

# INSTITUTIONAL PROTECTION OF WOMEN VICTIMS OF VIOLENCE IN NORTH MACEDONIA WITH A SPECIAL EMPHASIS ON THE CITY OF TETOVO

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## Abstract

Violence, as an act of violating human rights, in this case, the rights of women, is a phenomenon that harms the family, society, and the state as the highest entity of societal organization, therefore it is indispensable that this phenomenon should be addressed by the relevant state institutions, which are obliged to provide protection for victims of gender-based violence. To analyze the efficiency of state institutions in protecting women and girls, victims of violence, in this paper the method of explicative and descriptive analysis is used, as well as statistics to present the results obtained from the online survey questionnaire, which will enable tabular arrangement of the data, as well as the semi-structured interview conducted with employees of the Centre for social work in Tetovo. This paper is also based on the statistical data on violence against women and girls in RNM provided by the Ministry of Internal Affairs, State Statistical Office as well as the data on social protection recently offered to victims of violence within the framework of the Centre for social work. The final part of this paper, together with the conclusions, will include the measures undertaken by the institutions of our country to protect the victims of violence, most of whom are women and girls.

*Keywords:* gender, violence, institution, rights, law.

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## 1. Introduction

The right to live in freedom and peace is an irrefutable right that belongs to every human being regardless of age, gender, race or ethnicity. It frequently happens that this right is violated against women and girls in our country. The family, the society, and the circle we are living in, grounded on a strong traditional basis, are overflowing with stereotypes, prejudices and gender discrimination which lead to violence.

According to the World Health Organization, violence against women is a violation of basic human rights that causes long-term effects on mental and psychological health, thus harming the well-being of women, children and the family (WHO, 2021).

Even though North Macedonia explicitly prohibits violence against women and domestic violence by legal provisions, violence remains present, therefore this paper aims to provide an overview of the role of competent institutions in preventing violence against women and domestic violence; protection of victims and collection of data on violence.

The purposes of this study are to (a) provide data on the respondents' knowledge about the rights which pertain to victims of violence against women and domestic violence (b) to identify the bodies to which the respondents will turn for protection in instances of violence against women and domestic violence; (d) to shed light on the respondents' trust in the competent institutions for the prevention, hindering of violence against women and protection of victims of violence against women and domestic violence, and (e) provide information on the role of the competent institutions for the protection of victims of violence in accordance with the legal framework in RNM, as well as (f) provide data on the measures taken by the employees of the Public Institution - Intermunicipal Center for Social Work in Tetovo for the victims who turn to this institution

## **2. The phenomenon of violence against women and domestic violence and the role of competent institutions in protecting the victims of violence**

Violence against women is an intricate social issue and our knowledge of how to address it is evolving. Addressing this issue requires coordinated action that engages communities and different sectors, including health, education and justice, to challenge the inequalities and social norms that cause violence and to provide emotional and physical support to victims (Krantz & Garcia-Moreno, 2005).

This global phenomenon is present in every country, regardless of culture, type of government, religion or values, and is a result of the misuse of power and control over other family members who have less power (Saltirovska & Dimitrijoska, 2017). Hence, such a complex, detrimental and high-risk phenomenon cannot be treated as an isolated or individual case. In cases where a woman or girl is violated, the case should be reported to the competent authorities and they should handle it most professionally, taking into account the health condition of the victim and her social consequences.

Consequently, in recent decades, both at the international and local level, a trend has been observed in the increase of legislative activity in the field of prevention and punishment of domestic violence, especially violence against women and children (Todorova et al., 2019).

Additionally, the modern social care policy is designed to meet the physical and mental health needs and social inclusion of different groups through a wide spectrum of service programs (Baldok et al., 2012).

State institutions of social protection should provide services for the benefit of abused women victims of violence, as follows:

- telephone assistance – enabling a toll-free number where violence will be reported
- emergency centers for addressing crises – these centers are put into operation in cases of violence, threats or rape
- counseling – providing services and counseling in cases of trauma by professional persons
- shelters - sheltering women victims of violence who do not own private property.

