

VIOLENCE AGAINST WOMEN IN NORTH MACEDONIA:

Period of Analysis 2018-2019

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Abstract

Violence against women is widely accepted as normal, and it is underreported in the Republic of North Macedonia. The negative developments of domestic violence in North Macedonia include that nearly half of all women believe that domestic violence is a private matter, and that three in ten believe that victims exaggerate claims of abuse or rape. To combat this situation, North Macedonia on 23.03.2018 became the 29th state to ratify the Istanbul Convention. The convention entered into force on July 1st, 2018. North Macedonia was amongst the first to sign this convention on July 8th, 2011. After ratification the Ministry of Labour and Social Policy adopted the Action Plan for implementation on October 9th, 2018. The plan entails preventing and combating violence against women and domestic violence for the period from 2018 to 2023. This paper will put emphasize to the implementation process of the Istanbul Convention in the North Macedonia, and derivation of legal obligation and needed actions to fully implement the convention. Also, paper analyze current situation of shelters services in the state level. We argue that A lack of shelters and the financial sustainability of existing services are crucial problems. There are not enough shelters, and they do not have sustainable funding. There are a lot of barriers to women accepting existing shelters. Women from rural areas are at increased risk due to their distance from support services and lack of financial independence.

Keywords: women, abuse, violence, combat, convention, state level

1. Introduction

Gender inequality lies at the root of gender-based violence against women. Violence against women is a complex, multifaceted phenomenon, occurring within a social context that is influenced by gender norms, interpersonal relationships, and sexual scripts. Since first identified as a problem worthy of study in the 1970s, tremendous progress has been made in understanding physical and sexual violence against women (Cayton; 2015). Conceptualizing violence requires an understanding of a range of phenomena, for example, forced marriage, rape and sexual assault, child abuse, “honour crimes” polygamy, prostitution, trafficking, and violence in political conflict. Attempts to explain such forms of violence have come from wide range of disciplines, such as psychology, political sciences, law, sociology and biology. Increasingly sophisticated quantitative studies have identified predictors and mechanisms underlying violence and its subtypes, and provided support for theoretically derived hypotheses. According to such work, endeavours to conceptualize violence against women should put under scrutiny not only the social and cultural gender constructs, but also the state itself and its gendered policies. Therefore, the state must be scrutinized in terms of its role in controlling sexuality, and reinforcing gender roles that bear on women’s place in the domestic or public sphere, including the state itself.

2. Key concepts on Violence against Women in North Macedonia

The Republic of North Macedonia is a co-signer of all applicable Human Rights treaties, including those that advocate the elimination of all forms of gender discrimination and violence against women. According to the North Macedonian constitution the Republic of North Macedonia accepts all ratified international treaties as a part of its national judicial regulations. This constitutional provision, which declares that international treaties ratified in accordance with the constitution are part of domestic law, has greatly extended the catalogue of legal provisions on gender equality.

North Macedonia on 23.03.2018 became the 29th state to ratify the Istanbul Convention. The convention entered into force on July 1st, 2018. North Macedonia was amongst the first to sign this convention on July 8th, 2011. After ratification the Ministry of Labour and Social Policy adopted the Action Plan for implementation on October 9th, 2018. The plan entails preventing and combating violence against women and domestic violence for the period from 2018 to 2023.

With the adoption of the Action Plan for the Istanbul Convention a systemic law on integrated and coordinated actions in all forms of gender-based violence was planned to be adopted in 2019. However, the comprehensive Law on Gender-Based Violence has not been adopted yet. It was primarily planned to be adopted in the beginning of 2019. Until the adoption of this new law the Law on Prevention, Combating and Protection against Domestic Violence, adopted in 2014 and amended twice in 2015, remains the basic law on domestic violence.

