to shelters, regardless of whether they want to report the violence they suffered to the authorities and also ensure that they are offered a possibility to self-refer;
- d. develop minimum quality standards for services provided in shelters, in close co-operation and in consultation with women's NGOs, based on a gendered understanding of violence against women, the empowerment of victims and a victim-centred and human rights-based approach, and taking into account promising practices developed internationally;
- e. ensure sustainable funding and sufficient human resources of shelters;
- f. introduce and provide on-going and specialised training for staff.

151. Information obtained during the evaluation visit.

152. On the issue of the licensing system, see Chapter II, Article 9.

F. Telephone helplines (Article 24)

184. The Women's Organization of the City of Skopje operates a national helpline for victims of domestic violence since 1994.¹⁵³ GREVIO welcomes the long-standing existence of this helpline and the experience of the organisation that operates it. The helpline is available 24/7. Calls are anonymous and treated confidentially. Trained volunteers provide counselling and advice and inform victims of domestic violence of their rights and possibilities. If needed, callers are referred to the relevant institutions, such as the CSW, the police, the health care sector or other specialist service providers. Counselling is available in Macedonian at any time, and in Albanian and Romani during certain times.

185. A gap that remains is that Albanian- and Romani-speaking counsellors are not available around the clock, nor is the helpline accessible for women with disabilities or sensory impairments, which should be remedied as soon as possible, assuming that the authorities provide funds for the latter. Moreover, in order to fulfil the requirements of the convention, the available dedicated helpline(s) should broaden their scope, with the aim to meet the needs of victims of *all* forms of violence covered by the convention, including hard-to-reach groups of victims. Alternatively, other 24/7 lines should be established to address forms of violence beyond domestic violence, such as sexual violence, sexual harassment, forced marriage and other forms of violence covered by the convention. The helpline receives around 1200 calls per year. Lastly, GREVIO was informed that the government only provides funding for the helpline for five months of the year, while the remaining months must be covered by the NGO which operates it, which is concerning.¹⁵⁴

186. There are two other telephone helplines for women victims of violence run by civil society organisations. The SOS mobile line is operated by the National Council for Gender Equality, available 24/7 and provides counselling in Macedonian and Albanian.¹⁵⁵ English, Romani and Turkish-speaking counsellors are available too, but not around the clock. It receives around 1000 calls per year and is connected to the mobile application "Be Safe".¹⁵⁶ Another helpline is operated by the Crisis Center "Nadezh" and is also available around the clock for counselling in Macedonian.¹⁵⁷ Albanian-speaking operators are sporadically available. It receives around 500 calls per year. Both helplines are partly funded by the authorities, and partly through international donors.

187. GREVIO welcomes that there is a free telephone line for parents and care-givers on issues related to non-violent parenting, which is available every day from 3pm to 8pm. A team of trained experts offer support and counselling on "understanding the needs of the child, reacting proactively to them, recognizing the different developmental stages of the child, consistency, learning appropriate behaviour without the use of punishment, and nurturing personal characteristics of the child such as self-confidence, perseverance, independence, empathy, curiosity and responsibility".¹⁵⁸ This telephone helpline is operated by the National Network to End Violence against Women and Domestic Violence, a network of civil society organisations. It is not clear whether the network receives government funding for operating the helpline.

188. GREVIO encourages the authorities of North Macedonia to ensure that the existing national women's helplines offer counselling and advice to women with disabilities and sensual impairments, and to enable the broadening of the national helplines' scope to ensure counselling, advice and referral is provided in relation to all forms of violence covered by the Istanbul Convention by trained staff.

189. GREVIO strongly encourages the authorities of North Macedonia to provide adequate and sustainable funding to the civil society organisations that operate national telephone helplines in order to ensure their continuous operation.

153. <https://glasprotivnasilstvo.org.mk/en/services-of-organizations/shelter-and-sos-line/>.

154. Information obtained during the evaluation visit.

155. www.sozm.org.mk/

156. See Chapter VI, Articles 49 and 50.

157. www.krizcentar.org.mk/

158. <https://glasprotivnasilstvo.org.mk/en/telephone-line-for-parenting/>.

G. Support for victims of sexual violence (Article 25)

190. Under Article 25 of the convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number through the country to ensure their easy access. Rape crisis centres typically offer long-term help that focuses on offering face-to-face counselling, support groups and contact with other services. They also support victims during court proceedings by providing woman-to-woman advocacy and other practical help. Sexual violence referral centres, on the other hand, may specialise in immediate medical care, high-quality forensic practice, and crisis intervention. They can for instance be set up in a hospital setting to respond rapidly to sexual assaults by carrying out medical checks and referring the victim to specialised community-based organisations for further services. They may also concentrate on immediate and adequate referral of the victim to appropriate, specialised organisations as to provide the necessary care. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.¹⁵⁹

191. GREVIO welcomes that three sexual violence referral centres have recently been established in the hospitals of three major cities (Skopje, Kumanovo and Tetovo), and that they are equipped to provide forensic examinations and immediate medical care to victims of rape and sexual violence. They are also accessible for women with disabilities. The medical care offered includes a gynaecological examination, emergency contraception, testing and treatment for sexually transmitted diseases, contraceptive counselling, and the termination of unwanted pregnancies. The services are free of charge. Work standards and procedures for the Centre for Women Victims of Sexual Violence and Rape have been developed by the Ministry of Labour and Social Affairs. A psychologist and a psychiatrist are called to the centre when a victim is examined. However, it has been brought to GREVIO's attention that it can take several hours for the psychiatrist and/or psychologist to arrive when a victim is examined.¹⁶⁰ Moreover, the centres do not offer medium- or long-term trauma support and counselling for victims, and there appears to be no systematic referrals of victims of rape and sexual violence to women's NGOs that offer counselling services. These are aspects of Article 25 which remain to be implemented in North Macedonia.

192. For the time being, the recommendation of one rape crisis or sexual violence referral centre per 200 000 inhabitants is not reached.¹⁶¹ However, according to the authorities, the establishment of additional centres is planned. GREVIO considers that, in the meantime, for those areas with no rape crisis or sexual violence referral centres, it is necessary to establish a clear pathway for the reception and treatment of victims of sexual violence/rape at existing medical services, in order to ensure that forensic examinations can be carried out free of charge and swiftly, and where victims are provided with sufficient trauma care, psychological counselling and legal assistance by trained and specialised staff. A particular challenge GREVIO identified is the provision of sensitive responses to victims of rape, since there is no specialised training on gender-based violence against women and victim-sensitive examinations for all staff at the Centres.

193. GREVIO notes with concern that not many women have made use of the existing services. According to statistics collected by the three hospitals where Sexual Violence Referral Centres are located, from 2018 to 2021 only 37 victims of sexual violence received support, 27 of whom were children. Therefore, more should be done to gain trust of victims of sexual violence and to improve procedures for reporting and investigation, with the aim to reduce secondary victimisation. In this context, GREVIO recalls the results of the 2019 OSCE-led survey on violence against women, according to which 3% of women in North Macedonia indicated that they had suffered sexual violence by a current partner, and 4% by a previous partner.¹⁶² 4% stated that they had been forced

159. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 276, and Explanatory Report, paragraph 142.

160. Information obtained during the evaluation visit.

161. Explanatory Report, paragraph 142.

162. OSCE-led survey on violence against women in North Macedonia (2019), p. 26.

to have sexual intercourse by a non-partner. Information obtained from civil society points to high numbers of cases that go unreported because of the stigma and high levels of secondary victimisation experienced by the victims who report.¹⁶³ Currently, most victims are brought to the existing centres by the police, and very few come forward on their own initiative.¹⁶⁴ More efforts should be made to inform women of the existence and functioning of the Sexual Violence Referral Centres.

194. GREVIO points to further possible reasons why women rarely approach these centres. According to indications from civil society, the Sexual Violence Referral Centres, which are run by the Ministry of Health, inform the police and public prosecution about any cases of sexual violence, with or without the consent of the victim.¹⁶⁵ The victim must report the case to the police to receive an official medical examination; she cannot request a medical examination without reporting. In this context, GREVIO recalls the requirement defined in Article 18, paragraph 4 of the convention, which stipulates that the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator. GREVIO identified promising practices in relation to Article 25, notably, that services in such centers should be provided irrespective of whether the victim wants to report violence to the police¹⁶⁶ and that forensic evidence should be collected and stored, so that the victim can make a decision as whether or not to report sexual assault at the later date.

195. It appears that the storing of forensic evidence is currently not possible or practiced in the existing centres in North Macedonia. GREVIO considers that a system for the storing of evidence should be introduced, in order to give victims of rape and sexual violence the necessary reflection time. GREVIO highlights that the latter should be linked to abolishing the mandatory reporting obligation. Obstacle to women seeking help at the sexual violence referral centres is likely to be the reporting obligation for professionals dealing with victims of rape and other forms of violence against women.¹⁶⁷ This takes away women's agency to decide for themselves whether they want to report the violence, and contributes to women not seeking the medical and psychological help they need after having been subjected to rape and sexual violence.

196. While GREVIO is mindful that the Istanbul Convention does not require State Parties to establish *both* types of centres stipulated under Article 25 (rape crisis centres and sexual violence referral centres)¹⁶⁸ it nonetheless stresses that experience of rape crisis centres in other countries¹⁶⁹ show that one of the essential aspects of their work is that they provide the services and support confidentially, and commitment to victims that they will not be pressured to report violence (while may be, if they wish to report, be supported by the rape crisis centre staff throughout the judicial process). Being aware of the stigma associated with sexual violence, it can be assumed that many women in North Macedonia would prefer the possibility of confidential support and assistance. Research has also shown that many sexual violence victims may need support later in time, and even many years after the assault. In this context, GREVIO recalls that the recent OSCE-led survey indicated that 3% of women in North Macedonia have suffered sexual violence by any partner since the age of 15.¹⁷⁰ Taking into account, additionally, that sexual violence often goes underreported because of the stigma and feelings of shame attached to it, GREVIO considers that it may be

163. Information obtained during the evaluation visit.

164. Information obtained during the evaluation visit.

165. NGO written submission by Gender Equality Platform.

166. In its baseline evaluation report on Denmark, GREVIO welcomed the development of a highly specialised network of 10 centres for victims of rape and sexual violence. These centres provide assistance to women and girls over 15 years of age who have been victims of sexual violence in the form of medical care and trauma support combined with forensic examinations. GREVIO noted that victims could seek these services any time after the assault took place, including several years later. It further observed that the standard procedure for medical and forensic examination is carried out irrespective of whether the victim wants to report and that evidence is collected and stored up to 3 months or longer if the victims requests it, so that it can be used for future judicial proceedings, in compliance with the standards set by Article 25; see Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 279.

167. See also Chapter IV.I, Reporting by professionals.

168. Explanatory report, paragraph 139

169. Brankovic, B. and Saidlear, C. (2021). *Promising practice of establishing and providing specialist support services for women experiencing sexual violence: A legal and practical overview for women's NGOs and policy makers in the Western Balkans and Turkey*. Vienna: WAVE, European Union, Civil Society Strengthening Platform and UN Women, https://wave-network.org/wp-content/uploads/WAVE_CSSP_Policypaper210917_web.pdf

170. OSCE-led survey, on violence against women in North Macedonia (2019), p. 26.

necessary to establish rape crisis centres (in addition to the existing sexual violence referral centres), where women can receive long-term psychological support and counselling, immediately after the assault or many months or years later.

197. GREVIO urges the authorities of North Macedonia to set up rape crisis centres and/or further sexual violence referral centres that provide immediate medical care, trauma support, forensic examinations and immediate, short- and long-term psychological assistance by qualified professionals, who are trained on gender-based violence against women and provide victim-sensitive examinations, in line with the standards set by the Istanbul Convention.

198. For those areas with no sexual violence referral centres, in the meantime, GREVIO urges the authorities of North Macedonia to establish a clear pathway for victims of sexual violence and rape, to ensure that forensic examinations are carried out swiftly, and that victims are provided with sufficient trauma care, immediate, short- and long-term psychological counselling and legal assistance by trained and specialised staff.

199. GREVIO strongly encourages the authorities of North Macedonia to:

- a. better inform women of the existence of sexual violence referral centres;
- b. take measures to identify and eliminate barriers so that women victims of sexual violence can access these centres for support;
- c. introduce a system for storing forensic evidence in cases where the victim needs reflection time on whether to report the rape/sexual violence;
- d. ensure that sexual violence referral centres systematically refer victims to specialist services for psychological counselling and trauma care;
- e. ensure that women victims of sexual violence receive services at the sexual violence referral centres regardless of their willingness to report to the authorities.

200. GREVIO urges the authorities of North Macedonia to review the obligation for professionals, including those working at the sexual violence referral centres, to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a minor or is unable to protect her/himself due to intellectual disabilities.

H. Protection and support for child witnesses (Article 26)

201. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children exposed to such violence. While this is most relevant to domestic violence cases, it is important to bear in mind that children may also be exposed to other forms of violence.

202. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.¹⁷¹ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

171.. “Problems associated with children’s witnessing of domestic violence”, Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

203. GREVIO reiterates that witnessing domestic violence among parents can be as harmful to children as it is for children to experience abuse themselves.¹⁷² The negative impact of growing up witnessing domestic violence is well-researched; children who lived in context of witnessing domestic violence may have more adjustment difficulties than those from non-violent homes.¹⁷³ Often, men who abuse their spouses or partners target children as well. GREVIO underlines that any guidelines, policies and training measures should be based on the recognition that, in a context of domestic violence, joint parenting lends itself to being the means for the abuser to continue to maintain control and domination over the mother and her children and recognise that children witnessing abuse of one parent by another are also affected, which jeopardises their best interests.

204. The CSW is the competent authority to protect the rights of children, including child victims and witnesses of domestic violence. However, no information was provided to GREVIO as to whether the staff of the CSW received specific training on dealing with children in the context of domestic violence. Moreover, GREVIO considers that these centres lack the capacity to offer such services because of under-staffing, lack of funding, and the wide range of other responsibilities they have to fulfil.¹⁷⁴ Moreover, according to information from civil society, they are not sensitised as to the harmful effects of violence on children, which is illustrated, for example in a case where the CSW sent a child to counselling sessions together with the abusive parent.¹⁷⁵

205. The NGO First Family Centre in Skopje has a counselling programme specifically for child victims and witnesses of violence. Trained psychologists provide therapy and support. Three out of the nine specialist services for psycho-social support of victims of all forms of violence run by NGOs across the country also offer support to child victims of violence. However, this type of service is only available in two regions, leaving children in the remaining areas without psychological support. GREVIO considers that efforts should be stepped up to improve the counselling services for children witnesses of violence and ensure an adequate geographic distribution. Attention should be paid so that age-appropriate psychological interventions based on evidence and tailored to the specific needs of children are available, in order to allow them to cope with their traumatic experiences, while giving due regard to the best interests of the child.

206. GREVIO urges the authorities of North Macedonia to provide children who witness domestic violence with long-term, tailored psychological counselling by staff trained on the impact of domestic violence on children. An adequate geographic distribution of such services should be ensured.

I. Reporting by professionals (Article 28)

207. The Law on VaW and DV, in its Articles 40 to 42, contains an extensive reporting obligation imposed on authorities and individuals who have knowledge or a suspicion of domestic or gender-based violence against women.¹⁷⁶ In accordance with its Article 41, the obligation to report such knowledge or suspicion to the police or CSW applies to senior officials in state agencies (such as social protection, child protection, health-care, education, employment offices), but also to all responsible persons/senior officials in any legal entity. It appears that there are no exceptions to this obligation. In addition, responsible person/senior manager in any legal entity is obliged to report such knowledge/suspicion to public prosecution office in cases where there is an imminent danger to life. According to Article 42 of the Law on VaW and DV, information concerning the victim or the perpetrator that could be used to identify either of them or members of their family should not be made public without the victim's express consent. The relevant bodies, parents, caretakers have a

172. See GREVIO baseline evaluation reports on Austria, paragraph 137; Monaco, paragraph 109; Montenegro, paragraph 165; and Slovenia, paragraph 234.

173. Hester, M., Pearson, C, Harwin, N. (2007). *Making an impact: Children and domestic violence*. A reader, second edition. London: Jessica Kingsley Publishers, London and Philadelphia

174. See Chapter IV, Article 20.

175. Information obtained during the evaluation visit. See also Chapter V, Article 31.

176. According to Article 40 everyone who has information about gender-based violence has a duty to report it to the police, a Social Work Centre, the prosecution or via a hotline. The duty to investigate for the relevant bodies exists even if the report was made anonymously.

duty to protect a child from the public. GREVIO is concerned that reporting obligations apply to all professionals alike, but will mainly focus on health care professionals in the following paragraphs.

208. GREVIO considers that extensive reporting obligations for health care staff raise issues around victim autonomy.¹⁷⁷ A fundamental element of the doctor-patient relationship is that of confidentiality, and health care professionals are generally required to respect patient confidentiality. This is based on the notion that individuals should not be prevented from seeking medical treatment for fear of a disclosure of his or her condition to a third party. A confidential relationship is a prerequisite to providing patients with a correct diagnosis and the best possible medical care. This is even more important for victims of domestic violence, rape, sexual violence or other forms of violence covered by the Convention. At the same time, health care staff, in particular general practitioners, play an important role in identifying victims of domestic violence and may well be the only professionals to know that a woman is suffering from abuse.

209. The obligation entailed by Article 28 of the Convention is thus carefully worded in order to allow health care staff, where they have reasonable grounds to believe that a serious act of violence has been committed and that further serious acts of such violence are to be expected against an adult, to report their suspicion to the competent authorities without risking being sanctioned for breaching their professional duty of confidentiality. In cases where there are no reasonable grounds to believe that further serious acts of violence be committed, however, the personal autonomy and choice of the woman concerned should be respected. The Explanatory Report explicitly states that this provision does not impose an obligation on such professionals to report.¹⁷⁸ The exception would be cases such as where the victim is a minor or is unable to protect her or himself due to physical or mental disabilities.¹⁷⁹

210. Mandatory reporting may in fact constitute a barrier to seeking help for women victims who do not wish to initiate formal procedures and/or fear the consequences of reporting for them or for their children (for example, retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Indeed, one of the results of the OSCE-led survey on violence against women in North Macedonia of 2019 has shown that this at times leads to women resorting to inventing stories about how their injuries came about, in order not to risk that a police report be made against their will.¹⁸⁰ This reporting obligation could also lead to women victims of violence not seeking help from medical professionals, fearing that their experiences of violence will be exposed without their consent. Being aware that professionals are obliged to report their experiences to the authorities may especially affect those women who are in a vulnerable position, such as minorities, migrants, LBTI women, or other groups of women who are at risk of intersectional discrimination.

211. GREVIO strongly encourages the authorities of North Macedonia to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim in order to allow her to make an informed decision and maintain her autonomy.

212. To this end, GREVIO strongly encourages the authorities to review the obligation for professionals, including those working for NGOs, to report cases of violence against women and their children to the police and to alert social services, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may

177. GREVIO baseline evaluation report on Montenegro, paragraph 148.

178. Explanatory Report to the Convention, paragraph 147.

179. Explanatory Report to the Convention, paragraph 148. With regard to violence committed against children, General Comment No. 13 (2011) of the Convention on the Rights of the Child, paragraph 49, provides that "in every country, the reporting of instances, suspicion or risk of violence should, at a minimum, be required by professionals working directly with children". In relation to forced marriage and FGM, the Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices, of 14 November 2014, under its paragraph 55J, provides that "States parties should ensure that it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report".

180. OSCE-led survey on violence against women in North Macedonia (2019), p. 86.

well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities.

V. Substantive Law

213. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

214. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5 paragraph 2 of the convention).

215. Regarding civil remedies against perpetrators of violence against women and domestic violence (Article 29, paragraph 1), the Law on Obligations generally provides victims with a legal avenue to seek damages against whoever causes damage to one's property, loss of earnings, or inflicts physical or mental distress or apprehension, negligently or on purpose. The law provides for the possibility to seek and obtain pecuniary and non-pecuniary damage. Pecuniary damage includes expenses for medical treatment and all other expenses related to the treatment, as well as the lost earnings due to the resulting inability to work during treatment; while non-pecuniary damage includes physical injuries and mental distress suffered due to impairment of normal life, deformity, attack to the reputation, the so-called "honour", the freedom or the rights of a person, or due to death of a related person as well as fear. This legal avenue is not contingent on a finding of guilt in criminal proceedings.

216. In the absence of information indicating to what extent this is a viable legal avenue in practice for women victims of all the forms of violence covered by the convention, and not knowing how many cases were brought before the domestic courts per year, GREVIO cannot reach a conclusion as to its adequacy and impact.

