

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**Comments submitted by North Macedonia  
on GREVIO's final report on the implementation  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

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# **Comments of the Government of North Macedonia on the (Baseline) Evaluation Report of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) 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)**

## **1. INTRODUCTION**

The Government of the Republic of North Macedonia welcomes the Final Evaluation Report of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and highly appreciates the efforts made by GREVIO throughout the entire process of evaluating the implementation of the Istanbul Convention by the Republic of North Macedonia.

The Macedonian Government has duly considered the recommendations given by GREVIO and welcomes the opportunity to comment the Final Report.

The Government is pleased to note that a large portion of our comments on the Draft Report have been taken into account in the Final Report. The Government is of the opinion, however, that information contained in certain points are still incomplete and inaccurate, and therefore wishes to make the following further comments:

## **2. COMMENTS ON SELECTED POINTS FROM THE REPORT**

### **I. PURPOSES, DEFINITIONS, EQUALITY AND NON-DISCRIMINATION, GENERAL OBLIGATIONS**

#### **General principles of the convention**

#### **Scope of application of the convention and definitions**

**12.** The Report points out that “GREVIO received indications from some participants – practitioners in governmental and non-governmental organisations 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 of the issue by the relevant entities.”

We would like to point out that, in all processes of developing the policies, without exception, beginning with the Law on Ratification of the Istanbul Convention, the Action Plan, the Law on Prevention and Protection against Violence against Women and Domestic Violence, including the bylaws deriving from this Law, a broad working group was always set up involving civil society organisations, carrying out a transparent and a consultative process. The National Coordinating Body has members from civil society organisations representing civil society networks, such as the Gender Equality Platform, who themselves have nominated 3 members to the NCB.

**13.** According to Point 13 of the Report, “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 laws, policies, programmes and support services, with due regard to their gendered nature.”

The Government wishes to clarify that, with the latest amendments to the national laws, this recommendation has already been given effect at the level of legislation and policy. There are

two national strategies relating to discrimination, the National Strategy on Gender Equality 2022-2027, and the National Strategy on Equality and Non-discrimination 2022-2026. Still, we are resolved to continue combating all forms of violence against women and give priority to support services in the forthcoming National Strategy on Gender-based Violence and Domestic Violence.

## **Fundamental rights, equality and non-discrimination (Article 4)**

### **2. Intersectional discrimination**

**25.** Point 25 specifies that “Several NGO sources informed GREVIO that the acceptance of LGBTI women in North Macedonia is low, and that this group of women is exposed to intolerance, hostilities and violence. 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 LGBTI women. GREVIO notes with interest that the development of a separate strategic goal for the prevention of intersectional discrimination of LGBTI 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.”

The Government wishes to inform that, in line with promoting the right to equality and non-discrimination, particularly of LGBTI+ people, it is important to point out that the Pride Parade has been carried out in continuation for 3 years now and has received support from the Government.

At the same time, MLSP is funding the service facility First Shelter Centre for Victims of Violence from the LGBTI Community and it has been licensed to the provider of this service.

Moreover, the first SOS telephone line for the LGBTI community was opened, and the set-up of this line was supported by the Ministry of Labour and Social Policy.

**27.** In Point 27 of the Report, “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.”

In relation to access to specialist support services, we would like to explain that every woman victim of violence, regardless of her vulnerability, has access to specialist service facilities according to her needs. In assessing the risk, relevant professionals consider all case-specific circumstances and when proposing measures, activities and services, they are driven by the individual needs of the victim regarding prevention and protection from violence.

In line with this, we wish to point out that the Law on the Use of Languages regulates the right to using the sign language, the right of the deaf and the hard of hearing to sign language, learning the sign language, a sign language interpreter, the responsibilities of the National Federation of the Deaf and the Hard of Hearing of Macedonia, the financing, the enforcement of these rights, and misdemeanour sanctions. With this Law, sign language has been recognised as a fully natural form of communication equal to the spoken communication. A deaf person or a hard-of-hearing person has the right to use sign language as a party or a participant in procedures before state authorities, local self-government authorities, judicial authorities, public enterprises, institutions, agencies, funds and other facilities and organisations. Moreover, a deaf person or a hard-of-hearing person has the right to use the sign language for other life needs of their own choosing, when being deaf poses a barrier in satisfying their needs, however, up to 30 hours annually. The Social Work Centre issues a resolution for realising the right to an interpreter. State authorities, local self-government authorities, judicial authorities, public enterprises, institutions, funds and other facilities and organisations are obliged to provide an interpreter for the deaf and the hard-of-hearing person at the request of the person or ex officio immediately when such person encloses the Social

Work Centre's resolution recognising this person's right to use an interpreter. The costs for the interpreter are compensated by the authorities, or institutions listed above.