*2.1. The Legal Framework of the Republic of North Macedonia in preventing and protecting from gender-based violence against women and domestic violence:* The Republic of North Macedonia, providing for legal solutions in Criminal Law which aims at sanctioning family-related violent behavior and in Civil Law which regulate temporary measures to ensure immediate protection of victims from further or future violence against women and domestic violence, meets international standards defined by various international acts that refer to the prevention and protection from violence against women and domestic violence. The legal framework for the rights of women victims of gender-based violence, including domestic violence, consists of the Constitution, Ratified international conventions and laws. The Constitution (1991) of the Republic of North Macedonia, Article 9 guarantees equality before the Constitution and law, the citizens are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. RNM was among the first countries that signed the Istanbul Convention (2011), thus in December 2017, the Assembly adopted the Law on Ratification of the EC Convention on Prevention and Combating Violence against Women and Domestic Violence. The Convention was ratified by depositing the ratification instrument, which was submitted in March 2018, and it came into force on July 1, 2018 (GREVIO, 2022). To address the violence against women, the fundamental framework in our country is the Action Plan for implementation of the Istanbul Convention 2018-2023 and the Law on Prevention and Protection from Violence against Women and Domestic Violence (2021) which regulates the actions of institutions (state administration bodies, courts, public prosecution, local self-government units and other legal persons) in taking measures to prevent gender-based violence against women and domestic violence; protection of victims, mutual coordination of institutions and organizations,

victim protection services and data collection on gender-based violence against women and domestic violence.

According to the Law, violence against women is defined as violation of human rights, and 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 and intimidation of such acts, extortion, arbitrary restriction and/or deprivation of liberty, whether they occur in public or private life;

Even though RNM explicitly prohibits violence against women and domestic violence by legal provisions, in reality, it continues to be present. Competent state institutions must respond to the occurrence of violence by preventing violence, prosecuting the perpetrators and helping the victims of violence. One of the most important principles on which the law is based is strengthening the potential and capacities of victims of violence; enabling them to participate in the assessment of their condition and needs, informing them on the measures, activities and services for protection, enabling the victim to participate in the choice of services and measures for their assistance, support and protection as well as in measures for independent organization of life and self-help in the future (Article 10).

The system of protection against violence against women and domestic violence is also regulated by the Law on Social Protection and the Law on Free Legal Aid. The Law on Social Protection (2019) regulates the rights for financial support of women victims of domestic violence and care for women victims through counseling services; temporary stay and care in the family. Based on the Law on free legal aid (2019) victims of gender-based violence and domestic violence, are provided with primary and secondary legal aid, respectively, the rights of legal aid for victims of domestic violence in the procedure of imposing temporary measures are determined without scrutinizing of their financial situation.

## *2.2. The institutional protection of victims of gender-based violence against women and domestic violence:*

Many women victims of violence do not have sufficient information on how to leave the cycle of violence they are in; which bodies offer institutional protection; their rights as victims; how to start a procedure for protection from gender-based violence, while some do not even know that they have the right to live free from violence and discrimination.

Article 40 of the Law on preventing and protecting from violence against women and domestic violence determines the manner of reporting violence, obliging every citizen who knows about the existence of gender-based violence against women and domestic violence shall report it to the police station, the center for social work, the public prosecutor's office, the organization or the SOS line, and they are obliged to act even after an anonymous denunciation. Besides citizens, based on Article 41, violence shall be reported by officials, respectively the person in charge and the head of the institution who perform activities in the field of social protection and child protection, employment, internal affairs, health and education.

Moreover, Article 44 provides for protection from victimization or re-victimization by undertaking several measures, such as protection of the victim's identity and personal data, obtaining the statement at the place of reporting, at the police station or the prosecutor's office; discussions in special premises apt for conversation with victims; restraint of confrontation with the denounced; limitation of giving a statement twice at most during the procedure for protection and other measures that protect the victim's integrity.

In accordance with the legal provisions, the moment the Social work center receives the information that gender-based violence against women or domestic violence is committed, it is obliged to begin the procedure immediately, or at the latest within 12 hours, according to the risk assessment. The procedure is initiated according to the official duty, at the request of the victim, after the denunciation of a citizen, an official or the organization.