217. Regarding available civil remedies against state authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers (Article 29, paragraph 2), Article 83 of the Law on Prevention and Protection against Violence against Women and Domestic Violence establishes an explicit right of the victim to file a lawsuit before a civil court to determine liability for the failure of the state institutions to act with due diligence. The law further allows the court to award compensation to the victim and to oblige the state institution to take action to protect the victim according to the law. The plaintiff who claims that the provisions of this law have been violated is obliged to present the facts that make a *prima facie* case. Thereafter, the burden of proof is transferred to the state institution or agent, who then have to prove that they acted with the requisite due diligence. In proceedings concerning the protection of victims, the court is not allowed to oblige the parties to reach a settlement in the case. The law further prevents that any court fees and expenses would fall on the victim, before she obtains the financial redress adjudicated.

218. According to information provided by NGOs, and despite significant concerns raised about cases related to several public officials in state institutions, including in the police, CSW, prosecutors' offices and courts who failed to comply with their due diligence obligation, only one organisation has so far filed such a case on behalf of a victim. This case has not yet been decided by the courts.¹⁸¹ Therefore, it remains unclear how the failure to act with due diligence has been interpreted by the

181. Information obtained during the evaluation visit.

courts and what will be the type of behaviour that is actionable under internal law (negligent/grossly negligent) and whether the threshold requires the act or failure to be unlawful. GREVIO stresses that the obligation stemming from Article 29, paragraph 2, should not be viewed as being limited to gross negligence or wilful disregard on the part of the authorities of the duty to protect life.¹⁸²

219. In the absence of information provided to GREVIO indicating to what extent civil remedies against state authorities, as described above, are a viable legal avenue in practice for women victims of violence in North Macedonia, it is unclear whether and how victims are informed of their rights. It is therefore not possible for GREVIO to assess the effectiveness of Article 83 of the Law on VaW and DV.

220. GREVIO notes with interest that individual complaints alleging infringement to constitutional and legal rights may also be brought to the Ombudsman,¹⁸³ who can also start investigations upon his own initiative. The annual report reveals that with respect to violence against women, the Ombudsman has looked at complaints from victims regarding protection concerns, with a focus on the children as indirect victims. According to data provided by the Ombudsman Office, they have had very few cases involving violence against women (in the first half of 2022 only two cases involving domestic violence; five cases in 2021; and three cases in 2020).¹⁸⁴ The cases mainly involved complaints of failures to act by the Centre for Social Work or the police or where the victim had to bear the costs for healthcare.¹⁸⁵ It is unclear, however, whether this data refers to cases that have been processed by the Ombudsman Office or all complaints made to the Office. The Ombudsman's Office plans to conduct research on reported cases of violence against women as well as the implementation of the Law on Free Legal Aid, as noted in the Annual Operational Plan of the Ministry of Justice, and plans the establishment of a Femicide Watch, as noted in the National Action Plan. GREVIO looks forward to receiving updated information on these initiatives.

221. GREVIO received indications of a practice whereby internal disciplinary measures have allegedly been used against social workers who exercised their due diligence obligation by requesting temporary protection measures against a perpetrator. The practice of civil courts requiring a high threshold of proof for *ex parte* protection orders beyond the professional opinion of the social worker and risk assessment, appears to have resulted in at least one instance where a perpetrator submitted a complaint against the social workers who were subsequently internally disciplined and fined. While in previous evaluation reports GREVIO has noted that disciplinary measures are important tools which should be made use of in relation to state officials who abuse their authority or display gender stereotypical, misogynist or racist behaviour or beliefs in relation to victims they are supposed to serve,¹⁸⁶ it is concerned that using disciplinary measures as was done in the case described above will have a chilling effect on social workers who are exercising their obligation of due diligence.

222. No information was provided on the use of disciplinary measures against state officials who have failed to comply with their due diligence obligation. However, GREVIO was informed that in 2022, the Department for Inspection Supervision in the field of social and child protection carried out 25 inspections in relation to the implementation of the Law on VaW and DV, during which it discovered 8 irregularities and issued several decisions to remove these irregularities.

223. GREVIO encourages the authorities of North Macedonia to ensure the provision of adequate information to women victims of violence in order to enable them to make practical use of the existing legal remedies against perpetrators and state authorities who have failed to comply with their duty to take the necessary preventive or protective measures in relation to cases of violence against women and domestic violence. Progress in this area should be measured by collecting data on the number of civil lawsuits initiated, their outcomes, and damage awarded to victims.

182. See GREVIO baseline evaluation report on Italy, paragraph 170, and the Explanatory report, paragraph 163.

183. The Law on the Ombudsman, Article 13.

184. Information obtained during the evaluation visit.

185. See also Chapter IV, Article 20, General support services.

186. See GREVIO baseline evaluation report on Austria, paragraph 126.

224. GREVIO encourages the authorities of North Macedonia to consider the use of disciplinary measures in relation to the misconduct or failure of state officials to take appropriate action in relation to cases of violence against women and domestic violence.

2. Compensation (Article 30)

225. In North Macedonia, primary compensation covered by Article 30, paragraph 1 of the convention can be sought from the perpetrator as part of the criminal proceedings or separately through civil law remedies. According to the Law on Criminal Procedure, the victim can join the criminal prosecution as a civil party for the purpose of introducing a claim for damages (Article 53). The claim can be filed with the criminal court and shall be dealt with if it does not mean a significant delay of the criminal case. The claim must be filed before the completion of the main hearing before the first instance court and should specify the type and amount of their claim and be supported by evidence (Article 112 of the Criminal Procedure Law). If the victim did not file any compensation claim before the indictment was raised, they are to be informed of their right to do so and that this must be done prior to the completion of the main hearing. Upon a conviction, the criminal court shall rule on the compensation claim partially or in full, and can advise the victim to claim the remainder through civil litigation. If there is insufficient evidence of the compensation claim and additional collection might mean unjustified delay of the criminal procedure, the court will refer the victim to civil litigation. If the criminal case does not result in a conviction, the court can refer the victim to civil litigation.

226. No information has been provided to GREVIO as to what extent primary compensation claims are awarded during criminal trials. Information received from NGOs and practitioners indicates a number of concerns, namely that it is the practice of criminal courts to refer matters of compensation to civil courts on a regular basis, which directly causes prolonged delays for receiving compensation, as well as the additional costs involved in instituting separate civil proceedings and having to testify again in presence of the perpetrator. All this can act as a deterrent to pursuing further civil action. In addition, the onus for enforcing compensation orders is placed on the victim who must proceed through civil courts.¹⁸⁷ More use should be made of the possibility to award compensation under criminal proceedings, and the obligation of enforcement should be placed on the authorities.¹⁸⁸ This would lift the burden from the victim about having to institute civil proceedings.

227. Upon ratification of the Istanbul Convention, North Macedonia reserved the right not to apply or to apply only in specific cases the provisions of Article 30, paragraph 2. The specific cases mentioned are those regarding the provisions of the Law on Justice for Children in relation to a child established to be a victim by a final decision of a Court, or having been harmed by an act that is stipulated by law as a criminal offense with elements of violence. According to information provided by women's rights groups, this provision does not extend state compensation to non-national children.¹⁸⁹

228. Article 52 of the Law on Criminal Procedure provides for the possibility of compensation for damages from state funds to victims of crime for which the Criminal Code prescribes minimum four years of imprisonment. GREVIO notes with satisfaction that, following recommendations made by GRETA, the Council of Europe's Group on Action against Trafficking in Human Beings, a Law on the Payment of Monetary Compensation to Victims of Crime by Violence entered into force in November of 2022 and became applicable as of 25 May 2023.¹⁹⁰ It Article 9 of this Law refers specifically to gender-based violence as a criminal act which would serve as basis to obtain the above compensation. According to the Law, compensation will be applied to both direct and indirect victims, regardless of the outcome of any criminal proceedings against the perpetrator. The compensation can be awarded on several grounds (e.g medical expenses, lost earnings, funerary expenses, and loss of financial support for the consequences of the crime). Each case shall be

187. From the meeting with the lawyers.

188. See GREVIO baseline evaluation reports on Austria, paragraph 131; and Slovenia, paragraph 228.

189. NGO written submission by the Gender Equality Platform.

190. See GRETA's first and second reports on North Macedonia, paragraphs 176 and 141, respectively, available at: <https://www.coe.int/en/web/anti-human-trafficking/north-macedonia>.

determined on a case-by-case basis. Regardless of the number of grounds applicable, the total amount of compensation cannot exceed 5 000 Euros.¹⁹¹ However, according to information received from NGOs active in the field, only children who are victims of human trafficking, sexual assault, and rape can receive compensation from the state fund at present, and only once they exhaust all remedies for execution of the final judgment of the court.¹⁹²

229. GREVIO notes with satisfaction that the Ministry of Justice, pursuant to the Law on Justice for Children, has established an annual programme for compensation of child victims of violence. According to the state report, an amount of 1 000 000 denars (approx. 16 200 euros) has been allocated for this programme for 2020 and 2021. Moreover, from January to June 2021, four decisions awarding compensation to female child victims were adopted, involving a total amount of 1 500 000 denars (approx. 24 400 euros).

230. **GREVIO strongly encourages the authorities of North Macedonia to adopt measures to facilitate and guarantee access to compensation for victims of all forms of violence against women, in particular by:**

- a. ensuring that victims are systematically informed of their right to claim compensation and the procedures to be followed;
- b. taking legislative or other measures to ensure that compensation can be claimed and obtained in the context of criminal procedures and that the victim is not systematically referred to claim compensation in the context of civil proceedings, which entails a range of additional financial and administrative hurdles that hinder securing such compensation and can result in a further risk of secondary victimisation;
- c. monitoring progress in this area, by collecting data on the compensation claims filed by victims and their outcome.

231. **GREVIO invites the authorities of North Macedonia to lift the reservation with regard to Article 30, paragraph 2 of the Istanbul Convention, once their legal framework is aligned with that provision.**

3. Custody, visitation rights and safety (Article 31)

232. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

233. In North Macedonia, decisions on custody and visitation rights are governed by the Law on Family. GREVIO was informed that while the civil courts decide on custody, the CSW make decisions regarding visitation rights, including supervised visitation where contact is to occur in CSW, under the supervision of professionals. However, GREVIO has not received information on how often, and in which situations, supervised visitation is applied.¹⁹³ In that context, GREVIO notes with concern that there is no explicit reference in the Family Law, nor are there any guidance documents that

191. Articles 12-21 of the Law on the Payment of Monetary Compensation to Victims of Crime by Violence.

192. NGO written submission by the Gender Equality Platform.

193. This is also confirmed in two judgments by the ECtHR's on issues related to visitation rights. In a case against North Macedonia where despite several decisions regulating visitation rights made by the CSW, the father was unable to enjoy visitation of his child on account of the failure of the CSW to enforce the decisions, the Court found a violation of Article 8 of the ECHR (*Mitovi v. "the Former Yugoslav Republic of Macedonia"*, application no. 53565/13, § 59, 16 April 2015). When supervised visits are to take place, the state has an obligation to ensure the children' safety and well-being: In the case *I.M. and Others v. Italy* (application no. 25426/20, 10 November 2022), the Court found a violation of Article 8 of the Convention for Italy's failure to protecting children from having to attend supervised visits with their father, who was a drug addict, alcoholic and accused of ill-treatment and threatening behaviour during the visitation sessions. The Court found that the children's best interest in not being compelled to take part in sessions held in such conditions had been disregarded.

clearly ensure that incidents of violence against women are to be considered by judicial or other competent authorities in the determination of custody and visitation rights. Relying on its previous findings relating to guidelines for judges¹⁹⁴, GREVIO notes that civil judges in North Macedonia would benefit from such guidelines, which should recognise the negative impact of witnessing violence and assist judges to take a more proactive role in identifying/documenting such impact, including by actively seeking information from other institutions and/or specialist women's support services.

234. Similarly, GREVIO is concerned about the fact that despite claims of the authorities that such incidents have been taken into account, no solid data was provided during the visit, including case law, which would confirm that judges are considering such incidents in practice, for example, on the number of cases in which custody and visitation rights were limited or restricted. Specific legal provisions requiring systematic screening for domestic violence in family law cases are equally lacking. The introduction of such laws and guidelines is urgently needed in order to comply with Article 31 of the convention.

235. In the procedures for entrusting the child to one of the parents after a separation, the CSW takes into account the interests of the child, so as not to endanger the rights and safety of the victim and/or the children. The CSW may temporarily restrict or prohibit the child's relationship and direct contact with the parent who does not live with the child in cases where it is in the best interests of the child, as long as the risk and consequences of the violence persist. However, NGOs indicated a number of grave concerns in that context: the "best interest of the child" is not articulated in detail in the law, nor does there appear to be consistency in practice as to how the best interests of the child are determined; there have been cases where the custody of the child is awarded to the father because of his financial situation despite being the abuser; and family courts consider domestic violence only if it has formally been reported to the police or the CSW.¹⁹⁵ GREVIO considers it thus necessary to incorporate risk-assessment and risk-management procedures in the determination of custody and visitation rights and restrict these rights when this is necessary to guarantee the safety of the mother and the child.

236. It also appears that courts often rely heavily on assessments of the family situation provided by the CSW in order to make decisions on custody, and rarely look into previous or current domestic violence in the family. On the other hand, some social workers indicated to GREVIO that their expert opinion has at times been disregarded by judges. GREVIO considers that while it is important to take into account the opinion of social workers and child psychologists in matters pertaining to the best interests of the child, these professionals must at the same time be specifically trained in the area of domestic violence and equipped with guidelines to enable them to discharge their obligation to ensure the safety of a victim and her children in any advice given. In the same vein, GREVIO notes that there seems to be a lack of sensitisation of some civil law judges and other legal professionals who deal with custody and visitation rights cases. These professional groups should equally receive training on the psychological dynamics of domestic violence, and harmful effects of witnessing violence on children.

237. According to indications provided by women's rights organizations, there is a worrying practice by social workers who disregard the statements of victims of domestic violence and do not consider the incidents of domestic violence when referring victims to marriage or couples' counselling.¹⁹⁶ An ongoing criminal case was highlighted by the NGOs where the employers of the Centre for Social Work referred a women and her ten-year-old child to counselling to improve the relationship with the father despite the criminal conviction of the father for violence against the child and ongoing civil court proceedings for deprivation of parental rights. Women's organisations reported to GREVIO that this was not an isolated practice.¹⁹⁷

194. See GREVIO baseline evaluation report on Spain, paragraph 201.

195. Information obtained during the evaluation visit.

196. NGO written submission by the Association for Emancipation, Solidarity and Equality of women (ESE); the Coalition Sexual and Health Rights of Marginalized Communities (MARGINS); the Association for Action against Violence and Trafficking in Human Beings (Open Gate); and the Edinburgh International Justice Initiative (EIJI).

197. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

238. Moreover, GREVIO received indications from several NGO sources that mothers who have suffered violence perpetrated by the father of their children are at risk of losing custody over their children.¹⁹⁸ It appears that sometimes children are temporarily placed in foster care and separated from their mothers, because the authorities consider that the mother was not able to protect the child from violence. Furthermore, some women's NGOs indicated to GREVIO that in practice mothers are sometimes considered as "non-cooperative", or are perceived by social workers as "non-deserving the help of institutions" in cases where they have returned to the perpetrator; the latter perceptions may even contribute to the temporary removal of children from their mothers' care.¹⁹⁹ It is concerning that the interpretation of lack of parental ability in these cases appears to be based on the inability to protect children from the abusive parent. No consideration seems to be made that this may be linked to the lack of availability of shelters which can house both women victims and their children, or the lack of protective measures taken by the authorities.

239. Ample research has shown that inadequate child custody and visitation decisions may expose women to post-separation abuse.²⁰⁰ In past evaluation reports, GREVIO has underlined that the safety of the non-violent parent and any children involved must be a central factor when deciding on custody and visitation arrangements.²⁰¹ It is a requirement of the convention to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children (Article 31, paragraph 2). GREVIO notes that Article 31, paragraph 1, of the Convention, whilst preserving the idea of a child's best interests, provides that decisions on custody, frequency of visits, and the relationship between parents and children must take into account instances of violence not only against the child but also against the non-abusive parent.

240. Monitoring the practice of civil courts and the CSW, in particular through collecting data on the number of cases in which custody and visitation rights have been limited, restricted or denied because of a child witnessing violence, is currently not carried out and should be introduced, in order to obtain evidence-based arguments for further measures to be taken.

241. GREVIO urges the authorities of North Macedonia to take the necessary measures, including legislative amendments, to ensure that courts, Centres for Social Work and any other relevant authorities are under an obligation to:

- a. **take into account incidents of violence, including violence by one parent against the other witnessed by the child, when determining custody and visitation rights;**
- b. **monitor the practice of the courts and the Centres for Social Work in that respect;**
- c. **incorporate risk-assessment and risk-management procedures in the determination of custody and visitation rights, and restrict these rights where this is warranted to guarantee the safety and best interests of the child and the safety of the non-abusive parent;**
- d. **ensure children's safety in conditions that allow them to remain with the non-abusive parent, preferably in their own home;**
- e. **ensure that all relevant professionals, especially staff from the Centres for Social Work and judges in civil courts, are trained in the area of domestic violence and equipped with guidelines to enable them to discharge their obligation to ensure the safety of victims and their children in any decisions taken, including by actively seeking information from women's support services, law enforcement, and other relevant organisations.**

198. Information obtained during the evaluation visit.

199. Information received during the evaluation visit.

200. Research shows that for many women and children, violence intensifies after separation, that child contact (including court-ordered contact) is a site for the perpetuation of violence, even where there are high levels of supervision, and that child contact can be used by male abusers as a way of continuing control over women victims. See: R. Thiara and C. Harrison (2016), "Safe not sorry: Key issues raised by research on child contact and domestic violence", Women's Aid; Mackay K. (2018), "Child contact as a weapon of control", In Lombard (ed.), The Routledge Handbook of Gender and Violence. pp. 145-158.

201. See GREVIO baseline evaluation reports on Poland, paragraph 191, and San Marino, paragraph 142.

B. Criminal law

242. GREVIO welcomes the adoption of legislative amendments to the Criminal Code (henceforth “CC”) in February 2023, which was mainly motivated by the country’s accession to the Istanbul Convention, and aimed at bringing domestic criminal law in line with the conventions’ requirements. It includes, *inter alia*, definitions of gender-based violence against women and domestic violence, and introduces a number of new offences, including a definition of rape and sexual violence based on lack of consent and separate offences for stalking, sexual harassment and female genital mutilation (FGM).

1. Psychological violence (Article 33)

243. In North Macedonia, psychological violence within and outside the domestic sphere is not criminalised as a dedicated criminal offence, although there are several provisions of the Criminal Code that may cover certain aspects of this form of violence: coercion (Article 139); threatening the safety (Article 144); threatening with a dangerous tool during a fight or a quarrel (Article 133); extortion (Article 258); or blackmail (Article 259). Such general offences set a very high threshold to be considered criminal behaviour and are designed mainly to punish single acts carried out in isolation, rather than a pattern of prolonged abuse committed through acts which do not, *per se*, necessarily reach the threshold of criminalisation. GREVIO thus considers that such general offences often do not capture the harm experienced by victims of psychological violence, and without a criminal offence adequately covering psychological violence, law enforcement agencies are ill-equipped to respond to this type of violence.²⁰² GREVIO is concerned that the offences listed above do not fully capture the conduct set out in Article 33 of the Istanbul Convention, which consists of any intentional conduct that seriously impairs another person’s psychological integrity through threat or coercion. Article 33 is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time, both within and outside the family. Of further concern is that the above-mentioned offences in the Criminal Code are not prosecuted *ex officio* but rather the prosecution is undertaken by the victim in their capacity as a private person (“private prosecution”, without the involvement of the prosecution services), unless committed “while performing family violence”.

244. GREVIO welcomes that the amended Criminal Code contains a new definition of “family violence” (Article 122, paragraph 21), which includes psychological violence.²⁰³ However, this does not establish a specific offence of psychological violence *per se* within the Criminal Code.²⁰⁴ It is intended to guide courts when applying “family violence” as an aggravating circumstance or as a qualifying element which enhances the seriousness of several criminal offences, including the offences of coercion and threatening the safety.

245. In the absence of specific data on the number of prosecutions and convictions for psychological violence under the general offences of coercion and threatening of safety, it is difficult to draw conclusions as to how effective these provisions are in holding perpetrators accountable for psychological violence. This lack of data also makes it difficult to assess the level of awareness and use by criminal justice professionals of these provisions. GREVIO notes with concern that, according to indications received by NGOs, there has never been a criminal case initiated for victims of psychological violence under the offence of coercion or unlawful deprivation of liberty.²⁰⁵ This points to relevant legal professionals, including judges, having little knowledge about the harm inflicted by psychological violence, and reiterates that they would benefit from training in this respect.