Every woman victim of violence, regardless of her vulnerability, has access to specialist service facilities according to her needs. In assessing the risk, relevant professionals consider all the case-specific circumstances and when proposing measures, activities and services, they are driven by the individual needs of the victim regarding prevention and protection from violence.

**29.** The Report notes that "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."

We wish to inform that, pursuant to the Law on Internal Affairs, the control of how the Ministry conducts its operations may be carried out as an internal and external control.

In terms of this Law, internal control is carried out by a special department within the Ministry, whereas the external control is carried out by the Ombudsman and the Unit for Investigating and Prosecuting Criminal Offences Committed by Persons Holding Police Powers and Members of the Prison Police of the Basic Public Prosecutor's Office for Prosecuting Organised Crime And Corruption.

### **Gender-sensitive policies (Article 6)**

**38.** This part of the Report considers the gender-sensitive policies, where GREVIO, among other things, urges that gender-sensitive implementation of laws and policies be ensured and that attitudes of professionals justifying domestic violence be challenged.

Gender equality is a joint obligation and priority of the Government of the Republic of North Macedonia. Gender equality is part of the Government's Work Programme 2020-2024 and, moreover, it is an obligation of the 2030 Agenda for Sustainable Development both on national and local levels.

We want to point out that, at the level of policies, the situation has additionally improved with the Strategy on Gender Equality 2022-2027 adopted by the Assembly of the Republic of North Macedonia on 28.07.2022.

The vision of this Strategy is to achieve gender equality in a society where women and men, girls and boys, have equal rights, access to resources, opportunities and protection in all areas of life, as a condition for a full and sustainable economic, demographic and social development and progress of the country, that is, a society where women and men will have the same privileges and responsibilities that they will realise in a truly joint partnership. By adopting this Strategy, the Republic of North Macedonia is striving to improve the situation with gender equality in 13 priority areas. The Strategy, as a broad strategic framework, is bringing together all areas of action to achieve gender equality by integrating the gender perspective in policies and strategies, combating stereotypes and violence against women, improving the position of women in all areas of public and private life, in education, healthcare, agriculture, access to justice, social security, environment and climate change, sport, culture, the media, as well as

monitoring the situation with gender equality through relevant data and indicators. The Specific Objective 3.1 relates to preventing and combating gender-based violence.

The Resource Centre for Gender Responsive Policy-making and Budgeting was formed by the Ministry of Labour and Social Policy (MLSP) as part of the Project “Promoting Gender-responsive Policies and Budgets: towards Transparent, Inclusive and Accountable Governance in the Republic of North Macedonia”, implemented by UN Women, and financially supported by Switzerland and Sweden.

The Centre has the objective to help the efforts of the Republic of North Macedonia in systemic and sustainable application of gender-responsive budgeting, as a tool in policy-making and in the budget-related processes.

The Resource Centre provides trainings for strengthening the capacities of civil servants in the area of gender equality and gender-responsive budgeting.

It is knowledge centre that provides research, analysis and other resources related to gender equality and gender-responsive budgeting.

The Resource Centre provides mentorship and support in including the gender perspective in the state institutions’ public finances management, strategic planning and policy-making.

In March 2022, a team of experts was selected to develop and deliver e-module trainings on violence against women and domestic violence. The e-learning module covers contents on gender-based and domestic violence, tests, audio and video materials, interactive learning, electronic searching and browsing of contents aimed at the professional structures involved in the system of protecting the victims of gender-based violence and domestic violence.