Domestic violence is detected and punished only in rare cases, even though it is deemed a criminal offence in the Criminal Code of the Republic of North Macedonia. Violence is a multifaceted problem that represents more than a simple act in the relations between wife and husband. Violence against women is widely accepted as normal, and it is underreported in North Macedonia. The negative developments of domestic violence include that nearly half of all women believe that domestic violence is a private matter, and that three in ten believe that victims exaggerate claims of abuse or rape. Very few women have reported violence due to a number of factors such as identifying shame, financial reasons, lack of information and mistrust of services, fear and lack of understanding of what counts as violence. Intimate partner violence has been experienced by 45% of women, 9% have experienced physical violence at the hands of a partner and 44% have experienced psychological abuse. Nearly half (48%) of the women surveyed agree that domestic violence is a private matter, and almost three out of ten (28%) believe that violence is often provoked by the victim.

Even though North Macedonia's Family Code explicitly provides protection against domestic violence the position of woman has greatly deteriorated during the transitional period after communism. Domestic violence has been aggravated by economic and social insecurities. In the procedures for providing prevention and protection against domestic violence to those unable to take care of themselves the exercising of social protection rights and services is provided by the Family Code. If necessary, a procedure is conducted for their placement under guardianship and the appointment of a guardian. Nevertheless, the scourge of domestic violence by the vast number of the population is treated as a private problem that belongs to the family; not to society. A lack of shelters and the financial sustainability of existing services are crucial problems. There are not enough shelters, and they do not have sustainable funding. There are a lot of barriers to women accepting existing shelters. Women from rural areas are at increased risk due to their distance from support services and lack of financial independence. The adoption of the new draft law on Prevention and Protection against Discrimination which had been in parliamentary procedure since July, 2018 was adopted on 11.03.2019. It provides

amendments to the Law on Equal Opportunities for Women and Men in terms of the grounds for discrimination, namely the introduction of sexual orientation and gender identity as grounds for discrimination. It also introduced intersectional discrimination as a separate form of discrimination. Also, the Law on Equal Opportunities for Women and Men is a systemic law that regulates the equal opportunities of women and men. In order to achieve a standardized reporting model for the implementation of this law in 2018/19 several rulebooks relating to the form and content of annual reports of institutions and local self-governments have been adopted. Rulebooks on the work of coordinators for equal opportunities in state and local self-government bodies have been as well. Moreover, a rulebook on the analysis of the contents of syllabi, curricula and textbooks, for the purpose of promoting equal opportunities for women and men, has been adopted. These should lead to the elimination of prejudice and stereotyping in education.

3. Data analysis on VAW in North Macedonia

Violence against women is perceived as a fairly prevalent phenomenon in the country. Three out of five (60%) women think that violence against women is common, and nearly three in ten thinks that it is *very* common. Almost one in five women (17%) personally know someone among their family and friends who have experienced some form of domestic violence, and a similar proportion know someone from their neighborhood who has experienced violence. Just over half of women (54%) have recently seen or heard advertising about violence against women, and the majority feels at least somewhat informed about what to do should they experience it (63%). However, few are familiar with specialized support services provided by NGOs. Attitudes and awareness differ among the major ethnic groups in the country. Just over two in five of the Albanian-speaking women surveyed consider VAW to be a common phenomenon (42%), and there is even less awareness within this group of NGOs that offer support.

Fourteen per cent of women say they have experienced physical or sexual violence since the age of 15 at the hands of a partner or non-partner (7% among Albanian-speaking women versus 16% among Macedonian-speaking women). Psychological violence committed by an intimate partner is significantly more common, with 44% of women indicating that they have experienced this (43% among those women who completed the survey in Albanian). Three in ten (30%) women disclose that they have been sexually harassed since the age of 15, and one in ten (10%) say they were sexually harassed in the 12 months prior to the survey (9% and 4%, respectively, among Albanian-speaking women). Seven per cent of women say they have been stalked (4% of Albanian-speaking women).

While the disclosed prevalence of violence in the country is substantially lower than across the EU, it is important to keep in mind that three times as many women in North Macedonia believe domestic violence is a private matter to be handled within the family compared with women across the EU, and the qualitative research conducted for this report showed that some women consider “minor” violence to be normal behaviour. These views are more pronounced among Albanian-speaking women, nearly seven in ten of whom (67%) consider domestic violence to be a private matter. This difference provides additional context when considering the lower indicated rates of violence among Albanian-speaking women.