246. GREVIO has highlighted the need to ensure effective application of criminal offences to respond to online psychological violence and other forms of violence against women committed via ICT and has recently issued GREVIO Recommendation No. 1 on the digital dimension of violence

202. See: Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 347.

203. Article 5, paragraph 4, Law on amendments to the Criminal Code, Official Gazette of the Republic of North Macedonia, No. 36/2023. See also Chapter I, Articles 2 and 3.

204. While such specific offence is not required under the convention, it would nonetheless be desirable to have one in order to adequately capture the above-described pattern of domestic violence occurring over time, where incidents, taken on their own, may not reach the threshold of criminal conduct, but taken together, they would.

205. NGO written submission by the ESE; MARGINS; Open Gate; and EIJI.

against women.²⁰⁶ These forms of violence include such conduct as non-consensual image or video sharing; non-consensual taking, producing or procuring intimate images or videos (more commonly known as “upskirting”, “creepshots”, “fake porn”, etc.); exploitation, coercion and threats (forced sexting, sexualised doxing, impersonation); sexualised bullying; and cyberflashing. Given the lack of data and case law on the above issues, GREVIO is unable to determine how effective the legal framework has been to address these forms of violence in their digital dimension.

247. To GREVIO’s knowledge, the main case concerning violence against women in its digital dimension, in the form of non-consensual sharing of images, was the so-called “Public Room”-case (and similar cases which followed), where thousands of images and data of women and girls were shared in a chat group on the Telegram platform. While GREVIO welcomes that there have been some criminal convictions after the “Public Room” case,²⁰⁷ it is also concerned that the charges brought were solely based on the provisions on “child pornography”. While the administrators and creators of the group were punished for the sharing of intimate images of children, there was complete impunity for all those individuals who shared intimate pictures of adult women against their knowledge and without their consent. It appears that at the time, there was no legal basis for the prosecution to take action against such conduct *ex officio*. Adult victims were recommended to seek compensation through civil claims. However, by doing so, the women carry the risk of having to pay for the costs of the proceedings, which inevitably brings with it a chilling effect. It is not known whether any victims of the “Public Room” case pursued this avenue, or what the outcome was. GREVIO considers that more efforts are needed to appropriately sanction the non-consensual sharing of intimate images, such as through the provision of illicit recording (Article 152 CC), which includes the illicit sharing of recorded photos or videos. However, it is not clear whether it covers the sharing of images of a person which persons did not take of themselves. Moreover, this provision is currently only prosecuted *ex parte*. GREVIO considers that the “Public Room” case would be reason enough to change it to an *ex officio*-offence.

248. GREVIO encourages the authorities of North Macedonia to establish a specific offence of psychological violence which captures the conduct set out in Article 33 of the Istanbul Convention.

249. Further, GREVIO strongly encourages the authorities of North Macedonia to ensure that relevant professionals, especially prosecutors, judges, medical doctors and other relevant experts, recognise the seriousness of psychological harm inflicted in the context of domestic violence; to this end, further training initiatives should be launched, including on how psychological violence may be evidenced and prosecuted, and taking into account the digital dimension of violence against women.

2. Stalking (Article 34)

250. With the recent amendments of the CC, a new offence of stalking was introduced in Article 144-a CC. It reads as follows: “A person who repeatedly and without authorisation follows, persecutes or otherwise interferes in the personal life of another, or establishes or seeks to establish unwanted contact with them by moving in the space where that person is, by abusing the use of personal data, using the means of communication, or otherwise psychologically abusing, harassing or intimidating them and thus will cause a feeling of insecurity, anxiety or fear for their safety or the safety of a person close to them, will be fined or imprisoned for up to three years”.²⁰⁸ GREVIO welcomes the adoption of a dedicated stalking offence, and notes that the constituent elements are consistent with Article 34 of the convention. It is satisfied that the provision refers to a course of conduct consisting of repeated significant incidents and is intended to capture the criminal nature of a pattern of behaviour, as its individual elements, if taken on their own, may not always amount to criminal conduct.²⁰⁹

206. <https://www.coe.int/en/web/istanbul-convention/general-recommendation>

207. <https://kvinnatillkvinnor.org/2020/11/23/better-sex-education-to-stop-harassment/>.

208. This is a working translation by GREVIO; only the Macedonian original of this provision is authoritative.

209. Explanatory report, paragraph 185.

251. GREVIO points out that in its recent General Recommendation No. 1 on the digital dimension of violence against women, it calls on states parties to ensure that on-line and technology-facilitated stalking, such as threats, damage to reputation, monitoring and gathering of private information on victim, identity theft, impersonating the victim, using modern communication tools and ICT devices be appropriately sanctioned.²¹⁰ GREVIO notes, in that context, that "communication" can include (but is not limited to) making repeated phone calls, sending or leaving messages and sending text messages, mail or e-mails; using tools to track the victim such as smartphones, cameras and other recording equipment, global positioning systems (GPS) or satellite navigators, other internet connected devise such as smart watches, fitness trackers and smart home devices, and software like spyware. It thus points to the need to ensure in the practical implementation of the new provision that stalking committed via ICT is taken into account by law enforcement authorities and the judiciary.

252. GREVIO invites the authorities of North Macedonia to ensure that in the new offence of stalking, online and technology-facilitated stalking is taken into account by relevant professionals in practice, including through adequate training.

3. Physical violence (Article 35)

253. Chapter 14 of the Criminal Code contains a wide range of offences encompassing different forms of physical violence: "Crimes against life and body". For instance, physical violence is covered under general offences such as murder (Article 123 CC), manslaughter (Article 125 CC); bodily injury (Article 130 CC); severe bodily injury (Article 131 CC), all of which can be aggravated if committed in the context of "family violence" (defined in Article 122, paragraph 21 CC). The sentencing range starts with a fine for minor offences such as bodily injury and extends to possible lifelong imprisonment in cases of murder.

254. GREVIO notes that the amendments of the Criminal Code adopted in February 2023 contain changes to these criminal offences in order to align them with the provisions of the Convention, in particular the inclusion of gender-based violence against women as an aggravating factor in the above offences in addition to family violence. However, GREVIO is concerned that perpetrators of physical violence are about three times more likely to receive a suspended sentence than having to serve a prison sentence.²¹¹ In this connection GREVIO points to the need that State Parties should ensure, in accordance with Article 45 of the Istanbul Convention, that the offences established in accordance with the convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness, and the gendered nature of these offences.

255. GREVIO welcomes that Article 123 § 2 (2) of the CC, as amended, stipulates that killing a person in the context of family violence or gender-based violence against women carries a harsher sentence than the basic offence of murder and is punishable with at least ten years or life imprisonment. Murdering a pregnant woman is criminalised in Article 123 § 2 (7) and carries a sentence of ten years to life imprisonment.

256. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure the effective investigation, prosecution and punishment of acts of physical violence against women, including intimate partner violence, by making full use of the available provisions in the Criminal Code and to ensure that sanctions are effective, proportionate and dissuasive, taking into account the gendered nature of these offences.

4. Sexual violence, including rape (Article 36)

257. GREVIO welcomes that the provisions in the Criminal Code on rape and sexual violence have been completely reformed through the amendments passed in February 2023 and now contain, a definition of these offences that is based on the absence of consent. Rape and sexual violence

210. GREVIO Recommendation No. 1 on the digital dimension of violence against women (2021).

211. See the special report of the Ombudsman on the situation of domestic violence in North Macedonia for 2019 and January to May 2020, quoted in the State Report, pages 28-31. In 2019, there were 92 suspended sentences handed down for physical violence, and 24 prison sentences. During the period of January to May 2020, 30 perpetrators received suspended sentences, and 7 had to serve prison terms. See also Chapter VI, Articles 49 and 50, Conviction rates.

are criminalised under Chapter 19 of the Criminal Code under the heading “Crimes against sexual freedom and morality”. These include sexual assault and rape (Article 186), sexual abuse of a person lacking capacity (Article 187), sexual assault of a child who has not attained the age of 15 (Article 188), sexual assault through the abuse of a position of power (Article 189), and gratifying sexual urges in front of another (Article 190).

258. The offence of sexual assault and rape is defined as “Anyone who without the clearly expressed consent of another, obtained in the context of the case, shall have sexual relations or perform other sexual acts of equal gravity with them, such as vaginal, anal or oral penetration with any part of the body or an object ...”.²¹² Moreover, inducing another person without their consent to perform sexual intercourse or any other sexual act with a third person, or to perform a sexual act upon themselves, are equally punishable as non-consensual sexual acts. Sexual assault and rape through the use of force or threat against life or limb of the victim or a person close to them is a qualified offence carrying a heavier punishment. Committing “other sexual acts”, which do not consist of penetration or sexual acts of equal weight, is also punishable under Article 186 of the CC, with a lighter sentencing range.

259. GREVIO welcomes the amendments to the elements of the offences set out in Article 186 CC, which are fully in line with the requirement under Article 36 of the Istanbul Convention to criminalise all non-consensual sexual acts. This being a very recent development, GREVIO has not had the opportunity to assess its implementation by the judiciary. GREVIO nonetheless wishes to point out that with the new rape legislation the onus is on the individual to ensure that all sexual acts are engaged in voluntarily. This shift in perspective is what is needed to move away from case law that all too often focuses on the behaviour of the victim, including her appearance and actions prior, during and after the act. It is thus of crucial importance to ensure, through training, awareness-raising and other opportunities for discussion and exchanges, that the members of law enforcement and the judiciary of North Macedonia fully apply this shift in paradigm.²¹³ Another challenge will be to encourage women victims of rape and sexual violence to report these crimes, and to bring such cases to trial. GREVIO is gravely concerned that reporting is extremely low, as is the number of victims seeking medical help at the sexual violence referral centres.²¹⁴ Criminal convictions for sexual violence are close to non-existent.²¹⁵ Urgent measures are needed to remedy this situation, encourage victims to come forward, and to bring perpetrators to justice.

260. GREVIO welcomes that “clearly expressed” consent is required for a sexual act not to fall under the amended Article 186 (1) CC, which is in line with Article 36 of the convention. On the other hand, the second part of Article 186 (1) CC on inducing a person to engage in intercourse or any other sexual act with a third person only requires a lack of consent, rather than a lack of *clearly expressed* consent. GREVIO is hopeful that jurisprudence will provide guidance on the interpretation of the difference between the lack of consent, and the lack of *clearly expressed* consent.

261. Any sexual intercourse with a child under 15 years of age is also criminalised and is sanctioned with at least eight years’ imprisonment. Perpetrating this offence through the use of force or threat, or against a child with a disability, constitutes a qualified offence and carries a punishment of no less than ten years’ imprisonment. Performing other sexual acts on a child under 15 not consisting of penetration is punishable with a minimum of three years. Sexual abuse of a person lacking legal capacity, or carrying out any other sexual act on them, is sanctioned with at least four years’ imprisonment. Harsher punishments apply for the use of force or threat, if the offence resulted in grave bodily harm or other serious consequences, or if it is committed by more than one person in a harsh and degrading manner.

262. Punishment ranges for both rape and sexual assault are more severe if committed through force or threat; against a child; if the offence resulted in severe bodily injury, death or any other

212. This is a working translation by GREVIO; only the Macedonian original of this provision is authoritative.

213. GREVIO baseline evaluation report on Sweden, paragraph 183.

214. See Chapter IV, Article 25, and Chapter VI, Articles 49 and 50.

215. There have been no criminal convictions for sexual violence in 2019 or 2020. See State Report, p. 20, and information obtained during the evaluation visit.

severe consequences; and if it is committed by several persons or in an especially cruel and degrading manner or out of hate. However, GREVIO considers that the minimum sanction of one year of imprisonment for non-consensual sexual acts, and three years minimum for sexual assault and rape with the use of force or threat against another's life or physical integrity, or the life or physical integrity of a person close to them, is relatively low. However, as the amendments to the relevant provisions are recent, GREVIO is not in a position to ascertain whether these offences will be punished by issuing effective, proportionate and dissuasive sanctions, taking into account their seriousness, in accordance with Article 45 of the convention.

263. GREVIO urges the authorities of North Macedonia to take measures to ensure the effective investigation, prosecution and punishment of acts of rape and sexual violence against women by making full use of the available provisions in the Criminal Code and to ensure that sanctions are effective, proportionate and dissuasive, taking into account the gendered nature of these offences.

264. Moreover, GREVIO strongly encourages the authorities to provide training to all relevant professionals, including the police, public prosecutors and judges, on the new provisions on rape and sexual violence, in order to ensure their adequate implementation.

5. Forced marriage (Article 37)

265. Article 37 of the Istanbul Convention requires the criminalisation of two types of conduct: 1) forcing a person to enter into marriage, and 2) luring a person to a third country with this purpose, even if the marriage has not been concluded. The core element of forced marriage is the absence of consent of the victim owing to the use of physical or psychological force where coercion or duress is employed.²¹⁶

266. In North Macedonia there is no dedicated offence of forced marriage in the Criminal Code, but rather it is partly addressed through the criminal offence of human trafficking (Article 418-a) and child trafficking (Article 418-d). Article 196 of the Criminal Code criminalises the enabling of unauthorised marriages and Article 197 criminalises the cohabitation of an adult with a minor, and also incriminates any parent or guardian who allows this. GREVIO is concerned that the general offence of trafficking in persons does not cover all forms and aspects of forced marriage. Moreover, in the absence of comprehensive data, it is not possible to assess how this provision has been applied in practice. GREVIO therefore considers that legislative measures are needed to ensure that all forms of forced marriage are criminalised.

267. Although the prevalence of forced marriage in North Macedonia is not known, it appears that the practice of arranging child and early marriages has declined to a rate of 8,3% for girls aged 15-19, but continues to be practiced.²¹⁷ However, such decline was not observed for Roma girls. Data from 2018-2019 show that 15.5% of Roma women aged 20-24 have been first married or in a union before the age of 15, and for 45.1% of them, this was before the age of 18.²¹⁸ In many cases it is difficult to establish the actual use of force or threat in child marriages, but the young age of most brides would point to a probable lack of consent to a marital union.²¹⁹ GREVIO has stressed the distinction between arranged marriages and forced marriages, noting that while the first category does not fall within the scope of Article 37 of the Istanbul Convention because of the existence of an "implicit" acceptance, the second one does.²²⁰ Nonetheless, in the context of child marriage, GREVIO has also recalled that the global human rights standards set out in the United Nations Convention on the Elimination of Discrimination against Women (CEDAW Convention) and the United Nations Convention on the Rights of the Child and their respective General

216. Explanatory Report, paragraph 195-196.

217. State Statistical Office and UN Women, Women and Men in North Macedonia: a statistical portrait of trends in gender equality, p. 20, 2022, available at: www.stat.gov.mk/PrikaziPublikacija_1_en.aspx?rbr=866.

218. Ibid.

219. According to research conducted by the Centre for Roma Initiatives, 72.2% of Roma girls entered into marriage between 12 and 18 years of age. In half of these cases, the groom was chosen by the parents, and in 42%, bride and groom had not met prior to their marriage. See GREVIO baseline evaluation report on Montenegro, paragraph 183.

220. See GREVIO baseline evaluation reports on Montenegro, paragraph 183, and Serbia, paragraph 188.

Recommendations prohibit the betrothal and the marriage of a child, ensure the right to freely choose a spouse and to enter into marriage with free and full consent, and consider early and forced marriage a harmful practice which must end.²²¹ GREVIO is concerned about indications received from civil society organisations that child marriage in Roma communities is considered by the authorities as a “customary practice among Roma”, which does not require any institutional response or intervention.²²²

268. GREVIO urges the authorities of North Macedonia to establish the crime of forced marriage, ensuring that both types of conduct, as per Article 37 of the Istanbul Convention are criminalised: 1) forcing a person to enter into a marriage; and 2) luring a person abroad with the intention of forcing this person to marry against their will, even if the marriage has not been concluded.

6. Female genital mutilation (Article 38)

269. A new criminal offence of female genital mutilation (FGM) was created through the recent amendments of the Criminal Code, which GREVIO welcomes. Article 129-a CC criminalises performing FGM, as well as the incitement, coercion, assistance or encouragement of a woman or a girl by third persons to undergo FGM.

270. A gap remains in the legal framework, as the conduct of procuring a woman or girl to undergo female genital mutilation is not criminalised under the new provision. GREVIO points out that this conduct differs from aiding or abetting the commission of female genital mutilation, both in terms of the constituent element of the crime (*actus reus*) and the scope of intent (*mens rea*). It seeks to ensure that criminal liability incurs, for example, where relatives or community members procure a girl or a woman to undergo female genital mutilation, but do not take an active part in ensuring the procedure is carried out. Legislative action is required to ensure full conformity with the convention.

271. GREVIO encourages the authorities of North Macedonia to ensure that the procurement of a woman or a girl to undergo female genital mutilation is also criminalised.

7. Forced abortion and forced sterilisation (Article 39)

272. Article 129 of the Criminal Code criminalises the unlawful termination of pregnancy and coercive sterilisation. Punishment for forced abortion is one to five years, and for forced sterilization is three to ten years. In both offences, the penalties increase if they cause a major physical deterioration of the health condition or result in the death of the woman, or if committed against a woman under the age of 18.

273. However, the absence of data on the investigation, prosecution and criminal sanctions for these offences makes it impossible to determine the effectiveness of these provisions. Particularly, it is not clear whether these provisions ensure adequate protection of some groups of women, such as women with disabilities in residential institutions or under guardianship, as they may be at risk of being subjected to forced sterilisation. Moreover, GREVIO notes that the relevant authorities need to ensure that women with disabilities who undergo consensual sterilisation can make their decision on the basis of sufficient information designed in an accessible manner, which is presented to them by professionals who are trained on gender and disability issues. GREVIO notes that it is not the intention of Article 39 of the convention to criminalise any medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman who lacks capacity to consent. Rather, the aim of this provision is to emphasise the importance of respecting women's reproductive rights by allowing women to decide freely on the number and spacing of their

221. Article 16, paragraph 1a and paragraph 2 of the CEDAW Convention. See also CEDAW General Recommendation No.21: Equality in Marriage and Family Relations and Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices.

222. Information obtained during the evaluation visit.

children and by ensuring their access to appropriate information on natural reproduction and family planning.²²³

274. GREVIO has taken note of statistics which indicate that sex-selective abortions may be practiced in North Macedonia.²²⁴ Whilst the Istanbul Convention does not contain an explicit reference to this practice, instances where women are under psychological pressure to undergo a sex-selective abortion might possibly qualify as psychological, physical violence or forced abortion. GREVIO underlines that regardless of whether they qualify as violence, sex-selective abortions are in any case discriminatory and stem from the disadvantaged status of women in society.²²⁵

275. GREVIO encourages the authorities of North Macedonia to ensure that women with disabilities who undergo consensual sterilisation can make their decision on the basis of sufficient information, provided in an accessible manner, and which is presented to them by professionals who are trained on gender and disability issues.

276. Having regard to the risk that sex selective abortions pose in terms of discriminatory practice and possibly subjecting women to violence, GREVIO invites the authorities of North Macedonia to take measures to raise awareness about this issue, and to heighten the capacity of the professionals concerned, in particular from the healthcare sector, to detect and prevent this phenomenon.

8. Sexual harassment (Article 40)

277. GREVIO welcomes that sexual harassment has been criminalised in North Macedonia through the 2023 reform of the Criminal Code. The relevant parts of Article 190-a CC read as follows: "Anyone who, by means of a verbal or physical action, which has a direct or indirect, real or symbolic meaning of incitement, an indecent offer, deception, the expression of sexual passion or other act which is clearly suggestive of sexual intercourse or other sexual acts associated therewith, shall upset a subordinate, or a person who is otherwise dependent on them, another person at a place of employment, in a public place or a person who is vulnerable by reasons of age, sickness, infirmity, addiction to drugs, pregnancy, or serious bodily or mental incapacity, and thereby damages his or her dignity by causing him or her to feel unpleasant, insulted, humiliated or afraid, shall be punished by a fine or by imprisonment for up to one year."²²⁶ This form of violence is prosecuted *ex officio*, unless it is perpetrated by a member of the same household.

278. Other relevant legal provisions on sexual harassment are contained in the Law on Protection from Harassment at Work; Law on Labour Relations; the Law on Prevention and Protection against Discrimination; the Law on Equality between Men and Women, and the Law on Prevention and Protection against Violence against Women and Domestic Violence. NGOs indicated concern that due to the fragmented nature of the national legislation that deals with equality and non-discrimination, provisions on sexual harassment are scattered across other laws, as the definitions are not always in line with the convention.