The purpose of this e-learning, through its material, contents, tests, audio and video materials is to help and support the learning by the participants, to verify and promote the acquired knowledge, and disseminate the learned and acquired knowledge. The e-modules are available on the Resource Centre’s online learning platform, <https://emodulirbn.mtsp.gov.mk/>.

There are 2 e-learning modules:

- Module 1 covers contents on gender-based and domestic violence for various service providers.
- Module 2 covers contents on multisectoral training of trainers on dealing with professional structures in the areas of social protection, policing, healthcare, judiciary, education, civil sector and the media.

By the end of 2022, the Resource Centre for Gender Responsive Policy-making and Budgeting implemented 31 training on 10 topics, with a total number of 401 training participants.

The number of trainings delivered on topics concerning gender equality is 18, with 199 training participants. The target group for the gender equality trainings were public administration on central level (members of strategic planning, financing and budgeting sectors and equal opportunities coordinators from all ministries, as well as administrative officers with relatively short work experience from all ministries).

The number of trainings delivered on the topic of discrimination is 13, with a total of 202 training participants. The target group of the trainings on the topic of discrimination were public administration on the central level, municipal representatives and Roma mediators.

In line with breaking the stereotypes and prejudices as a precondition for gender equality, empowering women and mental health and wellbeing, in March 2023,

- the gender equality caravan “Lound and Brave” was implemented.

This caravan

- Covered: 1500 women from various target group of women, such as: women with disabilities, women from vulnerable groups of citizens, women victims of violence, uniformed women, women in politics, from the healthcare sector, from the IT sector, women entrepreneurs, as well as young girls.
- Delivered: 2 national conferences – “Women in politics – hate speech, a shadow that discourages” and “Uniform, an armour that signifies vulnerability – our daily fight on two fronts” with more than 200 participants.
- Organised: Regional conference “Challenges faced by women and girls in the region on the way to EU – Loudly and bravely we move boundaries” with 300 participants.
- Two brochures were developed covering the topics of mental health and economic empowerment.

The participants at these events were gifted flower seeds as a symbol of care, the care women should dedicate to themselves so as to protect themselves, to strengthen their mental health, to overcome challenges and become fully economically empowered.

### **Comprehensive and co-ordinated policies (Article 7)**

**43.** GREVIO was correct to indicate that, at the moment of writing the Report, “necessary amendments to align the Law on Criminal Procedure with the Istanbul Convention have not yet been adopted. Moreover, a number of bylaws 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”.

One should take into account that the amendments to the Criminal Code were adopted by the Assembly of the Republic of North Macedonia on 13 February 2023, and they came into force upon promulgation in the Official Gazette<sup>1</sup>.(1) The Law amending and supplementing the Criminal Code introduced definitions for domestic violence, gender-based violence against women, and victims of gender violence; and the intentional psychological, physical and sexual violence were criminalised, including the following, new criminal offences: female genital mutilation, stalking, sexual assault and rape, sexual abuse of an incapacitated person, raping of a child under 15 years of age, and sexual harassment.

We wish to inform that, pursuant to the Law on Prevention and Protection against Violence against Women and Domestic Violence, following bylaws were adopted:

- Rulebook on the Manner of Implementing and the Manner of Monitoring the Imposed Interim Barring Orders<sup>2</sup>.
- Rulebook on the Manner of Conducting Risk Assessment of Threats to Life and the Physical and Psychological Integrity of the Victims and the Victim’s Family Members and the Risk from Repeat Violence, Proper Risk Management, Implementing and Monitoring the Protection Measures for Women Victims of Gender-based Violence and Victims of Domestic Violence Taken by the Social Work Centre and the Necessary Forms<sup>3</sup>.

