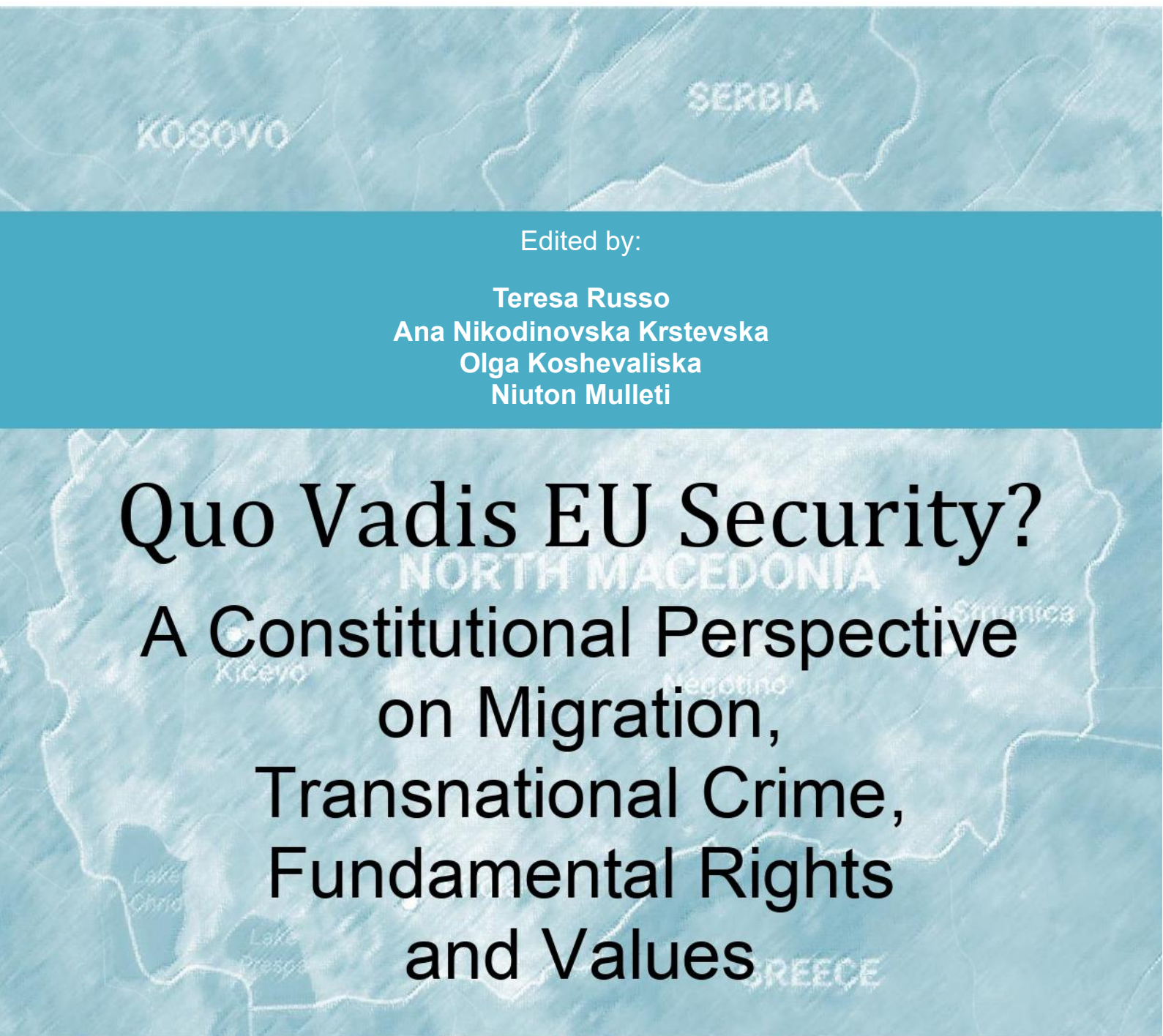


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Niuton Mulleti



Quo Vadis EU Security?

A Constitutional Perspective on Migration, Transnational Crime, Fundamental Rights and Values

Goce Delcev University
Stip, 2025



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Ministero degli Affari Esteri
e della Cooperazione Internazionale

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CIP - Каталогизација во публикација

Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

341.43:314.14(497.7:4-672EY)(082)

341.43:314.14(496.5:4-672EY)(082)

343/.7:(4-672EY)(082)

QUO vadis EU security? [Електронски извор] : a constitutional perspective on migration, transnational crime, fundamental rights and values / edited by Teresa Russo ... [и др.]. - Stip : University "Goce Delcev", 2025

Начин на пристапување

(URL): <https://pf.ugd.edu.mk/c/publikacii-i-proekti/>. - Текст во PDF формат, содржи 148 стр. - Наслов преземен од екранот. - Опис на изворот на ден 29.09.2025. - Фусноти кон текстот. - Други уредници: Ana Nikodinovska Krstevska, Niuton Mulleti, Olga Koshevaliska. - Библиографија кон трудовите

ISBN 978-608-277-121-2

а) Европска унија -- Безбедност б) Меѓународно право -- Миграции -- Македонија -- Европска унија -- Зборници в) Меѓународно право -- Миграции -- Албанија -- Европска унија -- Зборници

COBISS.MK-ID 67014917

Preface

The conference “*Quo Vadis EU Security. A Constitutional Perspective on Migration, Transnational Crime, and Fundamental Rights and Values*”, held at Goce Delcev University in Stip (North Macedonia) on May 27th was the first final conference of the Jean Monnet Chair “*Promoting Public Awareness on Enlargement Policy, EU Values and the Western Balkans’ Accession*” (EUVALWEB).

