

Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by North Macedonia

IC-CP/Inf(2023)17

Adopted on 5 December 2023

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by North Macedonia on 23 March 2018;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by North Macedonia adopted by GREVIO at its 30th meeting (23-26 May 2023), as well as the comments of the Government received on 6 September 2023;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the authorities of North Macedonia in implementing the Convention and noting in particular:

- the adoption of successive national strategies and action plans to combat violence against women and domestic violence, drawn up in close co-operation with civil society and based on a distinctly gender-sensitive approach;
- the recently adopted amendments to the Criminal Code which introduced a definition of sexual violence and rape based on the absence of consent, and criminalised stalking, sexual harassment and female genital mutilation;
- the introduction of a number of guidelines, manuals and rulebooks for practitioners, including a manual for police officers on providing gender-sensitive services to support victims of domestic violence, guidelines and standards for the reception and accommodation of asylum seekers, and a manual for health professionals in response to gender-based violence;
- the introduction of police inspectors specialising in the field of domestic violence and the opening of a special unit for domestic violence at the Skopje police;
- the fact that numerous studies and research are available on issues related to the Istanbul Convention, and that they have informed policy development;

- the significant investments that have been made in the education sector, through the training of teaching staff on topics such as gender-based violence and non-violent conflict resolution, and through a review of schoolbooks to eliminate gender stereotypes and promote equality between women and men;
- A. Recommends, in light of the considerations indicated in the preamble above, that the Government of North Macedonia takes the following measures identified in GREVIO's report¹ for immediate action to:
1. ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, and that the perspective of women exposed to intersectional discrimination is integrated into the design, implementation, monitoring and evaluation of policies (paragraphs 13 and 27);
 2. step up measures to identify and remedy gaps in the institutional response to violence against women, and hold state actors accountable for failure to comply with the obligation to prevent, investigate and punish acts of violence; collect data and analyse all cases of gender-based killings of women (paragraphs 34 and 73);
 3. ensure a gender-sensitive implementation of laws and policies on all forms of violence against women, beyond domestic violence; challenge attitudes in society which justify domestic violence and violence against women; fully implement the existing by-laws and adopt all the necessary by-laws under the Law on the Prevention of and Protection from Violence against Women and Domestic Violence, and implement all actions foreseen in the Action Plan for the Implementation of the Istanbul Convention (paragraphs 39 and 46);
 4. ensure appropriate human and financial resources of relevant authorities to implement all policies aimed at preventing and combating violence against women; ensure, through adequate funding, a sustainable role for women's rights NGOs providing essential support services based on transparent procurement procedures, and fully acknowledge the value and expertise that these organisations bring through their approach to violence against women centred on victims' rights and needs (paragraphs 50 and 56);
 5. vest the National Co-ordination Body and the Centres for Social Work with the necessary financial and human resources to ensure their sustainable functioning, and ensure the co-ordination and implementation of policies and measures to prevent and combat all forms of violence against women and their independent monitoring and evaluation (paragraphs 60, 61 and 159);
 6. ensure that data collected by all relevant stakeholders are disaggregated on the basis of the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence, and that information on the presence of child victims and witnesses is included; harmonise data collection between law-enforcement agencies and the judiciary; introduce data-collection systems recording the number of breaches of emergency barring, restraining and protection orders, and the sanctions imposed as a result of such breaches; introduce data-collection systems on recording asylum claims made on the basis of gender-related persecution; and introduce data collection in the healthcare sector in relation to all forms of violence against women (paragraph 73);
 7. increase the number and capacity of shelters for women victims of all forms of violence covered by the Istanbul Convention; ensure that they are available in an adequate geographic distribution; ensure that all women victims of gender-based violence and their children have access to shelters, regardless of whether they want to report the violence; develop minimum quality standards for services provided in shelters, taking into account promising practices and including the possibility for victims to self-refer; and ensure the sustainable funding of, and sufficient human resources for, the shelters (paragraph 183);

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

8. establish a clear pathway for supporting victims of sexual violence and rape; ensure that forensic examinations are carried out swiftly, through setting up rape crisis centres and/or further sexual violence referral centres that provide immediate medical care, trauma support, forensic examinations and immediate, short-term and long-term psychological assistance by qualified professionals, and legal assistance (paragraphs 197 and 198);
9. review the obligation for professionals to report cases of violence against women other than in situations in which there are reasonable grounds to believe that a serious act of violence has been committed and further serious acts are to be expected, and consider making the obligation to report contingent upon the prior consent of the victim (paragraph 200);
10. provide children who witness domestic violence with long-term, tailored psychological counselling by staff trained on the impact of domestic violence on children and ensure an adequate geographic distribution of such services (paragraph 206);
11. ensure that courts, Centres for Social Work and other relevant authorities are under an obligation to take into account incidents of violence, including violence witnessed by the child, when determining custody and visitation rights; monitor the practice of the courts and the Centres for Social Work in that respect; and ensure children's safety by allowing them to remain with the non-abusive parent (paragraph 241);
12. take measures to ensure the effective investigation, prosecution and punishment of acts of rape and sexual violence against women by making full use of the available provisions in the Criminal Code, ensure that sanctions are effective, proportionate and dissuasive, and establish the crime of forced marriage, ensuring that both forcing a person to enter into a marriage and luring a person abroad, with the intention of forcing them to marry against their will, are criminalised (paragraphs 263 and 268);
13. enhance the capacity and knowledge of law-enforcement officers regarding case building for all forms of violence against women, including timely evidence collection and proactive investigations; draw up standard reporting and investigative procedures in relation to all forms of violence against women; remove barriers to reporting, in particular for women victims of rape and sexual violence; remove any regulations or guidelines requiring that women victims are systematically warned that they may be charged for false reporting; ensure that law-enforcement reacts immediately to reports of violence against women and domestic violence (paragraph 308);
14. ensure a victim-centred handling of all cases of violence against women by the prosecution by implementing standard operating procedures and measures to prevent secondary victimisation; consider setting up adequately staffed dedicated units within the public prosecutors' offices; ensure that prosecution services enhance their capacity and knowledge regarding case building for all forms of violence covered by the Istanbul Convention, including timely evidence collection; re-examine the practice of withdrawing charges in cases when women victims of violence withdraw their statements; ensure that the forensic examination and collection of evidence ordered by the public prosecutor in cases of sexual violence and rape is not considered mandatory for a case to go to trial, and that other evidence is collected to ensure an effective prosecution; identify and address the factors that contribute to attrition and delays in cases of violence against women (paragraphs 312 and 319);
15. ensure that emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention are available, review their use in practice and address factors that contribute to their low use; ensure that these orders are efficiently and adequately enforced; ensure that violations are adequately punished by dissuasive and proportionate sanctions (paragraphs 337 and 338);
16. review the system of temporary protection orders to ensure that they are available for long-term protection without undue delay, and that they are available immediately after an emergency barring order expires, in order to avoid gaps in protection; ensure that the

procedure for obtaining a temporary protection order is conducted swiftly and without undue delays, and that they are enforced and breaches are sanctioned (paragraph 343).

- B. Requests the Government of North Macedonia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 5 December 2026.
- C. Recommends that the Government of North Macedonia take measures to implement the further conclusions of GREVIO's baseline evaluation report.