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<sup>1</sup> Law amending and supplementing the Criminal Code, The Official Gazette of the Republic of North Macedonia No. 36/2023

<sup>2</sup> [The Official Gazette of the Republic of North Macedonia No. 248/21](#)

<sup>3</sup> [The Official Gazette of the Republic of North Macedonia No. 240/21](#)

- Rulebook on the Manner of Executing the Imposed Emergency Barring Orders, Removing the Perpetrator from Home and Prohibiting the Approach to Home and Interim Barring Orders<sup>4</sup>.
- Rulebook on the Manner of Assessing the Risk from Serious Threat to Life and to the Physical and Psychological Integrity of the Victim and the Victim’s Family Members and the Risk from Repeat Violence; Proper Risk Management; the Form of the Police Report and the Proposal for Imposing Emergency Barring Orders – Removing the Perpetrator from Home and Prohibiting Approach to Home<sup>5</sup>.
- Rulebook on the Manner of Executing the Interim Measure of Mandatory Treatment of the Perpetrator in Case of Alcohol, Drugs and Other Psychotropic Substances Use or Mental Illness<sup>6</sup>.
- Rulebook on the Contents and the Manner of Collecting and Keeping Special Records in Courts on the Number of Cases of Gender-based Violence against Women and Victims of Domestic Violence based on Sex, Gender, Age, Ethnicity, Disability, Residence and Other Grounds, as well as Data Relevant for Monitoring the Situation with Gender-based Violence against Women and Domestic Violence<sup>7</sup>.
- Rulebook on the Contents and the Manner of Collecting and Keeping Special Records in Public Prosecutor’s Offices on the Number of Cases of Gender-based Violence against Women and Victims of Domestic Violence based on Sex, Gender, Age, Ethnicity, Disability, Residence and Other Grounds, as well as Data Relevant for Monitoring the Situation with Gender-based Violence against Women and Domestic Violence<sup>8</sup> and Protocol for Multisectoral Cooperation.

Please bear in mind that the following bylaws have been developed and are pending adoption:

- Programme for Reintegrating Women Victims of Gender-based Violence and Domestic Violence.
- Rulebook on the Form, the Contents and the Manner of Integrated Collection of Statistical and Administrative Data on the Situation with Gender-based Violence against Women and Domestic Violence based on Sex, Gender, Age, Community Membership, Residence and Other Data.
- Rulebook on the Form, the Contents and the Manner of Keeping the Register of Persons Trained to Deliver Initial and Continuous Education about Gender-based Violence against Women and Domestic Violence.
- Rulebook on the Manner of Giving Consent to the Programme for Initial and Continuous Education about Gender-based Violence against Women and Domestic Violence, as Implemented by the Ministry of Interior, Ministry of Health and Ministry of Justice.
- Rulebook on the Form and the Contents of the Analysis and Statistical Processing of Data from the System of Social Rights and Services about the Situation with the Gender-based Violence against Women and Domestic Violence.

## **Financial resources (Article 8)**

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<sup>4</sup> The Official Gazette of the Republic of North Macedonia No. 210/21

<sup>5</sup> The Official Gazette of the Republic of North Macedonia No. 210/21

<sup>6</sup> The Official Gazette of the Republic of North Macedonia No. 165/22

<sup>7</sup> The Official Gazette of the Republic of North Macedonia No. 24/22

<sup>8</sup> The Official Gazette of the Republic of North Macedonia No. 24/22

**48.** In this part of the Report, “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”.

In relation to the above, we reiterate that, pursuant to the Action Plan for IC Implementation, all competent institutions, within their horizontal budgets, provide funds for activities and measures they implement. Moreover, we wish to inform that the Government has started developing the First National Strategy on Prevention of and Protection from Violence against Women and Domestic Violence, along with financial implications and budget lines. Additionally, seven municipalities have set up and funded specialised services for victims of GBV and DV: the City of Skopje, Strumica, Bitola, Kumanovo, Kavadarci, Rosoman, Negotino and Demir Kapija.

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

**54 and 55.** In relation to Points 54 and 55, we wish to point out that the Government has established dialogue and cooperation with civil society organisations that are actively involved in activities in the field of violence against women. The process of licensing the social service providers is a licensing system which puts an obligation on the civil sector to meet certain minimum standards and criteria from the primary and secondary legislation, depending on the social services that are subject to licensing. These standards may change, should practice demonstrate that they are inapplicable. Even though certain civil society organisations engaged in the protection of the rights of victims of domestic violence that got involved in this process faced a range of problems concerning the provision of funds for employment of professionals and sustainability of their services for beneficiaries, some of them, nevertheless, got licensed. The objective is to secure a certain quality standard in the provision of quality and accessible social services on the local level. However, the criteria set for the licensing regime require education that means knowledge, skills or professional expertise about issues related to violence against women, particularly about their gender dimension, as this topic is, in general, included in the curricula of the humanities graduate studies. Following the licencing of a particular service, some organisations concluded an Administrative Agreement with the Ministry of Labour and Social Policy pursuant to the Programme for the Financing of Social Services. These standards may change, should practice demonstrate that they are inapplicable.