Article 46 consists of measures the Center for social work shall undertake to protect victims, such as: provides temporary shelter, ensures necessary healthcare for the victim, accompanying the victim; ensures

that the victim realizes the right to social and health protection; provides psychosocial support; ensures the victim is provided with psychosocial treatment in counselling centers by professionals in the Center for social work, associations, counselling center for women victims of violence; provides assistance to the family for the regular education of the child; provides legal aid and representation; directs the victim to relevant state bodies and other competent bodies for economic empowerment of the victim; through the employment center and in case of high risk take urgent measures for protection as well as when the victim uses temporary residence services, and at the latest within twelve hours of receiving the denunciation, adopt a decision on the trust of temporary care and education of the children of the parent victim of violence. Organizations can take measures to protect victims in cooperation with the Center for social work or independently (Article 52).

In addition to the Center for social work, measures shall also be taken by the Ministry of Internal Affairs, namely, whenever there is a complaint, to eliminate the immediate and danger to the life and physical and psychological integrity of the victim, the police officer is obliged to go to the scene of the incident and prepare a report immediately, at the latest within 12 hours after the intervention has taken place. Based on Article 50, the police, centers for social work, prosecutors and judges are obliged to assess the risk of danger to the life and physical and mental integrity of the victim and their family members, assess the risk of recurring violence to provide measures to assist and protect the victim.

Article 51 regulates the measures for the protection of victims that must be undertaken by health institutions and health workers, including check of injuries and medical treatment: documentation of injuries and gathering of evidence of violation of physical and mental integrity; issuing medical documentation related to injuries and informing victims of their rights. Despite the above-mentioned institutions, local self-government units are also obliged to provide financial support means for victims of gender-based violence and domestic violence in their budget (Article 53).

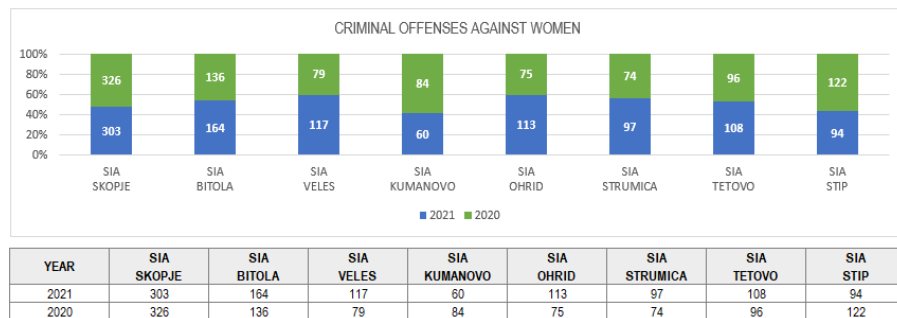
To prevent violence, consequences are eliminated and perpetrators are punished, thus on the proposal of the Ministry of Internal Affairs, the court imposes emergency measures lasting at least ten and at most 30 days. These measures are imposed to avoid direct and serious danger to the life and physical and mental integrity of the victim and their family members by removing the perpetrator from the house and preventing them from approaching the house, without the victim's consent (Article 57).

Apart from urgent measures, the law provides imposing temporary protection measures by the court to stop the violence, remove the consequences of the perpetrated violence and take effective measures against the perpetrator of violence, due to a previous proposal by the victim through the Center for social work, as follows: 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 a 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 - measures which are carried out by the Ministry of Internal Affairs. The Ministry of Health shall execute the pronounced temporary protection measure: mandatory treatment of the perpetrator if he uses alcohol, drugs and other psychotropic substances or has a mental illness. The counselling center for perpetrators of domestic violence shall execute the measure: mandatory attendance at a counselling center for perpetrators of violence. In addition, the Law stipulates other temporary measures such as: to return the items needed to meet the daily needs of the victim and the family; mandatory legal support of the family; the perpetrator must reimburse the medical and other expenses incurred as a result of the Violence as well as any other measure that the court deems necessary to ensure the safety and well-being of the victim and other family members.