279. The Law on Protection from Harassment at Work sets out the procedure, measures and activities that constitute psychological and sexual harassment at the workplace, focusing on the use of mediators to help the parties to resolve their disputed relationship, i.e. to reach an agreement in the procedure for protection against harassment at the workplace. The Ministry of Defence has developed a number of Guidelines on preventing gender-based discrimination, sexual violence and harassment in the Ministries of Defence and the Armed Forces of the Western Balkans. The Guidelines for protection against harassment in the workplace contains messages about zero tolerance for harassment, as well as encouragement to report harassment in the workplace. However, there is no data available on reported incidents of sexual harassment at the workplace. Moreover, a system to investigate such incidents is currently not in place.

223. Explanatory Report, paragraph 206.

224. An article comparing official UN statistics, including North Macedonia, can be found at: <https://respublica.edu.mk/blog-en/justice/sex-selective-abortions-patriarchy-s-wake-up-call/?lang=en>.

225. GREVIO baseline evaluation report on Albania, paragraph 151.

226. This is a working translation by GREVIO; only the Macedonian original of this provision is authoritative.

280. The Law on Prevention and Protection against Discrimination prescribes fines for sexual harassment. Under the Law on Protection from Harassment at Work, sanctions include fines for perpetrators and employers if they fail to prevent or protect employees from offenders. However, there is no data available as to the effectiveness of these sanctions, or their application in practice.

281. GREVIO welcomes that the Law on VaW and DV includes sexual harassment over the internet, which is defined as unwanted verbal, non-verbal or other sexual conduct with the aim or result of violating dignity or creating a threatening, hostile, humiliating or intimidating environment, access or practice, through electronic means of communication. GREVIO notes, however, that in accordance with its General Recommendation No. 1 on the Digital Dimension of Violence against Women, it considers the above conduct to fall under Article 33 of the convention (psychological violence) and has addressed related issues under that provision.²²⁷

282. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure that the legal provisions protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It strongly encourages the authorities to achieve this aim through, first and foremost, the training of professionals, especially on the new criminal provision on sexual harassment.

9. Sanctions and measures (Article 45)

283. The respective sections of this report which analyse the offences implementing the Istanbul Convention highlight the range of sanctions that are provided for in the legislation. From the information obtained on the actual use of the sentencing range that is made for offences within the remit of the Istanbul Convention, GREVIO notes that judges do not appear to resort to the full range of punishments that are available in the law and tend either to apply rather low sanctions, or resort to suspended/conditional sentences with a probationary period, particularly where domestic violence is concerned.²²⁸ However, in the absence of concrete data, it is difficult for GREVIO to reach a definitive conclusion on the implementation of Article 45 of the convention.

284. GREVIO strongly encourages the authorities of North Macedonia to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed for domestic violence and the different forms of violence against women are effective, proportionate and dissuasive, as required by Article 45 of the Istanbul Convention.

10. Aggravating circumstances (Article 46)

285. The Criminal Code provides for general rules on mitigation or aggravation of punishment in Article 39, such as recidivism. GREVIO welcomes that the perpetrator's specific motivation for his actions such as gender bias and misogyny may aggravate the nature of the offence (Article 39, paragraph 5 CC).²²⁹ There are no data available, however, on whether gender bias or misogyny have ever been used as aggravating factors.

286. Furthermore, some of the aggravating circumstances required by Article 46 of the Istanbul Convention form part of the elements of the crime in the Criminal Code, thus qualifying them as more serious offences punishable by harsher sentences. Common aggravating circumstances include: where the offence is committed in situations of “family violence”, “gender-based violence/violence against women” or through the abuse of one’s authority; against a person made vulnerable by particular circumstances; the offence was committed against a child; the offence was committed by

227. <https://www.coe.int/en/web/istanbul-convention/general-recommendation>.

228. See Chapter VI, Immediate response, prevention and protection.

229. Article 39, paragraph 5 provides that the courts shall consider whether the crime has been committed against a person because of “their sex, race, skin colour, class, member of a marginalized group, ethnic background, language, nationality, social background, religious belief, other types of beliefs, education, political affiliation, personal or social condition, mental or physical disability, age, family or marital status, property status, health condition, or any other ground foreseen by law or ratified international agreement” [emphasis added].

two or more people acting together; the offence was preceded or accompanied by extreme levels of violence; and resulted in severe physical harm. However, due to a lack of data on the application of these aggravating factors in cases concerning violence against women, it is not possible for GREVIO to assess how they are applied in practice.

287. GREVIO notes that the law does not appear to cover as an aggravating factor when any of the forms of violence against women covered by the convention is committed in the presence of a child (Article 46d); through the use or threat of a weapon (Article 46g); or resulted in severe psychological harm (Article 46h). Moreover, GREVIO notes with concern that the Criminal Code does not provide for the occurrence of rape and sexual violence within a domestic relationship as an aggravating circumstance (see Article 46a of the convention), nor does it explicitly bring it under the definition of rape.

288. **GREVIO strongly encourages the authorities of North Macedonia to adopt legislative measures to expressly include the aggravating circumstances as listed in Articles 46a, 46d, 46g and 46h in the list of aggravating factors, and take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are applied as aggravating circumstances by the judiciary in practice.**

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

289. It appears that there is no legislation establishing mandatory alternative dispute resolution processes, either in criminal or in civil legislation, that would contravene the obligation to ban all such processes in relation to all forms of violence covered by the convention. Article 86 of the Law on VaW and DV prohibits the court from referring the parties to mediation in the proceedings for civil protection.

290. However, GREVIO received worrying information from NGOs working with victims that the police, social workers and courts emphasise reconciliation and “keeping families together”, both where women have reported violence to the police or to social workers, when they requested protection orders, and in family law proceedings.²³⁰ This illustrates the need for the relevant professionals to receive more training on the dynamics of gender-based violence and the dangers of mandatory alternative dispute resolution in cases of violence against women.

291. Moreover, GREVIO was made aware that in the context of harassment at the workplace, it is mandatory that the victim first addresses the offender in writing and confronts him with her allegations.²³¹ Only if the perpetrator continues the harassment, the employer is notified. These steps must be taken before lodging a complaint with a court. GREVIO considers that this practice amounts to a form of mandatory conciliation and should be made optional.

292. GREVIO welcomes the fact that Article 39, paragraph 7 of the Criminal Code provides that when establishing a fine, the court shall also consider the economic status of the offender, herewith considering all his income, property and family obligations.

293. **GREVIO strongly encourages the authorities of North Macedonia to take legal or other measures to abolish any practices of mandatory conciliation in cases of harassment at the workplace.**

294. **GREVIO encourages the authorities of North Macedonia to ensure that women victims of violence to whom mediation is offered are informed of their rights, in particular as regards the non-mandatory nature of mediation.**

230. Information obtained during the evaluation visit.

231. Information obtained during the evaluation visit.

VI. Investigation, prosecution, procedural law and protective measures

295. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

296. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

297. GREVIO welcomes the beginnings of specialisation of the institutional response to violence against women, with the specialization of police inspectors that work in the field of domestic violence. In Skopje, a special unit for domestic violence has been established. Mobile teams for the detection of vulnerable persons and victims of human trafficking have been introduced in 2018, consisting of police officers, social workers and NGO representatives. While this is a promising model in terms of multi-agency cooperation, their role in relation to women victims of gender-based and domestic violence appears to be limited and may be an avenue worth exploring.

298. With the adoption of the Action Plan for the implementation of the Istanbul Convention, the Ministry of Interior prepared operational plans (in 2019 and 2020), which are published on their website. In addition, the mobile application “Be Safe” has been created for easy and direct assistance and support to victims of domestic violence, available in Macedonian, Albanian and Romani. Through this application, women can report violence directly to the authorities, which GREVIO notes with interest. Although the application has been downloaded over one hundred times in the first month following its launch, more recent data about its use are lacking.²³² During COVID-19, the Ministry of the Interior issued a directive to all police stations regarding actions to take regarding cases of domestic violence, including exempting victims from the prohibition of movement. Further positive steps were undertaken in 2021, when the Ministry of Interior has prepared written guidelines on police proceedings in domestic violence cases.

299. The Ministry of Interior has also published a rulebook for the police to provide gender-sensitive support to victims, which has become part of their mandatory institutionalised training. According to the state report, an algorithm for the action of the police officers after receiving a complaint of gender-based violence against women and domestic violence has been developed. In October 2020, a website was introduced by the Ministry of the Interior, where hate crimes, hate speech and other forms of violence can be reported online. However, GREVIO has not been informed whether any complaints have been lodged concerning violence against women, including misogynist hate speech.

300. GREVIO notes with interest that one of the activities in the National Action Plan for the Ministry of Interior is to set up “cosy rooms”, which are foreseen to be spaces where the conversations carried out by professionals with victims of violence against women will take place. However, it appears that the process of actually establishing such rooms has not started yet.

232. <https://vidivaka.mk/vidi-vaka-istrazuva-e-2/>.

301. GREVIO notes that the Ministry of Interior is developing SOPs that will set out standardised and harmonised methods of police intervention, and how to work with other actors from the criminal justice sectors and other sectors in cases involving violence against women and domestic violence. GREVIO is concerned about information received from civil society that call-outs for domestic violence are not assigned priority nor are the specialised investigators sent out immediately to the scene.²³³ Rather, the first responders are usually uniform police who are not always specifically trained in gender-responsive policing, the dynamics of gender-based violence against women or early and meaningful case building and evidence collection. GREVIO welcomes, however, that since 2018, first responders undergo mandatory training in the amount of twelve hours as part of the initial training on gender sensitive policing in cases of domestic violence.

302. GREVIO received indications from civil society and from official sources that women victims of violence face challenges in reporting, including inaction by authorities, because some individual officials appear to minimise the violence and seek justification either in the victim's behaviour or that of the perpetrator (by attributing the violence to substance abuse, mental illness and poverty).²³⁴ GREVIO further notes with concern that, pursuant to police bye-laws, the police systematically warn victims who are reporting domestic violence (or any other crime, for that matter) that if they falsely report a criminal offense, they might be charged for committing the crime of false reporting, which inevitably has a chilling effect on the victims' willingness to report. Victim-blaming attitudes also lead some police officers to treat reported instances of domestic violence as mere disputes between couples and attempt to "reconcile" the couple, as civil society representatives indicated to GREVIO.²³⁵ Similarly, according to information received from civil society, beliefs in myths around sexual violence on the side of law enforcement agents contribute to both a negative experience for the victim (e.g. inappropriate questions and derogatory comments) and a lack of case progression.²³⁶ Moreover, there seems to be little oversight or accountability when the police fail to comply with their due diligence obligation to protect and investigate violence against women and domestic violence. Urgent measures are necessary to improve women's trust in the system, including but not limited to, by ensuring that each and every complaint of domestic violence and violence against women is taken seriously, processed speedily and dealt with in a victim-sensitive manner. GREVIO welcomes, in that context, that under Article 55 of the Law on Criminal Procedure, several tools victim-sensitive measures are available. Victims of gender-based violence have the right to be questioned by a person of the same sex in the police and the public prosecutor's office, the right to speak to a counsellor free of charge before the questioning, and to refuse to answer questions that refer to their private life, if they are not related to the crime.

303. Another issue that has been brought to GREVIO's attention is that misogynist hate speech, threats and harassment against women journalists, often committed via ICT, are common. It has received indications from media organisations that women journalists have in the past not been taken seriously by the authorities when reporting such violence, and have received very little institutional protection.²³⁷ GREVIO notes, in that context, that women are more likely to face digital forms of violence.²³⁸ GREVIO thus considers it instrumental to improve the position of women in the media sector, in particular by protecting them against any violence aimed at them because they are journalists and because they are women. Women journalists are increasingly being targeted worldwide, having the effect that women's voices risk being silenced.²³⁹ GREVIO therefore draws the authorities' attention to this area of concern and to the need to incorporate a gender perspective in taking the necessary measures to promote the safety of journalists against any unwarranted interference. In order to make women's perspectives seen and heard in the media, immediately reacting to women journalists' reports of being targeted because of their sex and their profession is a necessity.

233. Information obtained during the evaluation visit.

234. Information obtained during the evaluation visit, see also <https://balkaninsight.com/2023/05/23/accomplices-to-crime-north-macedonias-domestic-violence-victims-feel-betrayed-by-institutions/>.

235. Information obtained during the evaluation visit

236. Information obtained during the evaluation visit.

237. Information obtained during the evaluation visit.

238. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, p. 8.

239. <https://www.unesco.org/en/safety-journalists/safety-women-journalists>.

304. According to indications received from NGOs, practitioners from state institutions and judiciary are not sensitized for the nature of gender-based violence, its dynamics and consequences. Moreover, the relationship between the victim and the perpetrator is not taken into account, thus the victim-centred approach in their proceeding is lacking.²⁴⁰ GREVIO was made aware of cases where police representatives went to a scene of domestic violence, only to warn the perpetrator not to commit violence, without having them removed from the shared household and without having conducted an adequate risk assessment. In addition, there is not obligatory practice for women police officers to be involved when dealing with cases of violence against women and domestic violence, which can further affect the position of women who suffered domestic violence. GREVIO was informed that only about 20% of police officers are female, and that significant numbers among them (about 60%) are trained to be specialised domestic violence inspectors. The chances that the first responders are female are thus low. NGOs active in the field indicated that women victims of gender-based violence often do not report to the police based on their previous experience of inaction or re-victimisation, and because they do not trust that they will get the necessary assistance.²⁴¹

305. GREVIO was informed of the strong reliance of the police and prosecution services on the victim's statement, in particular in domestic violence cases, in spite of the prosecution's duty to investigate such crimes *ex officio*. Where victims withdraw their statements, the criminal proceedings frequently come to an end for the lack of supporting evidence. There was little information as to police efforts to improve the comprehensive collection beyond the victim's statement. There is a need to step up measures aimed at ensuring effective investigations and case building in all instances of violence against women covered by the convention.

306. In 2020, a total of 1 025 cases related to domestic violence were reported to the Ministry of the Interior/the police, out of which 594 victims with physical injuries, 31 with major injuries, 337 reports for endangering safety, and four killings of women. In the same year, the Ministry of Labour and Social Policy (MLSP) recorded 1 531 new cases of domestic violence with 1 161 women victims and 121 children victims. It seems that these two ministries have different approach in recording cases, which should be remedied in the future. Apart from the fact that it is not clear why these numbers are divergent, GREVIO is concerned that this data only includes formal reports of domestic violence, and does not cover those who have made reports or complaints to the authorities, but which the authorities subsequently did not formally register (e.g. because they sent the victim back to the perpetrator).

307. Lastly, GREVIO is seriously concerned that the number of reported rape cases is extremely low and mostly involves child victims. This raises serious concerns that women who are victims of rape face barriers to reporting to the police, the CSW or sexual assault referral centres. It appears that rape and sexual violence is associated with such stigma and shame that victims simply do not turn to the authorities for help and support, and indicates that institutional and judicial response to sexual violence should be improved. As mentioned earlier in this report, it is also needed to introduce legal amendments that would ensure that criminal provisions are firmly rooted in the lack of consent. This is of serious concern to GREVIO, as victims of rape and sexual violence often carry life-long trauma with them – with all the consequences that come with that – if they do not reach out for help and subsequently receive the assistance they need.

308. GREVIO urges the authorities of North Macedonia to:

- a. enhance the capacity and knowledge of all law enforcement officers regarding case-building for all forms of violence against women covered by the Istanbul Convention, including timely evidence collection, and promoting and implementing effective and pro-active law enforcement investigations;**
- b. draw up standard reporting and investigative procedures in relation to all forms of violence against women;**

240. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

241. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

- c. remove barriers to reporting in particular for women victims of rape and sexual violence, but also for victims of all other forms of violence covered by the Istanbul Convention, including digital dimensions of such violence, by ensuring victim-centred and gender-sensitive law-enforcement response to such cases and implementing measures to prevent secondary victimisation of the victims;
- d. remove any regulations or guidelines requiring that women victims are systematically warned that they may be charged for false reporting;
- e. ensure that law enforcement immediately reacts to reports of violence against women and domestic violence.

2. Effective investigation and prosecution

309. The police have a legal duty to promptly notify the prosecution services about domestic violence, as for any crime prosecuted *ex officio*. The Prosecution services are in charge of all criminal investigations and instruct the police officers. However, there are no specialised prosecutors to handle cases involving violence against women and domestic violence cases. This is all the more unfortunate, since there are specialised domestic violence units at the police, but there is no continuation of this specialization along the justice chain in terms of designated prosecutors or civil and criminal judges. There are no standard operating procedures or guidelines for prosecutors or special measures, such as prioritising cases of violence against women and domestic violence. GREVIO received information from lawyers active in the field of violence against women that investigations and pre-trial procedures in domestic violence procedures are lengthy and victims experience secondary victimisation because of the lack of victim-sensitive measures.²⁴² Overall, this leads to victims being discouraged and withdrawing their reports.

310. GREVIO is concerned that many cases of domestic violence are being dismissed or discontinued at the prosecution stage due to the victims' withdrawal of their testimony. This can reflect weak case building, insufficient protection and support for victims to encourage their participation, and a lack of understanding of the pressure put on victims to withdraw by the perpetrator. According to indications from civil society, in cases of domestic violence, it is common to have withdrawals of the motion for prosecution by the victim as well as withdrawals of the indictment by the public prosecutor.²⁴³ One study found that out of 16 criminal proceedings initiated for the offense of physical injury, in five cases the criminal proceedings against the perpetrators of this criminal act were discontinued due to the withdrawal by the victim before the beginning of the main hearing, which amounts to one third (30%) of the cases.²⁴⁴ GREVIO is concerned that when the prosecutors see the latest incident of physical violence in isolation, there is a tendency to minimize the criminal offence and agree to the dropping of the case, with the aim of reducing their workload. However, such incidents should take into account the cycle and dynamics of domestic violence, which often includes coercive control. There are additional concerns indicated by NGOs where public prosecutors, in cases that are to proceed *ex officio*, withdraw the charges due to lack of evidence.²⁴⁵

311. Regarding the investigation of sexual violence offences, there is no obligation to have a forensic examination in such cases.²⁴⁶ However, GREVIO received indications from practitioners working in the field that in practice, such examinations are nonetheless considered mandatory by law enforcement and judicial authorities, and, forensic evidence that was not requested by the public prosecutors' office may in practice not be accepted by the court.²⁴⁷ GREVIO points out that first, this departs from the victim-centred approach foreseen by the convention and its requirement of assessing consent in the context of the surrounding circumstances, which would require a context-sensitive assessment of the evidence in order to establish the presence or absence of consent on a case-by-case basis. Such an assessment must recognise the wide range of behavioural responses to sexual violence and rape which victims can exhibit and shall not be based on assumptions of

242. Information obtained during the evaluation visit.

243. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

244. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

245. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

246. Article 144 of the Law on Criminal Procedure.

247. Information obtained during the evaluation visit.

typical behaviour in such situations or influenced by gender stereotypes and myths.²⁴⁸ Second, this practice risks leaving certain cases of rape unpunished and thus jeopardises the effective protection of the individual's sexual autonomy. Such an interpretation often means that in cases where the victim refuses to undergo forensic examination or such forensic examination is inconclusive because of the time lapse or the nature of the sexual violence, non-forensic evidence (e.g., circumstantial evidence, testimonies, etc.) is not collected by law enforcement agencies and will not subsequently be examined by the court. Women who do not want to lodge a report to the police in the immediate aftermath of a rape are thus denied the possibility of preserving valuable medical evidence should they decide to seek justice later. These findings are of grave concern to GREVIO and should be clarified through instructions issued to the relevant authorities, training and other measures.

312. GREVIO urges the authorities of North Macedonia to:

- a. issue guidelines or standard operating procedures to public prosecutors' offices in order to ensure a victim-centred and gender-sensitive handling of all cases of violence against women covered by the Istanbul Convention, including implementing measures to prevent secondary victimisation;
- b. consider setting up adequately staffed, dedicated units within the public prosecutors' offices to investigate and prosecute cases of violence against women and domestic violence;
- c. ensure that prosecution services enhance their capacity and knowledge regarding case-building for all forms of violence covered by the Istanbul Convention, including timely evidence collection; further, ensure that they pro-actively collect and pay due regard to evidence other than the victim's statement, as well as re-examine the practice of withdrawing charges in cases when women victims withdraw their statements;
- d. ensure that the forensic examination and collection of evidence ordered by the public prosecutor in cases of sexual violence and rape is not considered mandatory for a case to go to trial, and that other evidence is collected to ensure an effective prosecution.

3. Conviction rates

313. Judging from the very limited administrative and research data available,²⁴⁹ GREVIO is concerned by the indications of low levels of conviction, light sentences and high levels of attrition in relation to violence against women and domestic violence. Perpetrators of physical violence, for example, are about three times more likely to receive a suspended sentence than having to serve a prison sentence.²⁵⁰ Moreover, GREVIO is seriously concerned that from 2019 to 2021 there has not been a single criminal conviction for rape.