### **Data collection and research (Article 11)**

**73.** In its Report, GREVIO requests that data be collected from all relevant stakeholders about the various forms of VAW and DV disaggregated by sex and age of the victim and of the perpetrator, their relationship, geographic location and presence of children.

We wish to inform that the Ministry of Labour and Social Policy takes many activities related to the development of the system of integrated data collection and analysis, including:

1. MLSP did a mapping of the current situation with data collection and reporting on VAW in North Macedonia in 2022 with the support from UNFPA (Report on Administrative Data Management in English and Macedonian).



2. In 2023, an integrated data collection model was developed (a VAW Information Management System (IMS) Model following the evaluation recommendations) and it was presented to the National Coordinating Body<sup>9</sup>.

It is important to underline that certain steps have already been planned for the integrated IMS, as follows:

- Designing the overall GBV IMS planning, which will describe how data is to be managed, from collection to processing and use.
- Defining the indicators, data and standardising the definitions.
- Defining the rules for aggregating the GBV instances and events across GBV categories, depending on the form of GBV.
- Developing specific tools for each service provider and instructions for their deployment.

**101.** In relation to Point 101, the Government wishes to clarify that schoolbooks and handbooks have been successively analysed over this entire period, by MES, EDB, VETC, and the authors of these schoolbooks are guided by the principles given in the new Concept Note on Primary Education<sup>10</sup>. Those teaching materials where gender-based or other forms of stereotypes were noticed were revised.

### **General obligations (Article 18)**

**146.** The Report specifies that “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.”

We wish to point out that a Protocol of Mutual Cooperation has been adopted for entities responsible to take prevention, management and protection measures against violence against women and domestic violence.

### **Shelters (Article 23)**

**175.** GREVIO urges the authorities to increase the number and capacity of shelters for all forms of VAW and DV, ensuring that shelters are available and accessible to all women victims of VAW and their children, that the services provided in these shelters satisfy minimum quality standards according to the practices developed internationally, and ensuring sustainable funding and sufficient human resources of shelters and an on-going and specialised training for staff.

We wish to point out that, inclusive of December 2022, Centres for Victims of Domestic Violence and Gender-based Violence (shelters) were set up in all eight planning regions on the territory of the Republic of North Macedonia. For this service, Standard Operating Procedures were developed for the temporary accommodation service providers – Centre for Victims of Domestic Violence, Centre for Victims of Gender-based Violence, and Centre for

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<sup>9</sup> [https://www.mtsp.gov.mk/fevruari-2023-ns\\_article-odrzan-sostanok-na-nacionalnoto-koordinativno-telo-za-  
implementacija-na-konvencijata-na-sovet-na-evr.nspj](https://www.mtsp.gov.mk/fevruari-2023-ns_article-odrzan-sostanok-na-nacionalnoto-koordinativno-telo-za-implementacija-na-konvencijata-na-sovet-na-evr.nspj)

<sup>10</sup> <https://mon.gov.mk/content/?id=3785>

Women Victims of Sexual Violence and Rape, which have been published on the website of the Ministry of Labour and Social Policy (<https://www.mtsp.gov.mk/dokumenti.nspix>).

Accommodation in the shelter is not conditioned with the reporting of the perpetrator to the police; with the consent from the victim, the victim is accommodated whenever there is a high risk for her health or life; the will of the victim is respected as to whether she wishes for a procedure to be initiated, regardless of whether she uses the shelter services.