## Statistical data on reported cases of domestic violence to the competent bodies

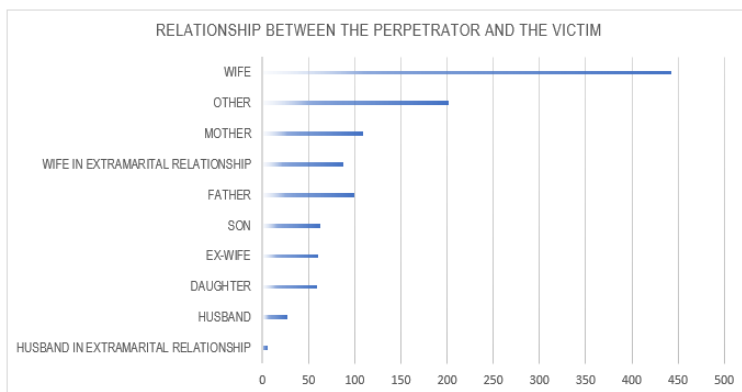
Violence occurring within the household is otherwise known as “internal violence” and factors leading to its occurrence are numerous, while in the cases of spousal abuse, women are the ones who are abused more often (Dragoti, 2000).

During the time this research was conducted (2020-2022), the general statistics in the annual report (2022) of the Ministry of Internal Affairs regarding domestic abuse that women face prove that the number of women victims of domestic violence has also started to increase significantly by 6.5% increase in cases. In RNM, it is seen that women are more likely to be victims of domestic violence, including being violated by their father, brother, husband or ex-husband.

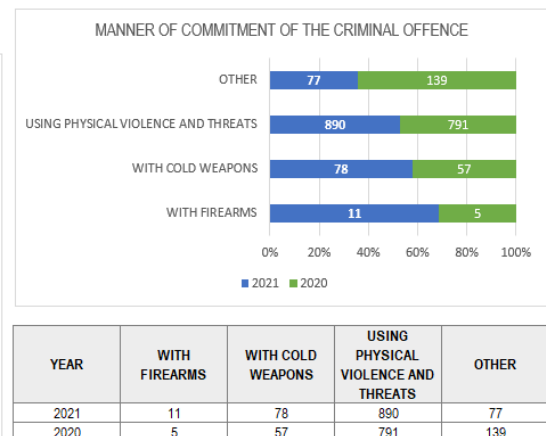


**Chart 1.** Criminal offenses related to domestic violence

The number of perpetrators of these criminal offenses is 1097 (1025), of which 90% are male. The largest number of reported criminal offenses include bodily harm, namely 65% of cases, followed by threats to privacy with 34%. In addition to these cases, five murders are recorded during this period, two in Ohrid, and one in each region of Veles, Skopje and Tetovo (see Chart 1).



**Chart 2.** Relationship between the perpetrator



**Chart 3.** The way the criminal offense is committed and the victim

The victims are usually related to the perpetrator. Out of 77% of the reported cases, it turns out that in 38.5% the victim is the wife. Then 18% of the victims are the parents and 10.5% of the victims are the children (see Chart 2). The largest number of criminal offenses or 84% were carried out using force or threats, then 7.4% of offenses were conducted using cold weapons, while in 11% of cases firearms were used (see Chart 3).

Regarding the reasons, 32% of criminal offenses were registered as a result of the disordered state of the perpetrator, while in 16% of cases the perpetrator was under the influence of alcohol. In cases of domestic violence, there is a slight decrease in law violations by 22%, in fact, 379 (486) violations were registered as

domestic violence. The police station received 3761 (3759) complaints, a number which is the same as last year.

### 3. Methodology

The qualitative and quantitative methods were interwoven, which brought diverse data in this study, regarding the institutional protection of victims of violence against women and domestic violence. The quantitative research provided empirical data about the knowledge of the rights of victims of violence against women and domestic violence; the knowledge of respondents about the competent institutions dealing with the victims and the trust in these institutions, while the qualitative research, based on the information collected through the semi-structured interview with the social workers, provided data on the implementation of the legal provisions related to the protection of victims of violence against women and domestic violence in practice and the procedure that victims of violence who seek institutional protection must follow.