314. As stated earlier in this report, no mandatory or systematic initial-or in-service training exists for judges on domestic and gender-based violence against women,²⁵¹ and no specialised or designated civil or criminal judges or specialised courts exist to deal with all justice aspects of violence against women and domestic violence cases. This situation is exacerbated by the fact that there are no specific guidelines or bench books available for judges on how to handle these cases in a gender-sensitive manner.

315. The lack of training, guidance or specialisation inevitably shows effects. According to indications from NGOs, the legally prescribed prison sentences for the perpetrators of domestic violence are not imposed in practice. It is worrying that from a total of 66 completed criminal cases with first instance verdict, imprisonment was imposed in only 10 cases. Conditional sentences were

248. Explanatory Report, paragraph 192.

249. See Chapter II – Data collection and research.

250. See the special report of the Ombudsman on the situation of domestic violence in North Macedonia for 2019 and January to May 2020, quoted in the State Report, pages 28-31. In 2019, there were 92 suspended sentences handed down for physical violence, and 24 prison sentences. During the period of January to May 2020, 30 perpetrators received suspended sentences, and 7 had to serve prison terms.

251. See Chapter III, Article 15.

pronounced in as many as 43 cases. The court also granted three acquittals and nine dismissals judgments.²⁵² It is worrying that the aggravating circumstances are not taken into account, as well as the frequent application of the institute of "mitigation of punishment" for the perpetrators of domestic violence by judges. In doing so, the nature of domestic violence, and serious consequences for victims of domestic violence are not taken into account.

316. Some information on the sentencing practice in cases of gender-based killings is available from the study on murders of women in North Macedonia from 2017-2020, which analysed 14 cases which the study classified as "femicides". It found that the sentencing ranged between ten years and life imprisonment, or the imposition of mandatory psychiatric treatment and confinement in a health institution. The study, on the other hand, underlined that both the public prosecutor's office and the first-instance criminal courts acted speedily in murder cases, and in half of the examined cases, a first-instance judgment was issued within less than three months.²⁵³

317. However, the lack of regularly collected and administrative and judicial gender disaggregated data across law enforcement and judicial sector make it impossible to assess attrition rates at the various stages of the criminal justice chain and identify causes thereof. An evidence-based analysis of the factors contributing to attrition is crucial to address them, including through a review of gender-disaggregated administrative and judicial data on criminal charges, indictments and convictions (which should be collected regularly, at least annually) and case law and to analyse the handling of criminal cases by law-enforcement agencies, prosecutorial offices and courts in order to verify where attrition occurs and to identify possible gaps in the institutional and judicial response.

318. According to indications provided by experts in the field, research that reviews judicial practice shows that psychological and sexual violence (in the context of domestic violence) are often not punished; perpetrators of domestic violence are given lenient sentences which are not dissuasive; there are delays in the administration of justice occur in cases of domestic violence; and secondary victimization of the victim in criminal justice proceedings is prevalent. This situation erodes victims' confidence in the criminal justice system, sending messages that perpetrators will not be held accountable, and this, in turn, probably contributes to the problem of low reporting to law enforcement authorities.²⁵⁴ Another study found that eleven cases of conviction for physical assault resulted in 11 suspended sentences being imposed by the courts.²⁵⁵ Further, research shows that high numbers of cases are being discontinued without being decided by the court, , due to victims being pressured by the perpetrator to withdraw.²⁵⁶ Therefore, there is little effective justice and protection for those victims who have the courage to participate in the criminal justice process.

319. **GREVIO urges the authorities of North Macedonia to swiftly identify and address any factors, which contribute to attrition in criminal justice proceedings in relation to all cases of violence against women covered by the Istanbul Convention, including the reasons for delays in such proceedings. Measures should be supported by gender-disaggregated administrative and judicial data that are reliable and harmonised throughout the judicial chain.**

B. Risk assessment and risk management (Article 51)

320. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

252. Data from NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

253. United Nations Development Programme, Analysis of cases of femicides – Murders of women in the Republic of North Macedonia 2017-2020, September 2021, p. 21.

254. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

255. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

256. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

321. According to the Law on VaW and DV, the CSW are obliged to conduct a risk assessment within 12 hours after a case of violence against women was reported, and to undertake measures of protection in respect of the victim. The police have legal obligation to conduct risk assessment in all cases of violence against women during the first contact with the victim and to file a police report within 12 hours upon the police intervention. The Ministries of Interior and of Labour and Social Policy have adopted bye-laws in 2021 relating to conducting risk assessments, as well as on protective measures. The Ministry of Interior adopted a Rulebook for the police on risk assessment and risk management.²⁵⁷ The Ministry of Labour and Social Policy adopted a rulebook on the same topics, addressed to social workers.²⁵⁸

322. The risk assessment should be mandatorily performed by the police officers during the first contact with the victim, where a standardised form of risk factors is used to assess the risk (attached to the Rulebook). The police identify the risk, describe the risk and the reasons for its occurrence, as well as the possible consequences of recurrence of violence. When police officers are conducting a risk assessment and there are children involved, they must call a police officer from the competent organisational unit for criminal investigations in the Ministry of Interior who is specially trained on dealing with children. After the risk assessment, and no later than 12 hours after the intervention of the event, the police officers prepare a police report on the intervention conducted upon the domestic violence report. If victims report first to the CSW, or if the victim is referred to them by the police, a social worker conducts his/her own risk assessment (which is attached to their Rulebook).

323. GREVIO welcomes that risk assessments are based on standardised forms, and include both the law enforcement agencies and social work centres, to ensure that these officials who come into contact with victims can assess the risks to the victim's safety on a case-by-case basis. However, some concerns include that in practice, as GREVIO received indications by NGOs, risk assessments are not systematically carried out by the police (e.g. because the police sometimes try to reconcile the parties or discourage the victim to file a report); and risk assessment analyses are not always done comprehensively to ensure proper victim protection. Next, according to indications received by women's NGOs, there is insufficient knowledge and skills among the police and social workers for conducting proper risk assessment in domestic violence cases. Research analysing police procedures in domestic violence cases found that more than half of the police interviewed did not attend any training addressing gender-based violence against women or domestic violence.²⁵⁹

324. Moreover, GREVIO received indications by NGOs that there is a lack of collaboration between the police and social workers at the CSW in conducting risk assessments, which results in requiring the victim to tell her story and answer similar questions to both agencies. State Parties should ensure that women's specialist services are included systematically in multi-agency co-ordination processes for risk assessment and risk management.²⁶⁰ Last, it is unclear whether or how the risk assessments are shared with other stakeholders, such as prosecutors and judges, to inform their decisions that have implications for the victim's safety, such as pre-trial judicial release, bail hearings, or sentencing decisions. Swift measures are necessary to improve the conduct of risk assessments and the coordination and information-sharing between authorities.

325. GREVIO notes with concern that there are no risk assessments done for forms of violence against women beyond domestic violence. Moreover, there are no data regarding the numbers of risk assessments carried out, or by which agency.

326. Turning to Article 52, paragraph 1 of the convention, GREVIO points out that the possession of firearms not only constitutes a powerful means to exert control over victims, it also increases the

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

258. Rulebook on risk assessment of danger to the life and physical and mental integrity of the victim and her family members and the risk of recurrence of violence, proper risk management, implementation and monitoring of measures to protect women victims of gender-based violence and victims of domestic violence for social workers.

259. NGO written submission by the ESE; MARGINS; Open Gate; and EIJI.

260. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 456.

risk of homicide. In fact, one study found that in North Macedonia, "80% of women who were killed [in 2020-2021] by their intimate partner were killed by firearms. Every fourth domestic violence incident which involved firearms had a lethal outcome."²⁶¹ GREVIO thus welcomes that North Macedonia has adopted within its legal system measures to enable immediate confiscation of firearms and ammunition in cases of domestic violence. The Law on Weapons considers "domestic violence" and "severe disruption of family relationships" as posing danger to public order and consequently as a ground for rejection of the application for a permit to carry weapons. This is also reflected in the procedure for the renewal of firearms licenses. The legislation regulates the procedure of the relevant institutions, CSW and the police in cases when weapons was used were used or the perpetrator were threatened to use it, as well as when the perpetrator is in possession of a weapon, or has authorization to carry and use weapons as part of their occupation. Legislation regulates that in cases of possession of a weapon, the use of a weapon or the threat of a civilian in the context of a person suspected of domestic violence, the weapon can temporarily be confiscated by the police, based on the outcome of the risk assessment. Consequently, the license is temporarily revoked until a final court decision is made, when the license can be permanently revoked. However, NGOs raised concerns that the legal framework is limited to confiscation of weapons only if firearms were used or the perpetrator threatened to use them in domestic violence incident, rather than if perpetrators are in possession or have access to firearms.²⁶²

327. GREVIO wishes to point out that the European Court of Human Rights has recently rendered a judgment in the case of *Kurt v. Austria*²⁶³ in which it specified the obligations relating to risk assessments and risk management under Article 2 of the European Convention on Human Rights. Notably, the Court held that authorities had to respond immediately to allegations of domestic violence. They must establish "whether there exists a real and immediate risk to the life of one or more identified victims of domestic violence by carrying out an autonomous, proactive and comprehensive risk assessment ... The reality and immediacy of the risk must be assessed taking due account of the particular context of domestic violence cases ... If the outcome of the risk assessment is that there is a real and immediate risk to life, the authorities' obligation to take preventive operational measures is triggered. Such measures must be adequate and proportionate to the level of the risk assessed."²⁶⁴ The Court found that once a risk has been established, rapid sharing of information among and co-ordination of relevant stakeholders is part of a comprehensive response to domestic violence, including information from child protection agencies, schools and other childcare facilities, should children be involved.²⁶⁵ GREVIO fully endorses these findings and stresses that an effective risk assessment and ensuing risk management can contribute to women's safety, and should be an integral part of the authorities' response to cases of violence as covered by the Istanbul Convention.

328. **GREVIO strongly encourages the authorities of North Macedonia to ensure:**

- a. **a systematic use of a standardised, evidence-based risk assessment tool for all forms of violence covered by the Istanbul Convention, in order to enable all relevant risk factors to be timely identified and responded to, when first contact is made with victims and subsequently;**
- b. **that risk-assessment and management procedures are central to co-ordinated multiagency responses to violence against women, and to all cases, while stepping up training for law enforcement agencies, judiciary and other relevant institutions;**
- c. **monitor and review procedures and practices related to confiscation of firearms and introduce improvements accordingly, including by ensuring that the fact that perpetrators possess or have access to firearms is duly taken into account in the risk assessment, and is considered in risk management;**

261. National Network to End Violence against Women and Domestic Violence and others, Murders of women in the Western Balkans region, 2021, available at: <https://glasprotivnasilstvo.org.mk/en/research-and-publications-on-the-network/>.

262. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

263. *Kurt v. Austria* [GC], Application No. 62903/15, §§ 167-176, 15 June 2021.

264. Ibid., § 190.

265. Ibid., § 180.

- d. that risk assessments are invariably followed up by protective measures that are proportionate to the established level of risk.

C. Emergency barring orders (Article 52)

329. Under Article 52 of the convention, in situations of immediate danger (where harm is imminent), authorities are required to be granted the power to order a perpetrator of violence against women and domestic violence to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. The drafters of the convention left it to the discretion of parties to determine the duration of an emergency barring order (EBO) – usually of short-term nature - and the competent authority to issue such orders. In its baseline evaluation reports, GREVIO has clarified that EBOs are a tool for law-enforcement agencies and criminal justice actors to react quickly to a situation of immediate danger without lengthy proceedings. They are tools intended to prevent a crime and are thus intended to put safety first. EBOs should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger and with longer-term protection being granted by a court through a protection order, upon application of the victim. Under Article 52 of the convention, EBOs should moreover ensure the safety of victims without forcing them to hurriedly seek safety in a shelter or elsewhere. The burden of leaving the home is in fact shifted to the perpetrator who should be ordered to vacate immediately the residence of the victim and barred from returning “for a sufficient period of time” and contacting the victim and her children, where applicable. Moreover, the emergency barring order should in principle extend to children in need of protection and should have immediate effect, even if the order must be confirmed by a court or other legal authority afterwards. The EBO should also be accompanied by the availability of support to the victim, such as specialist support services, legal advice and help, shelters, medical help, and psychological support counselling.²⁶⁶

330. Article 57, paragraph 1 of the Law on VaW and DV, provides for “urgent protection measures” and stipulates that in order to eliminate the immediate and serious danger to the life and physical and psychological integrity of the victim and her family members, an urgent protection measure can be imposed, namely removing the perpetrator from the home and prohibiting him from approaching the home at the proposal of the Ministry of Interior, and the victim’s consent is not needed. GREVIO is informed that in practice, these measures are applicable to children (the term “victim’s family members” is interpreted to include children), Article 59 obliges the Ministry of Interior to submit such a proposal to the competent court. The urgent protection measure can be imposed for a minimum of ten and a maximum of 30 days.

331. In practice, the proposal by the Ministry of Interior for an urgent protection order is submitted to court within 12 hours of a police intervention for domestic violence. The court must decide on the request no later than 24 hours after receiving the proposal, and without holding a hearing. Among other things, the court takes into account in its decision expert findings and the opinion of the social work centre. Within 6 hours of the decision, the court shall submit the decision to the competent police station according to the place of enforcement, which immediately and no later than 12 hours after receiving the decision, delivers it to the perpetrator. In case the perpetrator refuses to leave the home voluntarily, the Ministry of Interior is obliged to remove them from the home within two hours from the moment of handling the court order to the perpetrator. If there is non-compliance with or a violation of the urgent protection measure, the Ministry of Interior is obliged to immediately inform the court and to submit a proposal to the public prosecutor for determining precautionary measures under the Law on Criminal Procedure. If criminal proceedings are initiated, the perpetrator can be made liable under Article 377, paragraph 5 of the Criminal Code (for failure to execute a court decision). This crime is punishable by imprisonment of one to five years, but as GREVIO was informed by NGOs, this is very rarely done in practice. Further, GREVIO has not received information or data on the number of violations of urgent protection measures, or how the police in practice monitors compliance, including whether technical means are applied (such as electronic tagging). It notes, on the other hand, that the Ministry of Interior adopted a Rulebook on the manner of execution

²⁶⁶ 266. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 460, with further references.

of the pronounced urgent protection measure, removal of the perpetrator from the home and prohibition on approaching the home and temporary protection measures.

332. There are a number of concerns regarding the way the current procedures are set out. First, the prescribed timeline for urgent protection orders leaves victims unprotected for days, if not longer. It is cumbersome and involves several authorities. Only courts can issue such an order, but there are no on-duty judges available on weekends. The police have to do a risk assessment within twelve hours, but this might only be after they have been notified by the social worker who has also spent time doing a risk assessment. The court has up to 24 hours to make a decision; then up to 6 hours to send the order to the police; and then the police have up to 12 more hours to serve the perpetrator. This leaves the victim and her family exposed to the risk of violence at a very critical time. There is a serious safety gap because of the time a victim has to wait between calling the police or going to the CSW and the time the urgent protection measure is issued. GREVIO thus notes with concern that, due to the above procedures, these measures, do not meet the requirement that the EBOs should have an immediate effect. GREVIO reiterates that emergency barring orders should have immediate effect, even if the order must be confirmed by the a court or other legal authority afterwards.²⁶⁷ The time spans involved in the procedure currently applied in North Macedonia are too long for the “urgent protection measure” under Article 57, paragraph 1 of the Law on VAW and DV to be considered an “urgent” measure.

333. GREVIO points out that, additionally, is not clear whether in practice another requirement is met, namely, if specialist support services, legal advice and help, shelters, medical help, and psychological support/counselling to the victim are available in the critical period after the issuance of the order.²⁶⁸ Similarly, it remains unclear whether in practice these measures are also issued for less serious violence. Emergency barring orders need to be issued in cases of immediate danger. This does not necessarily require the risk of death or other serious violence, which would represent a high threshold. They should, therefore, also be issued for less serious violence.²⁶⁹

334. Next, GREVIO received indications from practitioners that the orders are not often used, not at last because the police are uncertain whether they are allowed to enter homes to remove perpetrators.²⁷⁰ There is also a low number of applications from the side of the authorities (police and CSW). According to indications from civil society, the proposals submitted by the police are not always adequately prepared or they are incomplete, which makes it more difficult for the civil law judges to impose urgent measures.²⁷¹ Research shows that while police are mainly informed about the opportunity to submit proposals for urgent protection measures, they are not sufficiently informed about their specific obligations, for example that the victim's consent is not a precondition for submitting the proposal.²⁷² Information obtained from the police in North Macedonia suggest that they face a number of difficulties when preparing the proposal for urgent measures to courts, including the lack of financial and human resources; short deadlines for preparation of the police report, risk assessment and proposal to the court; the need for collecting signatures from their superiors; and complicated risk assessments. Once again, the result is that victims of domestic violence are left without protection. This probably contributes to low levels of reporting of cases of domestic violence, as women cannot be sure that they will receive protection, and if they have to return to the perpetrator, they fear that the violence will only get worse.

335. The above said leads GREVIO to conclude that emergency barring orders as defined under Article 52 of the Istanbul Convention are currently not available in North Macedonia. This is of great concern to GREVIO, as there is no authority that would be authorised to evict a perpetrator of violence from the joint home immediately, on the spot. GREVIO thus considers that the authorities will have to take legislative or other measures in order to ensure that Article 52 of the Istanbul Convention is duly implemented. In this context, it is important to pay particular attention to the

267. See Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 460.

268. See Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 460.

269. See Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 463.

270. Information obtained during the evaluation visit.

271. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

272. Police assessment conducted by the Association ESE in 2021.

potential gaps in protection that may occur after an emergency barring order has expired, and before a protection or restraining order (Article 53 of the Convention) can be issued and implemented.²⁷³

336. GREVIO notes that the new National Action Plan for Open Government Partnership 2021-2023 incorporates a measure for the “appointment of an on-duty judge (and a typist) for imposition of temporary measures of protection during weekends and holidays” and remains hopeful that this objective will be implemented without delay.

337. GREVIO urges the authorities of North Macedonia to take legal or other appropriate measures to ensure that emergency barring orders are available that meet the requirements of Article 52 of the Istanbul Convention. Subsequently, training must be provided for the police, the staff at the Centres for Social Work and the judges at the competent courts on the importance of emergency barring orders in providing a swift protection to victims.

338. GREVIO further urges the authorities to review the use of emergency barring orders in practice; address factors that contribute to their low use; and ensure that these orders have been efficiently and adequately enforced, i.e. that the police monitor perpetrator’s compliance with emergency barring orders issued against them, or that other technical means are provided to serve the latter purpose and to ensure that violations are adequately punished by dissuasive and proportionate sanctions.

D. Restraining or protection orders (Article 53)

339. Article 58 of the Law on VaW and DV provides for a number of possible temporary protection measures (TPM), which can be issued in cases of gender-based violence and domestic violence.²⁷⁴ The parent or guardian may submit a proposal for issuing the measures on behalf of children or persons with limited legal capacity, or who are deprived of legal capacity. A proposal for a temporary protection measure can be submitted to the competent court by the victim directly, or by the CSW upon the victim’s request. In case the proposal is submitted by the victim, she/he is entitled to free legal aid, but only if she is the victim of domestic violence (respective provisions on free legal aid do not apply to other victims of gender-based violence against women under same conditions).²⁷⁵ TPMs do not depend on the institution of criminal proceedings (Article 61 of the Law on VaW and DV). The court is obliged to decide on the issuance of a TPO within seven days from the day of receiving the request. The temporary protection measure can last a minimum of three months and a maximum of one year and can be extended upon application by the victim. Upon the proposal of the Social Work Centre, the court may extend, revoke or amend the pronounced protection temporary measures. In case of violation of the measure imposed by the court, the victim shall inform CSW, in line with Article 77 of the Law on VaW and DV. The CSW is obliged to file a criminal complaint against the perpetrator who violated the measure; further, the law explicitly requires that CSW is obliged to do so whenever the violence is committed against the child or in the presence of the child, while public prosecutor is obliged to notify the CSW in writing about the initiated criminal proceedings, following the criminal complaint related to the violation.

340. GREVIO welcomes that the Ministry of Labour and Social Policy adopted a Rulebook on the implementation and the manner of monitoring the imposed temporary protective measures. However, GREVIO is concerned that it is the CSW, not the police, that is responsible for monitoring the implementation of protection orders. It is further obliged to collect data about violations to the

273. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 475.

274. A prohibition on threatening to commit violence; prohibition to maltreat, harass, contact over the telephone or otherwise communicate directly or indirectly with the victim; prohibition to approach at a distance of fewer than 100 meters from the residence, school, workplace or certain place that the victim regularly visits; removal from the home regardless of ownership for ten to 30 days; prohibition to possess a firearm or other weapon or to have it confiscated; to return the items needed to meet the daily needs of the victim and the family; mandatory legal support of the family; mandatory attendance to a counselling centre for perpetrators of violence against women or domestic violence; mandatory treatment of the perpetrator if he uses alcohol, drugs and other psychotropic substances or has a mental illness; reimbursement by the perpetrator of the medical and other expenses incurred as a result of the violence; and any other measure that the court deems necessary to ensure the safety and well-being of the victim and other family members.