Please bear in mind that, pursuant to Article 46 of the Law on Prevention and Protection against Violence against Women and Domestic Violence, Social Work Centre's professionals take measures to protect the victims, as follows: providing temporary accommodation, making sure the victim receives the required medical assistance, accompanying the victim, when needed, to the closest health facility, making sure the victim realises her right to social and health protection pursuant to the law, providing adequate psychosocial intervention and treatment, making sure the victims receives psychosocial treatment in the counselling facility by professionals from the Social Work Centre, associations, counselling facility for woman victim of violence and other victims of domestic violence, providing assistance to the family for regular schooling of the child, providing legal advice and representation, referring the victim to an appropriate state or other authority responsible for economic empowerment and her active inclusion on the labour market through the competent employment centre, and in case of high risk, taking emergency barring orders, and when the victim is using the temporary accommodation service, and not later than 12 hours after receiving the report, adopting a resolution to temporarily entrust the children's care and education to the parent victim. The professionals implement the measures for protecting the victim with consent given from the victim, based on the risk assessment made together with the victim, and pursuant to the Rulebook on the Manner of Conducting Risk Assessment of Serious Threats to Life and the Physical and Psychological Integrity of the Victims and the Victim's Family Members and the Risk from Repeat Violence, Proper Risk Management, Implementing and Monitoring the Protection Measures for Women Victims of Gender-based Violence and Victims of Domestic Violence Taken by the Social Work Centre and the Necessary Forms. The protection measure of "temporary accommodation of the victim" may be implemented by both the Social Work Centre and an association, which is why there needs to be communication and coordination taking place between the association and the Social Work Centre so that the victim can be properly protected against violence.

### **Protection and support for child witnesses (Article 26)**

**205.** In its Report, GREVIO notes that "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. However, it appears that similar services by non-governmental organisations are not available in other parts of the country, often leaving the children without psychological support. GREVIO considers that efforts should be stepped up to improve the counselling services for children witnesses of violence. 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".

This is not quite correct, and may be rephrased to better reflect the current situation with provision of support to children victims of violence. Therefore, we wish to propose the following formulation:

Support to children victims of violence is provided in three specialist service facilities from the existing 9 service facilities listed above, that is, only two regions provide this type of specialist service (please see the comments under Point 165).

## **Compensation (Article 30)**

### **2. Compensation**

**228.** In relation to compensating the victims of criminal offences committed by the use of violence, we wish to point out that, pursuant to the Law on the Payment of Monetary Compensation to Victims of Violent Crime, which was adopted in November 2022 and came into force on 25 May 2023, no requirement has been set for a compensation imposed by a sanction, rather, a list has been compiled of offences that the compensation may refer to, in accordance with international standards in this area. Even more so, this list of offences is broader than the internationally provided standards, both in terms of offences and in terms of victims entitled to compensation.

This Law is a *lex specialis* and should be given primary enforcement so as to remove the inconsistencies between the different legal acts, and the threshold for the prescribed sanctions will be deleted from the newly Proposed Law on Criminal Procedure which is being developed in the Ministry of Justice. In this vein, the working draft of the Law on Criminal Procedure proposes the following provision in Article 53, Paragraph 3:

*“(3) The victim of violent crime has the right to a monetary compensation for damages from the funds of the Budget of the Republic of North Macedonia pursuant to the law. If the victim has already won a property claim, the amount of the property claim is taken into consideration when measuring the monetary compensation for damages. When the court adjudicates a property claim, it will take into consideration the amount the victim has already received on grounds of monetary compensation from the funds of the Budget of the Republic of North Macedonia.”*

### **1. Psychological violence (Article 35)**

**243.** We reiterate that the specified offences (“Threatening with a dangerous tool during a fight or a quarrel” Article 133, “Coercion” Article 139, “Threatening the safety” Article 144, “Extortion” Article 258 “Blackmail” Article 259, all from the Criminal Code) fully satisfy the criteria laid down in Article 33 of the Istanbul Convention (the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats). Once again we wish to emphasise that all elements, or enforcement actions, referred to in Article 33 of the Istanbul Convention, have been covered with the criminal offences of the Criminal Code as specified in the very Report. However, the Ministry of Justice’s Working Group on the development of the new Criminal Code will again consider GREVIO’s proposals, taking into account the fact that the Proposed Criminal Code is still in the preparatory phase. Moreover, we point out that even if we proceed with designing a special criminalisation, this would entail amendments to the existing criminalisation in other criminal offences and a potentially more lenient treatment of perpetrators, since, hypothetically, no strict sanctions (or at least of the same strictness) could be prescribed for the basic form of psychological violence as with the existing criminal offences listed above.