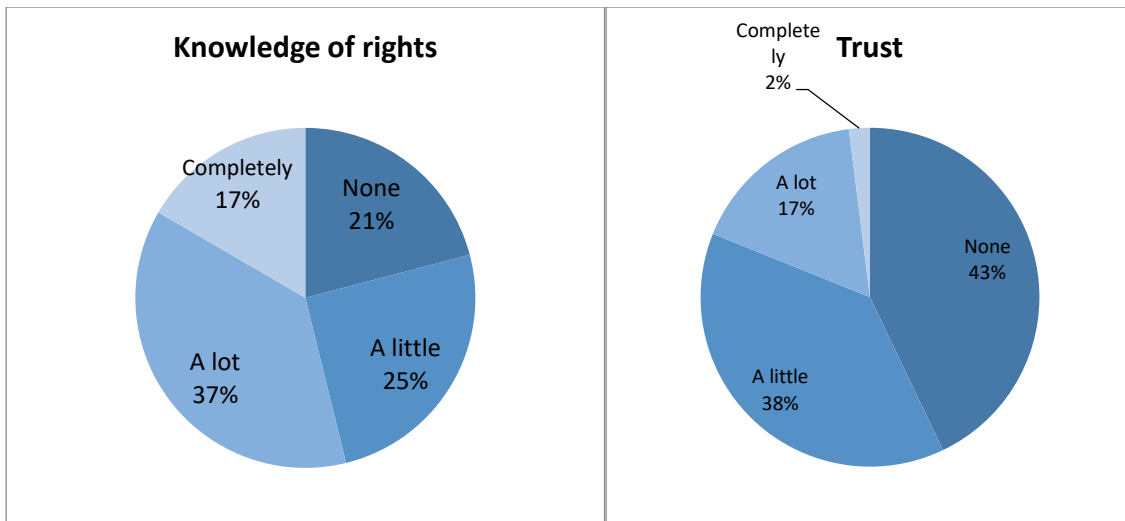
*3.1. The instrument of the study:* To analyze the goals of this study, the online questionnaire technique and semi-structured interview conducted with employees from the Social unit in the city of Tetova were used. The research sample through the online questionnaire is 301 respondents. The questionnaires were designed with closed questions and the respondents' answers were analyzed through the Statistical Package for Social Sciences (SPSS).

*3.2. Research findings of the online questionnaire :* The quantitative research findings presented in this paper show that (a) most of the respondents have knowledge about the rights of victims of violence; (b) the police are the first body that the respondents will turn to in case of violence against women and domestic violence and (c) the respondents have little confidence in the competent institutions for the prevention, hindering and protection of victims of violence against women and domestic violence.

Table 1 shows the respondents' answers regarding their knowledge about competent institutions that deal with victims of violence, where the police have the highest scores, with a mean of 3.05 and a standard deviation of 0.749, while the media have the lowest scores with a mean of 1.99 and standard deviation 0.856.

<b>Table 1.</b> Respondents' knowledge about competent state institutions that deal with victims of domestic violence					
If a close person of your shares with you that they have been a victim of domestic violence, where would you advise them to turn to?	N	Minimum	Maximum	Mean	Standard deviation
Media.	301	1	4	1.99	.856
Civic organization.	301	1	4	2.35	.792
Close friends or relatives.	301	1	4	2.79	.873
Center for social work.	301	1	4	3.01	.794
Police.	301	1	4	3.05	.749

Regarding the question "Do you have any knowledge about the rights of victims of violence against women and domestic violence based on the laws of the RNM?", the results in Chart 4 show that 139 or 46.1% of the respondents have none or little knowledge about victims' rights, while the rest, i.e., 162 respondents or 53.8% have a lot of knowledge about victims' rights.



**Graph 4.** Knowledge about the rights of victims of violence

**Graph 5.** Society's trust in institutions

Concerning the question “Do you trust the competent institutions of the Ministry of Internal Affairs for prevention and protection of victims of violence against women and domestic violence?” the data in Chart 5 shows that 244 respondents or 81.1% stated that they have little or no trust in the competent institutions, while the 57 respondents or 18.9% stated that they trust a lot or completely in the competent bodies.

