



# *The efforts of the Republic of North Macedonia in improving the fight against gender-based violence by harmonizing the national legislation with international and European standards*

Prof. Olga Koshevaliska

[olga.koshevaliska@ugd.edu.mk](mailto:olga.koshevaliska@ugd.edu.mk)

Prof. Elena Maksimova

[elena.maksimova@ugd.edu.mk](mailto:elena.maksimova@ugd.edu.mk)

Faculty of Law

Goce Delcev University

Stip, N.Macedonia



Reasons  
to talk about GBV

1  
GBV - violation of human rights because, threatens safety, health and life - umbrella term

2  
affects both genders, women disproportionately more - unequal power relations between genders - discrimination

3  
1 in 3 women - physical or sexual violence, 1 in 2 women killed, killed by their partners or family member

4  
1 in 10 - forced sexual acts, 70% of HT victims are female, In the EU, 45-55% of women have experienced sexual harassment since the age of 15

5  
In 2022, 89,000 females killed, 55% of all by family members or intimate partners-highest number of intentional killings of women and girls in the past two decades recorded

**International standards  
relevant for the change of  
Republic of Macedonia's  
national legislation and its  
development**

**Changes and the  
development of  
Macedonian legislation**

**GBV toward women and  
girls in N. Macedonia –  
why these changes were  
necessary**



**GBV toward women and  
girls in numbers**



**Case-study**



## International standards relevant for the change of Republic of Macedonia's national legislation and its development



Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), 2011

Declaration of Human Rights, 1948

Convention on the Elimination of all Forms of Discrimination against women (CEDAW), 1978.  
Resolution on domestic violence (GA Res. 40/36, 1985), 1985



Declaration on the Elimination of Violence against Women, 1993

Directive 2012/29/EU; Directive 2011/99/EU on the European protection order, Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, EU's Qualification Directive and EU's Reception Conditions Directive.

- Decisions 2017/865 and 2017/866 -**authorise** the EU to sign the convention.
  - Decisions (EU) 2023/1075 and 2023/1076 **ratify** the convention on behalf of the EU. The EU is now bound by ambitious and comprehensive rules to prevent and combat violence against women and domestic violence in the areas of judicial cooperation in **criminal matters, asylum and non-refoulement**, and about its **institutions and public administration**.
- EU directive to combat violence against women and domestic violence, 2024



## International standards relevant for the change of Republic of Macedonia's national legislation and its development



**Gender-based violence against women as violence that is directed against a woman because she is a woman or that affects women disproportionately.**

Recognizes types of violence: psychological violence, stalking, physical violence, forced marriages, sexual violence, including rape, female genital mutilation, forced abortion and forced sterilisation, sexual harassment, aiding or abetting and attempt, unacceptable justifications for crimes, including crimes committed in the name of so-called honour.



List of violence that occurs on women and girls: intimate-partner violence, including the domestic violence, sexual violence, including sexual harassment, rape, corrective rape and sexual violence in conflict, femicide, human trafficking, female genital mutilation, child marriage, online or technology – facilitated violence, including cyberbullying, doxing and non-consensual sexting



Sub-types of GBV: Intimate partner abuse, rape, sexual assault (excl.rape), sexual harassment, stalking, intimate partner violence, female genital mutilation.  
EU directive to combat violence against women and domestic violence- requires all EU countries to criminalise female genital mutilation, forced marriage and cyber violence such as the non-consensual sharing of intimate images.  
Criminalises: female genital mutilation, forced marriage, non-consensual sharing of intimate images, cyber stalking, cyber harassment and cyber incitement to hatred or violence



**International standards  
relevant for the change of  
Republic of Macedonia's  
national legislation and its  
development**

**Changes and the  
development of  
Macedonian legislation**

**GBV toward women and  
girls in N. Macedonia –  
why these changes were  
necessary**



**GBV toward women and  
girls in numbers**



**Case-study**



## Changes and the development of Macedonian legislation

↳ Historical retrospective:

Ratifies the UN Convention on the Elimination of All Forms of Discrimination

1994

Signed the Beijing Declaration and Platform for Action

1995

Amendments of Criminal Code - domestic violence was defined, nine crimes against the life, body and safety of the victims, sanction tightened if committed in the context of domestic violence → civil legal protection of victims was established by amending the provisions of the Law on Family

2004

Adopted special Law on prevention, and protection from domestic violence (later out of force)

2014

The Istanbul Convention was ratified (ratification law was brought in 2017), and came into force on July 1, 2018

2018



**2018**  
The Istanbul  
Convention was  
ratified

## Changes and the development of Macedonian legislation

Significant changes:

1. Harmonization of the **LEGAL FRAMEWORK** with the provisions of the Convention;
2. Establishing general and **SPECIALIZED SERVICES** for the **PROMOTION OF THE PROTECTION** of victims of GBV and victims of family violence
3. Implementation of activities for the **PREVENTION** of gender-based violence and family violence

Adopted **ACTION PLAN (2018-2023)** for the implementation of the Convention → main objective - to create, implement and coordinate a comprehensive national policy.