275. See also Chapter VI, Article 57.

prosecutor and the court, and to provide evidence, which seems to be a problematic solution, as social workers are not trained on such issues. These are heavy responsibilities for an entity that is already overstretched with responsibilities and understaffed.²⁷⁶ NGOs expressed serious concerns regarding the lack of the effective system for monitoring the compliance of perpetrators with temporary protection measures²⁷⁷.

341. Similarly to what has been said in the previous subchapter on urgent protection measures, the procedures for the imposition of temporary protection measures are also lengthy and cumbersome and involve several authorities, which leaves victims and their families exposed to the risk of further violence. GREVIO is concerned about reports by women's NGOs that many women give up the already initiated procedures for their protection, due to the slow handling of domestic violence reports, because they were not consulted on both the proposal and the withdrawal of measures, and due to a lack of follow-up actions after subsequent reports of repeated domestic violence.²⁷⁸ In addition, in practice, sanctions are rarely imposed for breaches of protection orders. All this leads to serious gaps in the protection of victims of violence against women.

342. Despite the above shortcomings in practice, NGOs provided some data, showing an encouraging increase in the number of requests for TMPs. In 2018, 545 requests were submitted by the CSW, and 421 were approved by the court. In 2019, there were 1007 requests with 777 approved; in 2020, 1042 requests and 858 approved; and in 2021, 1223 requests of which 1012 were approved.²⁷⁹ Civil justice sector collects data on the number of these orders, disaggregated by sex, but not by the type of violence that led to them; further, no data are available on the violations of such orders or sanctions imposed as a result of violations. Therefore, it is not possible for GREVIO to analyse whether they are used in practice for all forms of violence covered by the convention, or to assess their implementation in practice.

343. **GREVIO urges the authorities of North Macedonia to review their system of protection orders to ensure that:**

- a. **they are available for long-term protection without undue delay, and are available immediately after an emergency barring order expires in order to avoid gaps in the protection;**
- b. **the procedure for obtaining a protection order is conducted swiftly and without undue delays;**
- c. **protection orders are vigilantly enforced and breaches sanctioned in line with the requirement to impose effective, proportionate and dissuasive criminal or other sanctions.**

E. *Ex parte and ex officio proceedings (Article 55)*

1. *Ex parte and ex officio proceedings*

344. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

345. This provision recognizes the particularly traumatizing nature of the offences and seeks to ease the burden which lengthy investigations and proceedings often place on the victims while at the same time ensuring that perpetrators are brought to justice.

276. See Chapter IV, Article 20.

277. NGO written submission by ESE; MARGINS; Open Gate; and EIJI, page 72.

278. NGO written submission by ESE; MARGINS; Open Gate; and EIJI; and information obtained during the evaluation visit.

279. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

346. North Macedonia has lodged a reservation with respect to minor offences. In accordance with Article 78, paragraph 2, of convention, the country declared that it reserved the right not to apply Article 55, paragraph 1 in respect of Article 35 of the convention regarding minor offences, until the alignment of the provisions of the relevant legislation of the Republic of North Macedonia with the provisions of the convention. This reservation exempts the state from the obligation to subject minor acts of physical violence against women to *ex officio* investigation and prosecution.

347. Article 18 of the Law on Criminal Procedure provides that the public prosecutor shall be obliged to initiate criminal prosecution if there is evidence that a crime, which is prosecuted *ex officio*, has been committed, unless stipulated otherwise in this Law.

348. In relation to crimes that are prosecuted upon personal legal action (“private prosecution”), the private charge is to be submitted within three months from the day when the person concerned has learned about the crime and the perpetrator (Article 58 of the Law on Criminal Procedure). The prosecution proposal shall be submitted to the competent public prosecutor, whereafter the prosecution continues *ex officio*. In the case of personal legal action, the victim submits the proposal directly to the competent court. If the injured party makes a compensation claim as part of the criminal procedure, this is considered as is the injured party has forwarded a proposal for criminal prosecution. Article 62 of the Law on Criminal Procedure regulates the cancelation of the proposal or the personal legal action. If the victim withdraws the proposal of personal legal action, they lose their right to file it again. According to information provided by civil society, this results in perpetrators and their families exerting pressure on the victim of domestic violence to withdraw their motion for criminal proceedings.²⁸⁰ GREVIO regrets that this issue has not been addressed on the occasion of the recent legislative amendments in criminal law.

349. The public prosecutor, according to Article 288 of the Law on Criminal Procedure, can dismiss a criminal charge if the reported crime is not a criminal offence that is being prosecuted *ex officio*, or if the statute of limitations applied or if the criminal offence is subject to amnesty or pardon, or if there are no grounds for suspicion that the reported person has committed the criminal offence. The prosecutor must deliver such a decision to the injured party who can file an appeal with the immediate higher prosecutor. GREVIO notes that allowing a practice that continues to base the entire case on the victim’s statement places an enormous burden on the victim. In this regard, GREVIO is concerned that where the authorities must act *ex officio*, insufficient evidence collection and overreliance on the victim’s testimony lead to cases being dropped where the victim withdraws her statement or refuses to testify as it has been already developed earlier in this report.²⁸¹

350. GREVIO strongly encourages the authorities of North Macedonia to amend the Law on Criminal Procedure to require *ex officio* prosecution in relation to offences as listed in Article 55, paragraph 1 of the Istanbul Convention, including in cases of bodily injury committed in the context of domestic violence that are not considered minor offences.

2. Victim support in legal proceedings

351. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims’ organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

352. Article 53 of the Law on Criminal Procedure stipulates that a victim of a crime has the right to receive effective psychological and other professional assistance and support from bodies, institutions and organisations that provide such services.

353. Although some women’s NGOs provide such support services to victims during investigations and judicial proceedings, GREVIO was alerted by legal practitioners that these women’s NGOs have limited financial resources and cannot meet the needs of all victims. GREVIO received indications

280. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

281. See Chapter V, Articles 49 and 50 (General obligations, immediate response, prevention and protection)

from different sources that if the victims were not accompanied by NGO support workers, the police and social workers often do not take their reports of violence seriously.²⁸² Besides, judges apparently are not always familiar with the role of support persons in court: GREVIO received information about a case where the court did not allow an NGO to assist a victim in court.²⁸³

354. When it comes to child victims of criminal offences, the Law on Justice for children stipulates that they have the same rights as adult victims. Additionally, under Article 145 of that law, they have the right to psychological and other professional assistance and support by authorities, institutions and organisations that offer such support. However, no information was provided to GREVIO on the implementation of these provisions in practice.

355. **GREVIO strongly encourages the authorities of North Macedonia to ensure that specialist women's organisations and/or state agencies provide legal and psycho-social support and assistance to victims during investigations and judicial proceedings, upon their request, in relation to any of the offences established in accordance with the Istanbul Convention.**

F. Measures of protection (Article 56)

356. Articles 53 to 56 of the Law on Criminal Procedure contains provisions articulating victims' rights during the criminal proceedings. Specifically, the police, the public prosecutor and the court shall act with special care towards the victims of criminal offences, advising them of their rights and they shall take care of their interests when making decisions for criminal prosecution of the accused. Moreover, vulnerable victims have the right to special measures of process protection when giving a statement or being interrogated during all stages of the procedure. These include victims under 18 years of age, endangered victims,²⁸⁴ and especially vulnerable victims.²⁸⁵ These special measures are to be determined by the court upon a proposal from the public prosecutor or the victim, or upon its own initiative, when it is deemed necessary. Such protection measures are mandatory for the court in cases involving children in need of special care and protection, and for child victims of trafficking or sexual abuse. Courts may also ask for child victim statements to be video- and audio recorded.

357. In addition to those rights already mentioned, the Law on Criminal Procedure contains special rights for victims of crimes against gender freedom and "public morals",²⁸⁶ humanity and international law (Article 55). These include: to speak to a counsellor or a proxy free of charge before the interrogation if the victim participates in the procedure as an injured party; to be interrogated by a person of the same sex in the police and the public prosecution office; to refuse to answer questions that refer to the victim's personal life, if they are not related to the crime; to ask for an examination with the use of visual and audio means; and to ask for the exclusion of the public at the main hearing. The court, the public prosecutor's office and the police are obliged to advise the victim of their rights before the very first examination at the latest and to prepare an official note or record accordingly. The Law on Justice for Children contains additional rights for child victims and child witnesses that take into account the best interest of the child. However, it is unclear whether and if so, how, practitioners implement these measures, i.e. whether legal provisions also apply to child witnesses of violence against women and domestic violence.

358. GREVIO notes that many of the above protective measures are only available if the victim can demonstrate that they are endangered or especially vulnerable. GREVIO was not provided with

282. Information obtained during the evaluation visit.

283. Information obtained during the evaluation visit.

284. For example, if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat to their life, health or physical integrity.

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

286. The literal translation from Macedonian is „gender morality“.

information regarding how the terms “endangered victim” and “especially vulnerable victim” have been interpreted in practice or what is meant by victims of “crimes against gender freedom”. There are claims by the civil society that practitioners who are supposed to apply such measures lack an understanding of how traumatising, disempowering and re-victimising investigations and judicial proceedings can be for all women victims of violence²⁸⁷, even if they do not fall in the category of endangered or especially vulnerable victims. Moreover, GREVIO considers that there is a need to anchor protection measures on a gendered understanding of violence against women and that protection from secondary victimisation should be guaranteed.

359. GREVIO notes with concern that apparently, a victim's statement given during the investigation is not considered as sufficient evidence. In as many as 77% of the cases in which there were material and other evidence presented from which the existence of the violence is evident, the victim of domestic violence had to testify again about the violence they suffered, thereby being exposed to secondary victimisation.²⁸⁸

360. GREVIO regrets that little information was conveyed by the authorities on the use of the above measures. In the absence of data, GREVIO is unable to analyse how effective the current protective measures are in practice, including whether special care of children's needs as victims and witnesses are taken into account in practice.

361. GREVIO notes that several of the protection measures articulated in Article 56 are currently absent from the legal framework, such as victims not having an express right to receive information on the general progress of the investigation or proceedings, or the lack of a legal obligation for the relevant agency to inform the victim when the perpetrator escapes or is released temporarily.

362. GREVIO strongly encourages the authorities of North Macedonia to effectively implement all the measures to protect the rights and interests of women and child victims or witnesses, including to protect them from secondary victimisation, at all stages of investigation and judicial proceedings for all forms of violence covered by the Istanbul Convention, as set out in its Article 56.

G. Legal aid (Article 57)

363. The Law on Free Legal Aid was revised in 2019. Any person in North Macedonia, regardless of citizenship, can apply for free legal aid under this law. The criteria are that they are not in a material position to cover the expenses of a judicial proceedings. The income criterion is tied to the national minimum wage. This improves the previous legal provisions, which required applicants to have the status of welfare recipient. Free legal aid can be provided as primary legal aid (initial legal advice, general legal information, general legal advice and assistance in completing application for secondary legal aid) and secondary legal aid (legal advice and representation in court proceedings).

364. Primary legal aid is provided through 34 regional legal aid branches of the Ministry of Justice, through registered and authorised associations, and select Legal Clinics (affiliated with University Faculties of Law). GREVIO welcomes that the 2019 Law on Free Legal Aid introduced victims of violence against women and domestic violence as a special category of beneficiaries of primary legal aid.

365. Secondary legal aid in criminal proceedings is governed by Criminal Procedure Law. However, according to indications received by lawyers and NGOs active in the field, this law does not make it clear whether victims of violent crimes have the right to a qualified and registered lawyer to assist them in criminal proceedings, as Article 232 of the Criminal Procedure Law ambiguously speaks of a “representative”. These views are supported by the European Commission, which found in its 2022 progress report on North Macedonia that “the system of legal aid in criminal proceedings needs to be reformed to improve access to justice, mainly to revise the criteria to access legal aid in

287. Information obtained during the evaluation visit.

288. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

criminal proceedings (in cases of mandatory defence, defence of indigent persons and cases of representation of the interests of victims of crime).²⁸⁹ GREVIO notes, in that context, that discussions are ongoing for a reform of the law on Free Legal Aid, and possibly establishing a central management entity that would govern free legal aid in civil, criminal and administrative proceedings.²⁹⁰

366. Secondary legal aid for representation in civil litigation and administrative proceedings is governed by the law on Free Legal Aid. Free legal aid without a means test is available for women victims of domestic violence wanting to lodge an application under civil law for temporary measures of protection. For the approval of legal aid concerning other civil or administrative court procedures, such as divorce, custody, child alimony etc., the victim's financial situation usually must be assessed.²⁹¹ GREVIO questions the distinction made between victims of domestic violence needing a protection order, and victims of other forms of violence covered by the Istanbul Convention, who have to go through a lengthy application process to demonstrate their eligibility on the basis of their financial situation. GREVIO thus recalls the obligation to ensure the implementation of the convention without any discrimination (Article 4, paragraph 3).²⁹²

367. GREVIO has identified a number of further concerns with the current eligibility thresholds for legal aid for victims of violence against women. One, when the means test is calculated on the basis of low personal income, the law also requires looking at the income of family members, requiring their income to be below 20% of the minimum wage. This can be a significant barrier for such victims who do not have equal access to the family income. UN guidelines on legal aid state that in cases of family conflicts or when the woman lacks equal access to the family income, means testing eligibility for legal aid and public defense should be based on the real income or disposable assets of the woman.²⁹³ GREVIO notes that pursuant to Article 12, paragraph 5 of the Law on Free Legal Aid provides that for victims of domestic violence, the income of a person seeking free legal aid can be assessed individually, if there are "conflicting family interests in a dispute" for which free legal aid is sought. However, it is unclear how this has been implemented in practice.

368. Second, GREVIO is concerned that the approval of free legal aid is conditioned with the submission of a certificate that the applicant is registered as victim of domestic violence, which represents an obstacle for the women who have not reported the violence previously to the Centres for Social Work (CSW) or police. According to information provided by civil society, the law does not specify the format, or the authority competent for issuing this certificate. It appears that the CSW tend to refuse to issue such a certificate stating that it "has not been proven" that someone was a victim of domestic violence.²⁹⁴ This restrictive legal criterion was adopted despite the fact that the CEDAW Committee in its Concluding Comments and Recommendations to the 6th Periodic Report of the country have expressed its concern that "barriers for women to claim their rights and obtain redress, owing to the eligibility requirements, such as previous registration of victims with the Ministry of Interior and the Centers for Social Work, preventing access to free legal aid, and the delays in confirming legal representation by legal aid providers".²⁹⁵ In addition, victims may not wish to report their case to police or CSW. Moreover, this provision only covers victims of domestic violence, and not victims of other forms of violence covered by the convention. Lastly, the provision does not ensure comprehensive legal aid to women who suffer domestic violence, which would enable them exemption of paying all the courts in the procedure initiated for resolving the problem with violence and related legal problems, such as divorce, custody, alimony, property division, etc.

289. EC progress report North Macedonia 2022.

290. www.coe.int/en/web/skopje/-/proposals-for-amending-the-law-on-free-legal-aid-discussed-at-the-10th-meeting-of-the-fla-national-co-ordination-body-in-north-macedonia

291. With some exceptions; Article 20 of the Free Legal Aid law provides that secondary legal aid is to be provided without the need of a means test if the applicant is placed in a foster family, housing unit for organized living with support or in a social protection institution, by decision of the Centre for Social Work or, if the applicant needs to initiate and represent in a procedure for pronouncing temporary measures for protection from domestic violence before a competent court.

292. See GREVIO baseline evaluation report on Serbia, paragraph 246.

293. Cf. Guideline 1 of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, UNGA resolution 67/187. Also see CEDAW GR. No. 33, paragraph II E. Legal aid and public defense.

294. NGO written submissions by Gender Equality Platform.

295. CEDAW concluding remarks on North Macedonia, 2018.

369. When it comes to informing women of the possibilities on free legal aid, research shows that in 2020 not a single one of the women who suffered domestic violence and was involved in civil court procedures for temporary measures of protection was informed about the opportunity to be granted free legal aid by the Ministry of Justice, neither were 73% of the women involved in such procedures in 2021.²⁹⁶ In addition, 60% of the women were not informed about the possibility for submitting requests for temporary measures of protection directly to the courts. Only 30% of women with this type of civil procedure were informed about the ‘right of the poor’ (which is a financial means threshold below which the law entitles individuals to free legal aid, and an exemption from court fees) or to ask for exemption of paying the court fees to the Basic Courts. In addition, only one in four women was aware about the amount of court fees that need to be paid. It appears that their lack of information is partly due to the fact that most of them initiated the procedure through the CSW. GREVIO is concerned that women are not systematically informed of their rights and possibilities to request legal aid, and that consequently, the numbers of victims of violence against women and domestic violence who are provided with free legal aid is low.²⁹⁷ According to NGO reports, the free legal aid funded by the state is very limited and it is approved solely for counselling and representing victims of violence on national level, but does not include counselling for bringing cases before international courts or complaints mechanisms.²⁹⁸ Indeed, while the budget for legal aid in 2021 was 5 million denars (approx. EUR 81,000); the budget implemented for legal aid in the same year amounted only to EUR 28,000, which indicates that not as many people as expected made use of it.²⁹⁹

370. There is also no regular capacity building training for legal aid clerks and administrators or for legal aid lawyers on gender-based violence against women and gender-responsive access to justice. According to indications from civil society, the quality of the provided free legal aid is not always satisfactory. More than 55% of the women who used legal aid through the CSW and Ministry of Justice are not satisfied with the provided professional legal help (e.g. slow proceeding by practitioners from institutions; lack of information about their rights; and inadequate protection of their interests).³⁰⁰

371. Positive change was the significant decrease of the amount of court fees for civil court disputes in 2020. This development followed concerns expressed by the CEDAW Committee in its Concluding observations on the sixth periodic report of the country in November 2018, which stated that women are facing barriers to claim their rights because of the “unaffordable court and forensic fees”. However, as GREVIO was informed by NGOs active in the field, other types of costs, such as for collecting evidence, continue to hinder women’s opportunities for resolution of their civil law disputes through the court system.³⁰¹

372. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure, in the practical implementation of the Law on Free Legal Aid and the Law on Criminal Procedure, the provision of free legal aid of sufficient quality in all areas related to the Istanbul Convention, and to systematically inform women victims of violence of their rights and possibilities under these laws.

373. Moreover, GREVIO strongly encourages the authorities of North Macedonia to remove any administrative or procedural barriers to obtaining legal aid, and to monitor the impact of the provisions on legal aid in practice with a view to ensuring women’s continued access to justice through quality legal representation.

296. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

297. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

298. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

299. European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, North Macedonia Report 2022, 12 October 2022, available at: https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en.

300. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

301. NGO written submission by ESE; MARGINS; Open Gate; and EIJI.

VII. Migration and asylum

374. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

375. GREVIO acknowledges the specific challenges North Macedonia is facing as a transit country through which large numbers of asylum seekers and irregular migrants travel. Only a very small number of those arriving in the country lodge asylum claims, and out of those, many abandon their claims and travel onwards. Notwithstanding this, GREVIO recalls that Article 4, paragraph 3, of the convention requires parties to apply the protections within the convention, without discrimination, to *all* women and girls currently in its territory.³⁰² This applies, for example, also to migrant women who are not seeking asylum in North Macedonia but are transiting through the country and may be staying at one of the temporary transit centres in Vinojug or Tabanovce.

A. Residence status (Article 59)

376. In accordance with Article 78, paragraph 2, of the Istanbul Convention, North Macedonia has reserved the right not to apply Article 59 of the convention until the alignment of the provisions of the relevant legislation of the Republic of North Macedonia with the provisions of this convention. The reservation was entered upon ratification in 2018 with a legal validity until 1 July 2023. GREVIO thus does not have a mandate to assess the implementation of Article 59 in North Macedonia.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

377. On 18 January 1994 North Macedonia became a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Constitution of North Macedonia grants a right to asylum to persons prosecuted for their democratic political beliefs and activities. The law on International and Temporary Protection governs the rules and procedures applicable to asylum applications.³⁰³ Its Article 6, paragraph 2, explicitly provides that acts of physical or mental violence, including acts of sexual violence, and acts of a gender-specific nature can amount to a form of persecution which can lead to the granting of asylum in North Macedonia, which GREVIO welcomes. The competent authority to examine asylum requests is the Sector for Asylum under the Ministry of Internal Affairs. Appeals against the rejection of an application for international protection can be made to the Administrative Court in Skopje within 30 days of having received the decision. Appeals have suspensive effect, meaning that an expulsion can only take place after a final decision has been rendered.