*3.3. Semi-structured interview with social workers :* Based on these findings, a semi-structured interview was also conducted with the social workers from the Public Institution - Intermunicipal Center for Social Work in Tetovo, who, by responding to the questions, provided details of following steps with the victims who turn to their institution.

The interviewed social workers initially affirmed that the largest number of victims of violence who turn to their center are women (see Chart 1 which shows statistics about the number of abused women).

In most cases the victims establish contact with the Center for social work through the Police Station of Tetova (i.e., first the women reported the violence to the police station and then the police directed them to the Center for Social Work), but there were cases when victims would directly contact this institution to report the violence perpetrated against them, and, as the social workers stressed, these cases were considered the most serious cases to address since the center did not have prior knowledge of the causes that have led to violence as well as of the perpetrator of the criminal offense.

As for the question about what happens further in cases when the victim contacts the center as abused, which are the steps you follow as an institution, the social workers who dealt with cases of violence against women explained in detail that they first assess the case, then they form a professional team (social worker, psychologist, lawyer, pedagogue), who professionally study the case and provide help appropriate to the abused victim.

According to the obtained responses, this institution first provided psychological support, then first medical aid, as well as sheltering victims of violence shelters, which unfortunately are not found in the Polog region, even across our country there are only five placed in Skopje, Veles, Sveti Nikole, Kocani and Ohrid. The victims are accommodated in the nearest shelter center, which in this case is the Skopje shelter, and they then provided the necessary care for the victims. Regarding this question, the social workers accentuated that a large number of abused women decide to return to their parents' house or stay with a family member because 80% of the cases are women with children and do not want to change their children's place of residence and school.

As for the question if the abused women own an individual property they can move in, the social workers answered that they had dealt with such cases so far.

Regarding the concluding question of the interview related to the physical safety of the social worker who deals with cases of domestic violence, the interviewees responded that they felt completely safe while handling cases of domestic violence because they were in continuous cooperation with the Police station of Tetova and the decisions made in these cases were always in cooperation with the Police.

#### **4. Conclusion**

Violence against women is an enduring evil. Despite the numerous raising awareness and self-defense initiatives undertaken both by the RNM and non-governmental organizations that act in defense of women's rights, again statistical data of the annual report by the Ministry of Internal Affairs shows that violence is continually increasing. As noted in this paper, there are relevant institutions that treat, protect, supervise and offer help to abused victims.

It is worth observing that a special characteristic of this process, regardless of how gloomy it is, is the chain operation of state institutions that deal with cases of domestic violence, where the victim follows an institutional trajectory from the police station, where the cases of violence are reported, to the center for social work, thus ending in the shelter center.

Trust in relevant state institutions by the society is greatly significant because mistrust in them affects the number of reports of violence. The research findings show that the largest percentage of respondents did not trust these institutions, a worrying percentage since this will undoubtedly affect the increase in violence cases and their treatment as private matters.

The reason for the obscure number of cases of violence against women and domestic violence may also be due to the lack of knowledge about the rights of victims, as well as the competence of the bodies that provide institutional protection. Domestic violence is a social issue that should not be ignored by competent state institutions, otherwise, it may become the main reason to help in creating an unbroken chain of perpetrators and victims against whom violence has been committed. The legislation shows that the legal bases for combating violence against women and domestic violence have been established in RNM, but it is important that the legal provisions are effectively implemented in practice, including consistent and systematic efforts by the relevant institutions for prevention of violence and protection of victims.

The relevant institutions for prevention, hindrance of violence and protection of victims of violence should prepare public informing campaigns regarding rights of women and girls.

The relevant authorities, in cooperation with NGOs should inform women and girls on legal liabilities, their rights, free legal services, and available contact details to report violence as well.

Establish cooperation between responsible authorities and local authorities for protection of women's and girls' rights so the number of rehab centers and shelters for women victims is increased.

Organize training, TV shows, courses (since elementary school) on gender equality to raise the awareness of both genders on the rights of girls and women as human beings, as well as the measures that should be undertaken if these rights are violated.



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