## Harmonization of the **LEGAL FRAMEWORK** with the provisions of the Convention;



new Law on free legal aid,  
2019



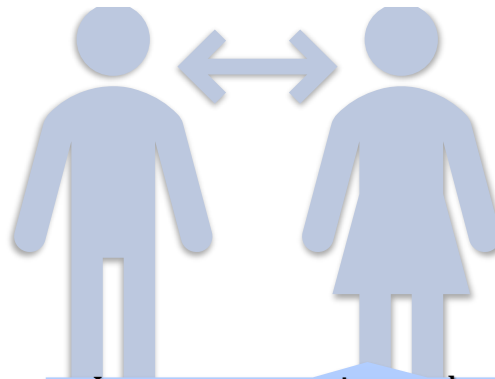
new Law on Social  
Protection, 2019



new Law on termination of  
pregnancy, 2019



new Law on primary  
education 2019



Law on prevention and  
protection from violence  
against women and family  
violence, 2021:



amendments to the  
Criminal Code,

## Harmonization of the **LEGAL FRAMEWORK** with the provisions of the Convention;

- a change in the definition of domestic violence, of the term victim of gender-based violence added
- incrimination for murder has been supplemented - qualified form if a woman or a girl up to 18 years of age is killed during the commission of gender-based violence
- The upper limit (from five to eight years in prison) of punishment and the penalty for killing an instant as a result of domestic violence, gender-based violence against women by the murdered person has been tightened
- new incrimination has been added for mutilation of female genital organs
- The incriminations of bodily injury and serious bodily injury have been added, and as qualified forms
- The incrimination for coercion has also been changed and more severe punishment is provided
- For the crime of unlawful deprivation of liberty and endangering security - new article was added
- Incriminates stalking as a separate crime.
- Further changes - stipulates as punishable behavior sexual assault and rape, sexual abuse of a weak person , and rape of a child under 15 years of age
- A new incrimination for sexual harassment (verbal, non-verbal or physical action, or actions committed through the use of electronic) added



ARGEF  
ERN 07

amendments to the Criminal  
Code

**International standards  
relevant for the change of  
Republic of Macedonia's  
national legislation and its  
development**

**Changes and the  
development of  
Macedonian legislation**

**GBV toward women and  
girls in N. Macedonia –  
why these changes were  
necessary**



**GBV toward women and  
girls in numbers**



**Case-study**



## GBV toward women and girls in N. Macedonia – why these changes were necessary

Female victims of the crime of "murder", 2012-2020											
year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
women killed	11	6	8	4	7	8	9	5	5	3	2

Ministry of Labor and Social Policy shows - from 2019 to 2023, 20 cases of femicide were registered in the country

Female victims of the crimec „murder“, “bodily injury” and "endangering security" during domestic violence, 2011-2021			
year	crime "murder" during domestic violence, Article 123, paragraph 2	crime "bodily injury" during domestic violence, Article 130, paragraph 2	crime "endangering security" in domestic violence, Article 144, paragraph 2
2011	4	356	121
2012	1	366	122
2013	/	356	185
2014	2	480	233
2015	/	528	300
2016	/	432	241
2017	4	449	283
2018	6	570	266
2019	2	506	318
2020	3	512	276
2021	1	562	297

From February 15 2023 until June 30 2023 in total 17 crimes of “Stalking” were recorder. In 16 of the cases, the perpetrator was male

**GBV toward women and girls in numbers**



## GBV toward women and girls in N. Macedonia – why these changes were necessary

2022 -During a verbal dispute, the suspect committed domestic violence against a woman with whom he had previously lived in an extramarital union. He punched her in the head several times and then pushed her towards the bathroom shower. The victim fell and suffered a serious bodily injury from which she fell into a comatose state and passed away (Serious Bodily Injury (Article 131 paragraph 3 of the CC- not Murder from Article 123 pa. 2. item 2)

2020 - wife seriously injured by a husband. Initially, the prosecutor's office -charge of attempted murder - judgment guilty of attempted murder during domestic violence. Second instance procedure, defendant's appeal accepted - first instance judgment annulled. Court – overall injuries are "Serious bodily injury". Case sent back to the first instance court -public prosecutor,, amended the legal qualification of the crime (suspended sentence is significantly lower. )

2023, 46 year-old woman suffered from 40 stab wounds inflicted by a man who extorted money, in front of the home where she lived. The woman previously reported threats several times to the police and the public prosecutor's office, from where she also sought protection. in April 2024, passed a judgment for a crime - Murder committed during gender-based violence and in a ferocious manner, the perpetrator was sentenced sentence - life imprisonment

**Case-study**



## To conclude – how far are we now?

Harmonization of national laws with provisions of the convention

Establishment of services to promote the protection of victims of gender-based violence and family violence

Prevention of gender-based and family violence



implemented



partially implemented.



in progress



unimplemented



[Olga Koshevaliska](#)

[Elena Maksimova \(Ivanova\)](#)

<https://pf.ugd.edu.mk>

[olga.kosevaliska@ugd.edu.mk](mailto:olga.kosevaliska@ugd.edu.mk)

[elena.maksimova@ugd.edu.mk](mailto:elena.maksimova@ugd.edu.mk)



Laws are not passed only to fulfil an international commitment, but on the contrary, to put them in life.

Thank your  
for your  
attention