378. As regards the requirement to have in place gender-sensitive asylum procedures, the Law on International and Temporary Protection contains a number of procedural safeguards available to women such as the express recognition that asylum seekers who have been exposed to torture, rape or other severe forms of psychological, physical or sexual violence fall under the category of vulnerable persons and that their special needs must be established by way of individual

302. GREVIO baseline evaluation report on Bosnia and Herzegovina, paragraph 315.

303. For a more detailed overview of the laws and practices in relation to asylum proceedings in North Macedonia, see the European Court of Human Right's judgment in the case of *A.A. and Others v. North Macedonia*, nos. 55798/16 et al., §§ 30 et seq., 5 April 2022, available at: <https://hudoc.echr.coe.int/eng?i=001-216861>.

assessment. Women asylum seekers are actively asked whether they wanted an interviewer and interpreter of the same sex. Asylum seekers have the right to free legal aid provided by the state throughout the proceedings, and additionally they have the possibility to receive legal counselling by specialist NGOs. GREVIO further notes that interviews of adult asylum seekers are conducted individually, even for spouses, and that the asylum seeker may be accompanied, *inter alia*, by a legal counsel.

379. GREVIO received indications from NGOs working in the field that there is a lack of interpreters for some languages in North Macedonia. Solutions should be found to ensure that interpretation is available for all women asylum seekers, and that interpreters are trained on gender-based persecution and forms of violence asylum seeking women may have experienced.

380. When it comes to the vulnerability screening of asylum-seeking women and girls, GREVIO notes that this should be routinely undertaken at the earliest possible opportunity and throughout the asylum procedure.³⁰⁴ This is particularly important to ensure that vulnerable women who have experienced gender-based violence are identified in a timely manner to inform decisions regarding access to appropriate accommodation and specialist support services and to ensure the application of procedural safeguards. In the absence of vital information obtained through a proper vulnerability assessment, the guarantees contained within the Law on International and Temporary Protection regarding the establishment of their needs are ineffective. The timely identification of vulnerability would also enable the asylum authorities to introduce and implement further procedural adjustments for vulnerable women. GREVIO was assured by the Sector for Asylum that vulnerable persons do not go through accelerated asylum procedures.

381. Important measures to improve the quality of vulnerability screenings, enhance the detection of gender-based violence, and ensure gender-sensitive asylum procedures include the adequate training and sensitization of all professionals involved, based on standards and guidelines. At the time of the evaluation visit, there were only nine case officers working at the Sector of Asylum, which regularly attend trainings by the European Union Agency for Asylum (EUAA; formerly EASO), among other things on gender-sensitive interviewing, interviewing children, gender identity and sexual orientation. In 2016, two standard operating procedures were adopted; one on dealing with vulnerable foreigners, and one on unaccompanied children. While the training dispensed and the guidelines in place provide a good basis, the low numbers of women granted asylum or subsidiary protection suggest that more training efforts are needed for case officers to ensure not only the adequate identification of women victims of gender-based violence but that the asylum determination procedure is ensured in a gender-sensitive manner as required by the convention.

382. GREVIO notes that the practical relevance of the above-described laws and measures for a gender-sensitive determination of women's asylum claims remains extremely limited in practice because of the very low number of asylum requests made in North Macedonia. In 2021, 100 asylum applications were received. While 4 persons were granted subsidiary protection, 23 requests were rejected and the remainder of claims was discontinued as the applicants had absconded. From January to August 2022, 94 people applied for asylum, 17 of which were women, and two unaccompanied girls. However, the number of asylum claims made on the basis of gender-related persecution or their outcome is not collected.

383. From the information reviewed by GREVIO, including the very low overall rate of refugee recognition, it appears that few to no asylum requests by women victims of violence lead to the granting of refugee status or subsidiary protection.³⁰⁵ The reasons are unclear and need to be investigated in more detail. However, the low number of asylum applications made by women does not allow a conclusive assessment of the implementation of the above-described laws, guidelines and measures to be made. The absence of data collected on the grounds for asylum further masks the extent to which the asylum determination procedure enables recognition of persecution based on experiences of violence against women.

304. GREVIO baseline evaluation report of Bosnia and Hercegovina, paragraph 331.

305. Between 2016 and 2021, not a single request for asylum was granted. (EC progress report North Macedonia 2022, p. 46.). No woman victim of violence has yet been granted subsidiary protection in North Macedonia.

384. GREVIO is concerned that gender-based violence may either not be identified or not sufficiently recognised during the refugee status determination process.³⁰⁶ In that context, it notes that the European Commission has expressed its general concern over the quality of the asylum decisions (however, not limited to asylum applications by women): “*Inter alia*, credibility assessments, the legal reasoning of decisions, the individual assessment of the personal circumstances of the applicants, the correct assessment of relevant and updated country of origin information, and the prioritisation of manifestly founded cases remain to be addressed.”³⁰⁷ GREVIO underlines the importance of updated and gender-specific country of origin information, as in its experience, such information does not always take into account the specific situation of women in a given country.³⁰⁸ North Macedonia has just completed a roadmap project with the EUAA, which ran from 2020-2022 and aimed at establishing an asylum and reception system in line with EU standards. It is hopeful that the quality of asylum decisions will improve, granting every woman asylum seeker a proper assessment of her claim on the merits.

385. GREVIO encourages the authorities of North Macedonia to ensure that gender-based violence is detected and that a gender-sensitive interpretation is applied to all grounds of persecution provided for in Article 1.A.2 of the 1951 Convention relating to the Status of Refugees. Progress in this area should be measured by collecting relevant administrative data on asylum applications raising issues of gender-based violence.

386. GREVIO encourages the authorities of North Macedonia to ensure that interpretation is available for all women asylum seekers, and that interpreters are trained on gender-based persecution and forms of violence asylum seeking women may have experienced.

387. GREVIO invites the authorities of North Macedonia to collect data on the number of asylum claims made on the basis of gender-related persecution and their outcome.

2. Accommodation

388. After having submitted an asylum application, asylum seekers have a variety of rights, such as basic health services and social care; free legal assistance and interpretation services; work within the reception centre; residence and freedom of movement in North Macedonia; accommodation; and education for children.³⁰⁹ There is only one asylum accommodation centre in the country, located in Vizbegovo.³¹⁰

389. GREVIO welcomes that several guidelines and standards for the reception and accommodation of asylum seekers are currently in use: In 2016, the Ministry of Labour and Social Policy, in cooperation with UN Agencies and NGOs, developed Standard Operating Procedures for Prevention and Response to Gender-Based Violence in the Reception Centre for Asylum Seekers in Vizbegovo. Additionally, in 2019, the Ministry of Labour and Social Policy adopted the “Rulebook on the standards for the reception of asylum seekers”, which takes into account gender-sensitive parameters in the provision of basic services. The staff at the asylum accommodation centre Vizbegovo receives regular training by NGOs, EU agencies or other international organisations, and operates according to the above-mentioned standard operating procedures. They have pedagogues, psychologists, administrators and social workers available.

390. GREVIO notes with satisfaction that the material and human resources conditions for the accommodation of asylum seekers at the centre in Vizbegovo are very good. The centre itself consists of two buildings, one of which can be separated from the other through a gate and turned

306. In the case of a woman from the United Arab Emirates, it appears that the grounds for claiming gender-based asylum has not been sufficiently examined, see <https://www.theguardian.com/world/2019/feb/10/uae-woman-who-fled-family-begs-to-be-allowed-to-claim-asylum> and <https://edition.cnn.com/2019/02/11/europe/hind-albolooki-uae-dubai-macedonia-intl/index.html>.

307. EC progress report North Macedonia 2022, p. 46.

308. GREVIO evaluation reports on Poland, paragraph 328, and Sweden, paragraphs 258-259.

309. <https://help.unhcr.org/northmacedonia/asylum-procedure-in-north-macedonia/>.

310. In addition, there are two short-term transit centres in Vinojug and Tabanovce, which house migrants transiting the country.

into a women-only accommodation, if necessary. Apartments for families are available, as are rooms with private toilets. Security is present around the clock, and cameras are installed in the hallways. The centre can house up to 150 persons. The cooperation of the centre with asylum NGOs and international organisations appears to be very good; both the Macedonian Young Lawyers Association and the UNHCR have offices there, providing legal advice to asylum seekers. According to the centre's director, women asylum seekers who are identified as needing specialist counselling would be referred to a relevant NGO or to the Centre for Social Work. However, NGOs active in the field stated that it was often difficult to provide proper counselling to asylum-seeking women, as they lacked interpreters for certain languages.³¹¹

C. ***Non-refoulement* (Article 61)**

391. Article 61 of the convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to women victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention of Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The obligation to respect the *non-refoulement* principle applies equally to victims of violence against women who are in need of protection, irrespective of the status or residence of the women concerned.³¹²

392. Article 7 of the Law on International and Temporary Protection provides that an asylum-seeker, recognised refugee or person under subsidiary protection cannot be expelled, or in any manner whatsoever be forced to return to the frontiers of the state in which his life or freedom would be threatened on account of his race, religion, nationality, belonging to a particular social group or political affiliation, or where he would be subjected to torture, inhuman or degrading treatment or punishment.

393. In practice, however, GREVIO is concerned about the situation of women migrants arriving at the border of North Macedonia, as the European Commission noted that North Macedonia continues the practice of returning apprehended migrants outside of the legal and/or procedural framework to neighbouring countries. Moreover, a lack of vulnerability screening of those apprehended has been attested.³¹³ Such practices may *de facto* prevent women at risk of or who have experienced gender-based violence from access to the asylum determination procedure in North Macedonia, which is a situation that should be remedied.

394. GREVIO encourages the Authorities of North Macedonia to

- a. **uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, in particular at border crossing points;**
- b. **continue to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.**

311. Information obtained during the evaluation visit.

312. Explanatory Report, paragraph 322.

313. EC progress report North Macedonia 2022, p. 43-44.

VIII. Concluding remarks

395. The present report shows the progress North Macedonia has made in adapting its legal and policy framework to the requirements of the Istanbul Convention- most recently through the amendment of the Criminal Code, which demonstrates the authorities' political commitment to the convention. Much research and numerous studies are available on issues related to the Istanbul Convention and have informed policy development. GREVIO welcomes that the Law on Violence against Women and Domestic Violence and the Action Plan on the implementation of the Istanbul Convention recognise violence against women as a distinctly gendered phenomenon, and that both instruments have been elaborated in close cooperation with civil society. Significant investments have been made in the education sector, through the training of teaching staff on topics such as gender-based violence and non-violent conflict resolution, but also through a review of schoolbooks to eliminate gender stereotypes and promote equality of women and men.

396. However, adopting legislative amendments and enacting policies and strategies is but the first step. It needs to be supplemented with other measures to ensure their implementation in practice by all relevant actors who come into contact with women victims of violence, including through training, awareness-raising and the provision of guidelines. These are areas where GREVIO has observed some progress, but also identified significant gaps. Studies on perceptions and attitudes towards violence against women and domestic violence show that negative gender stereotypes which contribute to such violence continue to persist among the population of North Macedonia. Promoting changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men, will thus play a central role in further government efforts.

397. Moreover, for the time being, not all forms of violence against women covered by the Istanbul Convention are covered by government strategies and action plans. Future strategic instruments will need to centre around ensuring that forms of violence such as forced marriage, forced abortion, violence based on so-called "honour" receive more attention. Marginalised groups of victims that are at risk of intersectional discrimination should be given equal and barrier-free access to service provision in practice. Across all public sectors, sensitivity towards women victims of violence needs to be increased, in order to encourage more women to come forward with their experiences of violence, and to avoid secondary victimisation.

398. With the present report, GREVIO wishes to support the authorities of North Macedonia in reaching higher levels of compliance with the Istanbul Convention in the areas identified and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the authorities of North Macedonia.

399. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO strongly encourages the authorities of North Macedonia to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature.

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

2. GREVIO strongly encourages the authorities of North Macedonia to:

- a. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, particularly when it comes to ensuring access to specialist support services;
- b. integrate the perspective of women who are or might be exposed to intersectional discrimination, including women with disabilities, women belonging to minority groups, migrant and asylum-seeking women, Roma women, LBTI women, homeless women, elderly women, women in rural areas, women in prostitution, women in detention and women with addiction issues into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;
- c. raise the awareness of victims belonging to these groups of women about their rights to protection and support services.

D. State obligations and due diligence (Article 5)

3. GREVIO urges the authorities of North Macedonia to:

- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;
- b. hold state actors for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention and to protect victims. Progress in this area needs to be measured by collecting data on such cases, and their outcome;
- c. analyse all cases of gender-based killings of women, with the aim of assessing possible systemic gaps in institutional response to cases of violence and preserving the safety of women.

E. Gender-sensitive policies (Article 6)

4. GREVIO strongly encourages the authorities to:

- a. Ensure gender-sensitive implementation of laws and policies on all forms of violence against women covered by the Istanbul Convention;

- b. challenge attitudes in society and, especially, among professionals working in state agencies, which justify domestic violence and violence against women more widely;
- c. ensure that a gender perspective is applied in the process of evaluating the impact of implemented policies.

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO strongly encourages the authorities of North Macedonia to fully implement the existing bye-laws and adopt all the necessary bye-laws under the Law on the Prevention and Protection from Violence against Women and Domestic Violence, and to implement all actions foreseen in the Action Plan for the Implementation of the Istanbul Convention.

B. Financial resources (Article 8)

6. GREVIO strongly encourages the authorities of North Macedonia to ensure appropriate human and financial resources to implement all policies, measures and legislation aimed at preventing and combating violence against women, including adequate funding of all the relevant institutions and entities , and for the specialist support services provided by civil society entities, and to introduce dedicated and transparent funding lines, in order to enable a regular monitoring of allocation and expenditure of funds.

C. Non-governmental organisations and civil society (Article 9)

7. GREVIO strongly encourages the authorities of North Macedonia to ensure, *inter alia* through adequate funding, a sustainable role for women's rights NGOs providing essential support services to victims of all forms of violence against women, for example, through long-term grants based on transparent procurement procedures, and to fully acknowledge, including through the content of the licensing regime, the value and expertise that these organisations bring through their gendered approach to violence against women, centred on victims' rights and needs.

D. Co-ordinating body (Article 10)

8. GREVIO strongly encourages the authorities of North Macedonia to vest the national co-ordinating body with the necessary financial and human resources to ensure its sustainable functioning.

9. Moreover, GREVIO strongly encourages the authorities of North Macedonia to ensure, on the one hand, the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women, and, on the other hand, their independent monitoring and evaluation, supported by appropriate and reliable data.

E. Data collection and research (Article 11)

1. Administrative data collection

e. Conclusion

10. Bearing in mind the need for data collection to apply to all forms of violence covered by the Istanbul Convention, GREVIO urges the authorities of North Macedonia to take the necessary measures, including any necessary legislative amendments establishing the duty of statutory agencies to:

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, and health and social services) are disaggregated with regard to the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and that information on the presence of child victims and witnesses is also included;
- b. harmonise data collection between law-enforcement agencies and the judiciary, with the aim of, *inter alia*, allowing the assessment of conviction and attrition rates, enabling a thorough analysis of the pathway of cases through the criminal justice system chain, including law enforcement, prosecutors' offices and the courts; identifying possible systemic gaps in institutional and judicial response to violence;
- c. improve the existing data-collection models on cases of violence against women that have resulted in the killing of the victim and, where appropriate, children;
- d. introduce a data-collection system that allows the recording of the number of breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the number of cases where the woman was revictimised (i.e. subjected to one or more further acts of violence) or murdered as a consequence of such breaches;
- e. introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution;
- f. introduce data collection in the healthcare sector in relation to all forms of violence against women;
- g. increase awareness among the responsible state agencies as to the requirements of the Istanbul Convention regarding data collection and enhance the skills and capacity of these professionals to collect data;
- h. ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as stipulated in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

2. Population-based surveys

11. GREVIO encourages the authorities of North Macedonia to conduct population-based surveys addressing all forms of violence against women covered by the scope of the Istanbul Convention, as well as to pay a particular attention to prevalence of these forms of violence among groups of women who are subject to or at risk of intersectional discrimination.

3. Research

12. GREVIO encourages the authorities of North Macedonia to step up efforts to commission and support research on:

- a. all forms of violence against women, including those that are not currently explored;
- b. the experiences of women victims of violence that are subject to or at risk of intersectional discrimination;
- c. the effects of conflict-related violence on women;
- d. the effects that domestic violence has on children exposed to it;
- e. the responses to violence against women and domestic violence by the judiciary and law-enforcement agencies;
- f. the implementation of existing policies and legislative measures, including from a victim's perspective.

III. Prevention

A. General obligations (Article 12)

13. GREVIO strongly encourages the authorities of North Macedonia to take measures to prevent all forms of violence against women covered by the Istanbul Convention, by:

- a. promoting the understanding within society of the gendered nature of violence against women;
- b. promoting changes in mentalities and attitudes as expressed by public opinion which contribute to justifying and perpetuating violence against women;
- c. addressing structural inequalities between women and men as the root causes of such violence;
- d. promoting programmes and activities for the empowerment of women.

B. Awareness raising (Article 13)

14. GREVIO strongly encourages the authorities of North Macedonia to diversify their awareness-raising efforts in order to address *all* the forms of violence against women covered by the Istanbul Convention, besides domestic violence. Specific attention should be paid to reach vulnerable groups of victims, especially when they are at risk of intersectional discrimination, and to duly inform women victims of their rights under international human rights law. Campaigns should be carried out by partnering with women's NGOs active in supporting women victims of violence.

C. Education (Article 14)

15. GREVIO invites the authorities of North Macedonia to continue their efforts in implementing Article 14 of the Istanbul Convention at all levels of education, including to:

- a. continue the revision of schoolbooks and curricula in order to eliminate discriminatory and stereotypical contents;
- b. promote in non-formal education, as well as in sports, cultural and leisure activities the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships.

D. Training of professionals (Article 15)

16. GREVIO strongly encourages the authorities of North Macedonia to ensure that all professionals dealing with victims or perpetrators receive systematic and mandatory initial and in-service training on identifying and responding to *all* forms of violence against women, including its digital dimension, while focusing on the victims' human rights, safety, individual needs and empowerment, the prevention of secondary victimisation. Training should cover topics such as the use of protective measures, the psychological dynamics of domestic violence against women, post-separation violence, and the harmful impact of witnessing domestic violence on children, including the need to take into account domestic violence in determination of custody and visitation rights. Moreover, training should be based on the principles of non-discrimination and equality between women and men, and be developed in close co-operation with independent women's NGOs providing specialist support to women victims of violence. Clear protocols and guidelines should be established to set the professional standards that staff should follow.

E. Preventive intervention and treatment programmes (Article 16)**1. Programmes for perpetrators of domestic violence**

17. GREVIO strongly encourages the authorities of North Macedonia to improve the availability across the country of preventive intervention and treatment programmes for perpetrators of domestic violence that incorporate the core elements set out by Article 16 of the Istanbul Convention, including in custodial settings and for out-patient treatment, and to ensure that the programmes are sustainably funded and adequately staffed. Entities working with perpetrators should be embedded in local multi-agency structures and closely co-operate with relevant stakeholders, such as women's support organisations, the police, the justice system and general support services.

18. GREVIO strongly encourages the authorities of North Macedonia to ensure that the impact of all perpetrator programmes is assessed by independent entities, in line with the standard rules of methodology.

2. Programmes for sex offenders

19. GREVIO strongly encourages the authorities of North Macedonia to continue with their ongoing plans to expand the intervention and treatment programmes for perpetrators of sexual violence in line with the requirements of Article 16, paragraph 2 of the Istanbul Convention, taking due account of promising practices developed internationally, with the general aim to prevent re-offending.

F. Participation of the private sector and the media (Article 17)

20. GREVIO invites the authorities of North Macedonia to:

- a. continue their efforts to encourage the media to ensure that self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women, including in the context of reporting on violence against women, are observed;
- b. encourage the private sector, including ICT companies, to take an active part in the prevention of violence against women, and to devise programmes aimed at protecting children from harmful images and messages of a sexual or violent nature conveyed by information and communication technologies.

IV. Protection and support**A. General obligations (Article 18)**

21. GREVIO strongly encourages the authorities of North Macedonia to expand and strengthen their current efforts to establish integrated multi-agency cooperation structures for the protection of and support to victims of all forms of violence covered by the Istanbul Convention that involve all relevant actors, including women's specialist support services.