### **5. Forced marriage (Article 37)**

**266.** In accordance with the existing provisions of the Criminal Code, luring a person abroad for purposes of forced marriage constitutes the elements of the criminal offences “Human trafficking” (Article 418-a) and “Child trafficking” (Article 418-d), so if there are such cases of forced marriage in practice, this would, in fact, entail stricter treatment of the perpetrators.

Moreover, the working draft of the Proposed Criminal Code, which has been developed since 2019, criminalises a special criminal offence “Forced conclusion of marriage”, in which way GREVIO’s suggestion has been accepted, and this newly proposed criminalisation has been integrated in the draft text before GREVIO Report was published.

So, the working draft of the Proposed Criminal Code offers the following phrasing of the new criminal offence:

***“Forced conclusion of marriage (Article 259 – a new article)***

*(1) Whosoever forces another person to conclude a marriage with him, if no elements of another, more severe offence are present, shall be sentenced to imprisonment from six months to five years.*

*(2) Whosoever lures a person to a country other than the country of the person’s residence with the purpose of forcing the person to conclude a marriage with him in that country, shall be sentenced to a monetary sanction or imprisonment of up to three years.”*

**6. Female genital mutilation (Article 38)**

**270.** In developing the provision on female genital mutilation, the Working Group for developing the Proposed Criminal Code was guided from the very Article 38 and the adequate terminology in Macedonian language that corresponds to the terminology used in the Istanbul Convention. Moreover, we point out that there is no issue (and such is the interpretation of the criminal jurisprudence) that people engaged in the “procuring” – “obezbeduvanje”, or recruitment, of girls do commit the offence of aiding and abetting. However, the Working Group will immediately consider this comment.

**7. Forced abortion (Article 39)**

**275.** In relation to the recommendation given in Paragraph 275, we wish to point out that the provision of Article 129 of the CC contains a blanket provision, meaning that the fulfilment of the substance of the criminal offence is established and confirmed by applying the provision of other relevant laws. We point out that the relevant laws in the area of medicine, such as the Law on the Protection of the Rights of Patients and the Law on Termination of Pregnancy, set out in detail the elements of providing informed consent for all categories of persons and patients (adults, children, people with special needs...).

**10. Aggravating circumstances (Article 46)**

**287.** In relation to aggravating circumstances, we wish to point out that these are not exhausted in Article 39 of the Criminal Code, rather, the judge is free to evaluate their existence on a case-by-case basis. The circumstances listed in Article 46 of the Convention for particular criminal offences have been explicitly taken in consideration outside the general provision of the CC, in that their consideration as circumstances giving the criminal offence an aggravated form (constituents of the qualified form of the offence) allowed the legislator to provide for a much stricter treatment of the perpetrator than the cases that would receive “regular treatment of aggravating circumstances”. Namely, the aggravating circumstance may take the judge only to the legal maximum of the sanction prescribed for such an offence. However, if they represent constituent forms of an offence, for such forms on their own, the legislator has provided stricter sanctions than for the basic offence. In any case, GREVIO’s suggestions will once more be considered by the Working Group for the development of the new CC.

**Emergency barring orders (Article 52)**

**337.** In the Report, “GREVIO urges the authorities to take legal or other appropriate measures to ensure that emergency barring orders are available that meet the requirements of the Convention, and requests that training must be provided for the police officers, the staff at the

Social Work Centres and the judges on the importance of emergency barring orders in providing a swift protection to victims.”

We inform you that, before the onset of the pandemic, trainers had been trained with the task to deliver trainings to the entire police staff. Since these trainings were interrupted, it is necessary to fully restore the trainings and select new trainers that will again undergo the training of trainers programme.

In 2022, MOI delivered trainings to 50 police officers from the eight regions covering such topics as risk assessment and executing interim and emergency barring orders. These trainings will be further delivered in continuity.