

Gender-based violence against women and domestic violence

Submitted by: The Advocates for Human Rights and National Network to End Violence Against Women and Domestic Violence

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Summary: Gender-based violence (GBV) against women continues to be a serious and growing problem in North Macedonia, including psychological, physical, economic, and domestic violence (DV); sexual harassment; or sexual assault. While North Macedonia has recently taken steps to improve its legislative response to GBV through ratifying and implementing the Istanbul Convention, serious problems remain, including inadequate implementation and limited access to victim services.

Laws and policies to protect victims of GBV are not adequately implemented.

- The law on Prevention and Protection from Violence against Women and Domestic Violence (2021 VAW and DV Law) to implement the Istanbul Convention was introduced on February 6th, 2021 and entered into force May 6, 2021. This three-month period was intended for preparation of bylaws, protocols, and programs in order to have more comprehensive implementation. Most of the bylaws, programs, and protocols are still in a draft phase two years after the adoption of the new law, hindering its implementation.
- The 2021 VAW and DV Law introduced a definition of rape based on lack of consent; defines stalking and sexual harassment; and regulates reintegration of women victims of violence; and February 2023 Amendments to the Criminal Code updated the definition of rape and criminalized stalking and sexual harassment, but did not define or criminalize psychological violence, a form of domestic violence, leaving some victims unprotected.
- The National Action Plan (NAP) for implementation of the Istanbul Convention (2018-2023) lacked transparency. The mandated institutions did not disclose annual operative plans to the public. The NAP was adopted without any financial implication from the national budget, instead relying on donor funds, and there is no specified budget for the implementation of activities for prevention and protection against GBV.
- The implementation of the NAP (2018-2023) was behind schedule and incomplete. More than 50% of planned activities are not implemented. These activities include public awareness campaigns, integration of teaching contents in education, and capacity building for professionals, including service providers, working on GBV and DV.
- The space for civil society organizations (CSOs) in the legislative process and implementation was limited. No CSO was invited to participate in the working group for preparing amendments to the Criminal Code.

Victims of GBV and DV lack access to adequate services.

- While in 2018 North Macedonia opened three referral centers for victims of sexual violence and rape with funds from donors, research conducted by the National Network showed that a very small number of women and girl victims of sexual violence received complete services, particularly among victims who reported sexual violence in police stations. Further, the Ministry of Health is not fulfilling its legal obligation to fund the centers and funding has diminished in the last three years.
- Services for victims of GBV and DV managed by the Ministry of Labor and Social Policy, including counseling centers, shelters, and crisis centers, do not follow clear standards and are inefficient in operation. Professionals working at the counselling centers for victims of GBV and DV lack specialized skills to work with victims.
- While the Ministry of labor and social policy can license and fund women's CSOs to provide services to victims of GBV and DV, the new licensing regime makes it difficult for NGOs to fulfill the criteria. The Ministry also does not provide adequate funding, preventing the sustainable provision of services for victims.
- The Law on Healthcare does not categorize victims of GBV and DV as needing specific and comprehensive treatment with further referral services. Additionally, health facilities do not offer a comprehensive system of services for the treatment of victims, including psychological care, which means that victims must pay for all additional services other than the health services they received immediately when the violence was committed.

Recommendations

- Adopt all bylaws, protocols, and programs of the 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence ensuring designated funding sufficient for successful implementation.
- Criminalize psychological violence as a form of domestic violence.
- Consult women's CSOs to further amend the criminal code to align with the Istanbul Convention.
- Consider the possibility of forming an independent body of experts within the Government responsible for alignment of the national legislation and practices with the recommendations and obligations of the Istanbul Convention and other relevant international obligations.
- Engage with women's CSOs in the development process of the new National Action Plan for implementation of Istanbul Convention, and ensure government and relevant ministries/institutions transparently allocate funds within their budgets for implementation of the activities of the new NAP.
- Build capacity for all professionals working with victims of GBV and DV in identifying and responding to all forms of violence against women including law enforcement, judges, public prosecutors, and other professionals.
- Develop holistic and free-of-charge healthcare services for victims of violence including identification of victims, screening, diagnosis, treatment, documentation of injuries, and referral to appropriate specialist support services.
- Develop and adopt standards and operational procedures for specialized services supporting of victims of GBV and DV.