22. To this end, GREVIO strongly encourages the authorities of North Macedonia to develop and adopt mandatory guidelines and/or protocols for relevant professionals on how to respond to cases of all forms of violence against women covered by the Istanbul Convention, on the basis of multi-agency co-operation, giving due regard to the specific needs of women victims in relation to the specific form of violence experienced. These guidelines and/or protocols should be based on a gendered understanding of violence against women, focus on the human rights and safety of victims, aim at the empowerment and economic independence of women victims and avoid secondary victimisation, as set out in Article 18, paragraph 3.

B. Information (Article 19)

23. GREVIO encourages the authorities of North Macedonia to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of all forms of violence against women and domestic violence, in a language they understand, including in formats that are accessible for victims with disabilities.

C. General support services (Article 20)

1. Social services

24. GREVIO urges the authorities of North Macedonia to provide adequate human and financial resources to allow the Centres for Social Work to discharge their responsibilities in an effective manner and to provide training to social workers on the gendered nature of violence against women, including domestic violence, with the aim to, *inter alia*, improve their capacities to assist women victims, including those who are at risk of intersectional discrimination.

25. GREVIO encourages the authorities of North Macedonia to improve access of victims of domestic violence and violence against women to services facilitating their autonomy, and to continue implementing the dedicated programmes that cater to their specific needs in the areas of employment, training and housing, thus contributing to their recovery, economic independence and empowerment.

2. Health-care services

26. GREVIO strongly encourages the authorities of North Macedonia to:

- a. ensure that medical aid and documentation are provided free of charge to women victims of all forms of violence covered by the Istanbul Convention, regardless of whether the incident has been reported to the authorities;
- b. introduce a protocol for health care professionals to ensure standardised care paths in cases of violence against women and domestic violence that include the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to appropriate specialist support services;
- c. promote and institutionalise multi-agency co-operation between the healthcare sector and specialist services;
- d. ensure equal and barrier-free access to health care for all women victims of domestic and gender-based violence, without discrimination.

D. Specialist support services (Article 22)

27. GREVIO strongly encourages the authorities of North Macedonia to support the setting-up of low-threshold support services for victims that have specialist knowledge on all forms of violence against women, beyond domestic violence, based on a victim-centred and empowering approach, and taking into account the needs of specific groups of women, including those who are or may be exposed to intersectional discrimination, relying on the long-standing expertise and experience of women's NGOs. Moreover, an adequate geographic distribution of such services must be ensured.

28. GREVIO strongly encourages the authorities of North Macedonia to review the obligation to report imposed on women's NGOs, giving due regard to one of the core principles of their work, which is to protect the confidentiality and privacy of victims.

E. Shelters (Article 23)

29. GREVIO urges the authorities of North Macedonia to:

- a. increase the number and capacity of appropriate and easily accessible shelters providing safe accommodation in relation to all forms of violence covered by the Istanbul Convention;
- b. ensure that shelters are available in an adequate geographic distribution;
- c. ensure that all women victims of gender-based violence and their children have access to shelters, regardless of whether they want to report the violence they suffered to the authorities and also ensure that they are offered a possibility to self-refer;
- d. develop minimum quality standards for services provided in shelters, in close co-operation and in consultation with women's NGOs, based on a gendered understanding of violence against women, the empowerment of victims and a victim-centred and human rights-based approach, and taking into account promising practices developed internationally;
- e. ensure sustainable funding and sufficient human resources of shelters;
- f. introduce and provide on-going and specialised training for staff.

F. Telephone helplines (Article 24)

30. GREVIO encourages the authorities of North Macedonia to ensure that the existing national women's helplines offer counselling and advice to women with disabilities and sensual impairments, and to enable the broadening of the national helplines' scope to ensure counselling, advice and referral is provided in relation to all forms of violence covered by the Istanbul Convention by trained staff.

31. GREVIO strongly encourages the authorities of North Macedonia to provide adequate and sustainable funding to the civil society organisations that operate national telephone helplines in order to ensure their continuous operation.

G. Support for victims of sexual violence (Article 25)

32. GREVIO urges the authorities of North Macedonia to set up rape crisis centres and/or further sexual violence referral centres that provide immediate medical care, trauma support, forensic examinations and immediate, short- and long-term psychological assistance by qualified professionals, who are trained on gender-based violence against women and provide victim-sensitive examinations, in line with the standards set by the Istanbul Convention.

33. For those areas with no sexual violence referral centres, in the meantime, GREVIO urges the authorities of North Macedonia to establish a clear pathway for victims of sexual violence and rape, to ensure that forensic examinations are carried out swiftly, and that victims are provided with sufficient trauma care, immediate, short- and long-term psychological counselling and legal assistance by trained and specialised staff.

34. GREVIO strongly encourages the authorities of North Macedonia to:

- a. better inform women of the existence of sexual violence referral centres;
- b. take measures to identify and eliminate barriers so that women victims of sexual violence can access these centres for support;
- c. introduce a system for storing forensic evidence in cases where the victim needs reflection time on whether to report the rape/sexual violence;
- d. ensure that sexual violence referral centres systematically refer victims to specialist services for psychological counselling and trauma care;
- e. ensure that women victims of sexual violence receive services at the sexual violence referral centres regardless of their willingness to report to the authorities.

35. GREVIO urges the authorities of North Macedonia to review the obligation for professionals, including those working at the sexual violence referral centres, to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the Istanbul Convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a minor or is unable to protect her/himself due to intellectual disabilities.

H. Protection and support for child witnesses (Article 26)

36. GREVIO urges the authorities of North Macedonia to provide children who witness domestic violence with long-term, tailored psychological counselling by staff trained on the impact of domestic violence on children. An adequate geographic distribution of such services should be ensured.

I. Reporting by professionals (Article 28)

37. GREVIO strongly encourages the authorities of North Macedonia to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim in order to allow her to make an informed decision and maintain her autonomy.

38. To this end, GREVIO strongly encourages the authorities to review the obligation for professionals, including those working for NGOs, to report cases of violence against women and their children to the police and to alert social services, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities.

V. Substantive Law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

39. GREVIO encourages the authorities of North Macedonia to ensure the provision of adequate information to women victims of violence in order to enable them to make practical use of the existing legal remedies against perpetrators and state authorities who have failed to comply with their duty to take the necessary preventive or protective measures in relation to cases of violence against women and domestic violence. Progress in this area should be measured by collecting data on the number of civil lawsuits initiated, their outcomes, and damage awarded to victims.

40. GREVIO encourages the authorities of North Macedonia to consider the use of disciplinary measures in relation to the misconduct or failure of state officials to take appropriate action in relation to cases of violence against women and domestic violence.

2. Compensation (Article 30)

41. GREVIO strongly encourages the authorities of North Macedonia to adopt measures to facilitate and guarantee access to compensation for victims of all forms of violence against women, in particular by:

- a. ensuring that victims are systematically informed of their right to claim compensation and the procedures to be followed;
- b. taking legislative or other measures to ensure that compensation can be claimed and obtained in the context of criminal procedures and that the victim is not systematically

- referred to claim compensation in the context of civil proceedings, which entails a range of additional financial and administrative hurdles that hinder securing such compensation and can result in a further risk of secondary victimisation;
- c. monitoring progress in this area, by collecting data on the compensation claims filed by victims and their outcome.

42. GREVIO invites the authorities of North Macedonia to lift the reservation with regard to Article 30, paragraph 2 of the Istanbul Convention, once their legal framework is aligned with that provision.

3. Custody, visitation rights and safety (Article 31)

43. GREVIO urges the authorities of North Macedonia to take the necessary measures, including legislative amendments, to ensure that courts, Centres for Social Work and any other relevant authorities are under an obligation to:

- a. take into account incidents of violence, including violence by one parent against the other witnessed by the child, when determining custody and visitation rights;
- b. monitor the practice of the courts and the Centres for Social Work in that respect;
- c. incorporate risk-assessment and risk-management procedures in the determination of custody and visitation rights, and restrict these rights where this is warranted to guarantee the safety and best interests of the child and the safety of the non-abusive parent;
- d. ensure children's safety in conditions that allow them to remain with the non-abusive parent, preferably in their own home;
- e. ensure that all relevant professionals, especially staff from the Centres for Social Work and judges in civil courts, are trained in the area of domestic violence and equipped with guidelines to enable them to discharge their obligation to ensure the safety of victims and their children in any decisions taken, including by actively seeking information from women's support services, law enforcement, and other relevant organisations.

B. Criminal law

1. Psychological violence (Article 33)

44. GREVIO encourages the authorities of North Macedonia to establish a specific offence of psychological violence which captures the conduct set out in Article 33 of the Istanbul Convention.

45. Further, GREVIO strongly encourages the authorities of North Macedonia to ensure that relevant professionals, especially prosecutors, judges, medical doctors and other relevant experts, recognise the seriousness of psychological harm inflicted in the context of domestic violence; to this end, further training initiatives should be launched, including on how psychological violence may be evidenced and prosecuted, and taking into account the digital dimension of violence against women.

2. Stalking (Article 34)

46. GREVIO invites the authorities of North Macedonia to ensure that in the new offence of stalking, online and technology-facilitated stalking is taken into account by relevant professionals in practice, including through adequate training.

3. Physical violence (Article 35)

47. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure the effective investigation, prosecution and punishment of acts of physical violence against women, including intimate partner violence, by making full use of the available provisions in the Criminal Code and to ensure that sanctions are effective, proportionate and dissuasive, taking into account the gendered nature of these offences.

4. Sexual violence, including rape (Article 36)

48. GREVIO urges the authorities of North Macedonia to take measures to ensure the effective investigation, prosecution and punishment of acts of rape and sexual violence against women by making full use of the available provisions in the Criminal Code and to ensure that sanctions are effective, proportionate and dissuasive, taking into account the gendered nature of these offences.

49. Moreover, GREVIO strongly encourages the authorities to provide training to all relevant professionals, including the police, public prosecutors and judges, on the new provisions on rape and sexual violence, in order to ensure their adequate implementation.

5. Forced marriage (Article 37)

50. GREVIO urges the authorities of North Macedonia to establish the crime of forced marriage, ensuring that both types of conduct, as per Article 37 of the Istanbul Convention are criminalised: 1) forcing a person to enter into a marriage; and 2) luring a person abroad with the intention of forcing this person to marry against their will, even if the marriage has not been concluded.

6. Female genital mutilation (Article 38)

51. GREVIO encourages the authorities of North Macedonia to ensure that the procurement of a woman or a girl to undergo female genital mutilation is also criminalised.

7. Forced abortion and forced sterilisation (Article 39)

52. GREVIO encourages the authorities of North Macedonia to ensure that women with disabilities who undergo consensual sterilisation can make their decision on the basis of sufficient information, provided in an accessible manner, and which is presented to them by professionals who are trained on gender and disability issues.

53. Having regard to the risk that sex selective abortions pose in terms of discriminatory practice and possibly subjecting women to violence, GREVIO invites the authorities of North Macedonia to take measures to raise awareness about this issue, and to heighten the capacity of the professionals concerned, in particular from the healthcare sector, to detect and prevent this phenomenon.

8. Sexual harassment (Article 40)

54. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure that the legal provisions protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It strongly encourages the authorities to achieve this aim through, first and foremost, the training of professionals, especially on the new criminal provision on sexual harassment.

9. Sanctions and measures (Article 45)

55. GREVIO strongly encourages the authorities of North Macedonia to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed for domestic violence and the different forms of violence against women are effective, proportionate and dissuasive, as required by Article 45 of the Istanbul Convention.

10. Aggravating circumstances (Article 46)

56. GREVIO strongly encourages the authorities of North Macedonia to adopt legislative measures to expressly include the aggravating circumstances as listed in Articles 46a, 46d, 46g and 46h in the list of aggravating factors, and take appropriate measures to ensure, through training and

appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are applied as aggravating circumstances by the judiciary in practice.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

57. GREVIO strongly encourages the authorities of North Macedonia to take legal or other measures to abolish any practices of mandatory conciliation in cases of harassment at the workplace.

58. GREVIO encourages the authorities of North Macedonia to ensure that women victims of violence to whom mediation is offered are informed of their rights, in particular as regards the non-mandatory nature of mediation.

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

59. GREVIO urges the authorities of North Macedonia to:

- a. enhance the capacity and knowledge of all law enforcement officers regarding case-building for all forms of violence against women covered by the Istanbul Convention, including timely evidence collection, and promoting and implementing effective and proactive law enforcement investigations;
- b. draw up standard reporting and investigative procedures in relation to all forms of violence against women;
- c. remove barriers to reporting in particular for women victims of rape and sexual violence, but also for victims of all other forms of violence covered by the Istanbul Convention, including digital dimensions of such violence, by ensuring victim-centred and gender-sensitive law-enforcement response to such cases and implementing measures to prevent secondary victimisation of the victims;
- d. remove any regulations or guidelines requiring that women victims are systematically warned that they may be charged for false reporting;
- e. ensure that law enforcement immediately reacts to reports of violence against women and domestic violence.

2. Effective investigation and prosecution

60. GREVIO urges the authorities of North Macedonia to:

- a. issue guidelines or standard operating procedures to public prosecutors' offices in order to ensure a victim-centred and gender-sensitive handling of all cases of violence against women covered by the Istanbul Convention, including implementing measures to prevent secondary victimisation;
- b. consider setting up adequately staffed, dedicated units within the public prosecutors' offices to investigate and prosecute cases of violence against women and domestic violence;
- c. ensure that prosecution services enhance their capacity and knowledge regarding case-building for all forms of violence covered by the Istanbul Convention, including timely evidence collection; further, ensure that they pro-actively collect and pay due regard to evidence other than the victim's statement, as well as re-examine the practice of withdrawing charges in cases when women victims withdraw their statements;

- d. ensure that the forensic examination and collection of evidence ordered by the public prosecutor in cases of sexual violence and rape is not considered mandatory for a case to go to trial, and that other evidence is collected to ensure an effective prosecution.

3. Conviction rates

61. GREVIO urges the authorities of North Macedonia to swiftly identify and address any factors, which contribute to attrition in criminal justice proceedings in relation to all cases of violence against women covered by the Istanbul Convention, including the reasons for delays in such proceedings. Measures should be supported by gender-disaggregated administrative and judicial data that are reliable and harmonised throughout the judicial chain.

B. Risk assessment and risk management (Article 51)

62. GREVIO strongly encourages the authorities of North Macedonia to ensure:

- a. a systematic use of a standardised, evidence-based risk assessment tool for all forms of violence covered by the Istanbul Convention, in order to enable all relevant risk factors to be timely identified and responded to, when first contact is made with victims and subsequently;
- b. that risk-assessment and management procedures are central to co-ordinated multiagency responses to violence against women, and to all cases, while stepping up training for law enforcement agencies, judiciary and other relevant institutions;
- c. monitor and review procedures and practices related to confiscation of firearms and introduce improvements accordingly, including by ensuring that the fact that perpetrators possess or have access to firearms is duly taken into account in the risk assessment, and is considered in risk management;
- d. that risk assessments are invariably followed up by protective measures that are proportionate to the established level of risk.

C. Emergency barring orders (Article 52)

63. GREVIO urges the authorities of North Macedonia to take legal or other appropriate measures to ensure that emergency barring orders are available that meet the requirements of Article 52 of the Istanbul Convention. Subsequently, training must be provided for the police, the staff at the Centres for Social Work and the judges at the competent courts on the importance of emergency barring orders in providing a swift protection to victims.

64. GREVIO further urges the authorities to review the use of emergency barring orders in practice; address factors that contribute to their low use; and ensure that these orders have been efficiently and adequately enforced, i.e. that the police monitor perpetrator's compliance with emergency barring orders issued against them, or that other technical means are provided to serve the latter purpose and to ensure that violations are adequately punished by dissuasive and proportionate sanctions.

D. Restraining or protection orders (Article 53)

65. GREVIO urges the authorities of North Macedonia to review their system of protection orders to ensure that:

- a. they are available for long-term protection without undue delay, and are available immediately after an emergency barring order expires in order to avoid gaps in the protection;
- b. the procedure for obtaining a protection order is conducted swiftly and without undue delays;

- c. protection orders are vigilantly enforced and breaches sanctioned in line with the requirement to impose effective, proportionate and dissuasive criminal or other sanctions.

E. *Ex parte and ex officio proceedings (Article 55)*

1. *Ex parte and ex officio proceedings*

66. GREVIO strongly encourages the authorities of North Macedonia to amend the Law on Criminal Procedure to require ex officio prosecution in relation to offences as listed in Article 55, paragraph 1 of the Istanbul Convention, including in cases of bodily injury committed in the context of domestic violence that are not considered minor offences.

2. *Victim support in legal proceedings*

67. GREVIO strongly encourages the authorities of North Macedonia to ensure that specialist women's organisations and/or state agencies provide legal and psycho-social support and assistance to victims during investigations and judicial proceedings, upon their request, in relation to any of the offences established in accordance with the Istanbul Convention.

F. *Measures of protection (Article 56)*

68. GREVIO strongly encourages the authorities of North Macedonia to effectively implement all the measures to protect the rights and interests of women and child victims or witnesses, including to protect them from secondary victimisation, at all stages of investigation and judicial proceedings for all forms of violence covered by the Istanbul Convention, as set out in its Article 56.

G. *Legal aid (Article 57)*

69. GREVIO strongly encourages the authorities of North Macedonia to take measures to ensure, in the practical implementation of the Law on Free Legal Aid and the Law on Criminal Procedure, the provision of free legal aid of sufficient quality in all areas related to the Istanbul Convention, and to systematically inform women victims of violence of their rights and possibilities under these laws.

70. Moreover, GREVIO strongly encourages the authorities of North Macedonia to remove any administrative or procedural barriers to obtaining legal aid, and to monitor the impact of the provisions on legal aid in practice with a view to ensuring women's continued access to justice through quality legal representation.

VII. *Migration and asylum*

B. *Gender-based asylum claims (Article 60)*

1. *Gender-sensitive asylum determination procedure*

71. GREVIO encourages the authorities of North Macedonia to ensure that gender-based violence is detected and that a gender-sensitive interpretation is applied to all grounds of persecution provided for in Article 1.A.2 of the 1951 Convention relating to the Status of Refugees. Progress in this area should be measured by collecting relevant administrative data on asylum applications raising issues of gender-based violence.

72. GREVIO encourages the authorities of North Macedonia to ensure that interpretation is available for all women asylum seekers, and that interpreters are trained on gender-based persecution and forms of violence asylum seeking women may have experienced.

73. GREVIO invites the authorities of North Macedonia to collect data on the number of asylum claims made on the basis of gender-related persecution and their outcome.

C. Non-refoulement (Article 61)

74. GREVIO encourages the Authorities of North Macedonia to

- a. uphold their obligation to respect the principle of non-refoulement of victims of violence against women, in particular at border crossing points;
- b. continue to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

Ministries

- General Secretariat of the Government of North Macedonia
- Ministry of Education and Science
- Ministry of Health
- Ministry of Information Society and Administration
- Ministry of Interior
- Ministry of Justice
- Ministry of Labour and Social Policy

Entities at national/regional level

- Academy for Judges and Public Prosecutors
- Agency for Audio and Audiovisual Media Services
- Agency for the Implementation of the Rights of Communities
- Association of the Units of Local Self-Government of the Republic of North Macedonia
- Asylum Reception Centre Vizbegovo
- Centre for Social Work – Skopje
- Centre for Social Work – Tetovo
- Commission on Prevention and Protection against Discrimination
- Directorate for the Execution of Sanctions
- Employment Service Agency
- Federation of Trade Unions of North Macedonia
- Independent Trade Union of Journalists of Macedonia (SSNM)
- Judicial Council
- National Co-Ordinating Body
- Office for Social Activities
- Ombudsman
- Police
- Public Prosecutor's Office
- State Labour Inspectorate
- State Statistical Office
- Tetovo Referral Centre for Sexual Violence

International organisations

- UN Women

Non-governmental organisations and civil society

- Association for emancipation, solidarity and equality of women – ESE
- Association of Social Workers
- Biljana Andonova (attorney at law)
- CSO Cortex
- Coalition Margins
- Educational Humanitarian Organization (EHO)
- ERA - LGBTI Equal Rights Association
- Gender Equality Platform

- HERA (Health Education and Research Association)
- HOPS Healthy Options Project Skopje
- Hristina Zdraveska (lawyer)
- Macedonian Helsinki Committee
- Macedonian Young Lawyers Association
- Marta Gusar (lawyer)
- Natasa Boskova (lawyer)
- National Council for Gender Equality
- National Network to end Violence against Women and Domestic Violence – Voice against Violence
- Open Gate - LaStrada
- Organization of Women of the City of Skopje – OZS
- Polio Plus
- Reactor – Research in Action
- Roma Women and Youth Organisation (LULUDI)
- Roma Women's Rights Initiative Suto Orizari
- Rosana Janevska (attorney at law)
- SOS mobile helpline
- Stanica PET Prilep
- STAR Skopje
- The Macedonian Women's Lobby (MWL)
- Women's Support Center – Tetovo