Younger women, as well as those with more education and those living in urban areas, are more prone to sexual harassment. However, the higher prevalence among these groups of women may also reflect less tolerance by these women of sexual harassment and thus more openness to talking about their experiences.

Women living in households that are struggling financially indicate a higher prevalence of violence, and in particular of physical and sexual intimate partner violence (17% of those finding it very difficult to cope on their income versus 9% on average).

In terms of perpetrators, physical and/or sexual violence is committed most often by a previous partner: 12% of women who have had a previous partner say they have experienced one or more forms of such violence, compared with 7% of those with a current partner who say they have experienced current partner violence. Seven per cent of women say they have experienced non-partner violence since the age of 15.

Survivors of physical or sexual violence at the hands of a partner or non-partner are often left with feelings of annoyance, fear, and anger, each of which is indicated by more than half of affected women, and nearly a quarter of the women surveyed suffered from difficulty sleeping, depression or a sense of vulnerability as a result of their most serious incident of violence.

There remains an important minority who maintain a traditional perspective on the role of women in society and at home. Approximately one-third of women (37%) think their friends would agree that a woman should obey her husband even if she disagrees, and a similar proportion (32%) believe that it is important for a man to show his partner who the boss is. Three in ten (30%) women agree that women who say they were abused often make up or exaggerate claims of abuse or rape. This belief is more widespread in rural areas.

4. A Case Law Analysis on Violence against Women in North Macedonia

The Appeal Court in Stip received an appealed case from the Basic Court of Strumica which was presented by the Basic Public Prosecutor of Strumica. The case relates to an aggravated physical assault against a woman in the city of Strumica. The key facts mentioned in the verdict by the basic court are as follows. On the day of the crime the perpetrator M.M., who was in a close relationship with the victim A. S., arrived at the apartment of the victim? While there he punched her several times on the face and head causing her serious physical injuries.

This case was clearly an aggravated physical assault against a woman; as evidenced by the medical documentation. The perpetrator pleads guilty to this crime. No further argumentation was needed. This crime was judiciously classified as an aggravated physical assault committed an act of domestic violence according to article 131, paragraph 2, and point 1 of the Criminal Code of RNM. For this criminal offense a minimum sentence of one to five years is prescribed. Mitigating circumstances were divergent from the court and the public prosecutor's office.

The Appeal Court in Stip upheld the verdict of the Basic Court in Strumica by finding the perpetrator guilty, but issued alternative measures instead of prison. The court issued a suspended sentence of one year in prison providing that the perpetrator does not commit any new crime within two years. The appeal court found the suspended sentence to be appropriate in this case even though the victim of the crime suffered serious physical injuries.

The Criminal Code does not expressly refer to violence against women, although in 2004 it was amended to make domestic violence a specific crime. Until then, all cases of domestic violence were regulated by general laws on crimes and misdemeanors. Rape in marriage is penalized and legal authorities are required to prosecute. Rape, including spousal rape, was criminalized via the 1996 amendments to the Criminal Code of RM. In practice the police and courts are reticent to punish the perpetrators of spousal rape. As in other contexts, in Macedonia many female victims do not file complaints for fear of social stigma.

5. Conclusion

It is evident that in the Republic of Macedonia, the available data refers only to several forms of gender-based violence against women. Moreover, the data is not classified according to all relevant categories, such as ethnicity, geographic location and other categories in order to have a clear picture of the phenomenon. The existing data in the Republic of North Macedonia are not sufficient for monitoring the violence against women and girls. There is a need for action to combat the plentiful challenges of abuse, exploitation, and violence against women and girls in North Macedonia, as well as the institutional inequality which serves as a barrier for women from participating socially and economically as well as in governance equal stakeholders in society. Also, the raise of awareness and education of public is needed in all regions of North Macedonia in matters related to violence, domestic, sexual and psychological abuse, as well as cultural and social norms and institutions which prevent equal access to social, academic and economic opportunities for women and girls. This outreach goal should target not only developed areas, but also less developed and rural areas, where women and girls are more vulnerable to abuse and exploitation and also engages men as stakeholders in this problem. Also, there is necessity to engage the program with a better understanding of what everyone in North Macedonian society can do to help ensure that all victims' voices in North Macedonia are heard equally.

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