The aim of the conference was to assess the adaptation of the accession States’ legal systems to the membership criteria, addressing the Union’s security in the sphere of cooperation in Justice and Home Affairs (JHA).

Migration, asylum, the fight against transnational crime, and the promotion and protection of fundamental rights and values of the Union were chosen as the research focus, as parts of the EUVALWEB Legal Observatory.

We considered the implications for the efficacy of the Union legal system of the security-focused approach to regulating these sectors, which includes a somewhat strict implementation for accession States in comparison to Member States.

The collected works highlight the main critical issues encountered in these sectors, primarily in North Macedonia, but also in Albania and Serbia.

A conclusion emerged: the process of EU enlargement, often inconsistent with the provisions of arts. 2, 49 and 21 TEU, cannot be a strategic tool unless it slowly erodes the principle of integration that underpins the entire European construction.

Securing the identity, values, and “originality” of one’s own legal system (“*a new legal order*”) entails, first and foremost, beginning with the current Member States. However, it also means that the law of the Treaties must be applied without discriminatory institutional and procedural practices, rather than making endless promises of membership.

My heartfelt thanks go to my colleagues of the conference, and specifically to my loving friends Olga Koshevalisha, Elena Maksimova and Ana Nikodinovska Krstevska, as well as Niuton Mulleti, to the colleagues and professionals of the Chair’s teaching staff, to the national, international, Balkan, and other EU experts for their invaluable contribution, to the students of my courses at the Departments of Legal Sciences and of Management & Innovation Systems of the University of Salerno, and to the Albanian, Montenegrin, North Macedonian, and Serbian students who attended my lectures in these years.

Grazie – Благодарам.

Fisciano- Stip, September 21, 2025

Teresa Russo

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CONSTITUTIONAL PERSPECTIVES ON MIGRATION

CONSTITUTIONAL SAFEGUARDS AND EU ASPIRATIONS: ADDRESSING GENDER-BASED VIOLENCE IN NORTH MACEDONIA

*by Elena Maksimova**

SUMMARY: 1. Introduction: Why GBV Should be Considered a Constitutional Issue. – 2. Macedonian Constitutional Provisions on Human Rights and Gender Equality. – 3. EU Legislation and Gender-Based Violence. – 4. Comparative Analysis: North Macedonia legislation vs. Directive (EU) 2024/1385. – 4.1 Legal Framework and Constitutional Grounding - North Macedonia's Legal and Constitutional Basis. - 4.2 Criminalization and Legal Definitions, EU Directive Requirements and Macedonian Law– 4.3 Victim Protection and Access to Justice - Directive Provisions and Macedonian Practice– 4.4 Prevention and Institutional Coordination, North Macedonia's Preventive Measures vs. EU Standards– 4.5 Other Aspects of Alignment of Macedonian Legislation with the Directive. – 5. Conclusion.

1. Introduction: Why GBV Should be Considered a Constitutional Issue

Gender-based violence against women and girls is one of the most prevalent and pervasive human rights violations in the world, with 1 out of 3 women having experienced it in their lifetime. It is rooted in gender inequality, systemic discrimination, and unequal power relations between women and men¹. Gender-based violence (GBV) should not only be seen as a pervasive social and criminal issue, but also as a profound constitutional concern. GBV constitutes one of the most pervasive violations of human rights and dignity globally, transcending geographical, cultural, and socio-economic boundaries. It is rooted in structural inequalities and sustained by discriminatory social norms, power imbalances, and institutional neglect. GBV disproportionately affects women and girls, but it also targets individuals across the gender spectrum who deviate from dominant gender norms. GBV is a violation of human rights because it seriously threatens the safety, health, and life of an individual. It is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (*i.e.*, gender) differences between males and females². If we consider that gender difference is the constitutive experience of the human relationship, the asymmetries and hierarchies between the sexes represent the paradigm on which all asymmetries and hierarchies of society are forged³. This systemic nature of GBV demands not only reactive legal responses but also proactive structural and cultural reforms that dismantle the root causes of inequality.

Gender-based violence represents a triple challenge to the founding values of constitutional democracy: 1) as violence; 2) as an expression of a hierarchical conception of society; 3) and, finally, as an extreme form of silencing and marginalizing the most peaceful component of society⁴. It infringes upon several core constitutional rights: the

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¹ United Nations, *Gender-based violence against women and girls, OHCHR and women's human rights and gender equality*.

² O. KOSHEVALISKA, E. MAKSIMOVA, *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*, in *EUWEB Legal Essays Global & International Perspectives*, No. 1 2025, 2025, p. 39.

³ T. GROPP, *Gender-Based Violence as a Challenge To Constitutional Democracy, Igualdad*, in *Centro De Estudios Políticos Y Constitucionales*, 2020, p. 464.

⁴ *Ibidem*, p. 466

right to life and personal integrity, the right to human dignity, and the prohibition of discrimination. These rights are protected under the Constitution of the Republic of North Macedonia and are further reinforced by the State's commitments under international law and its aspirations for European Union (EU) integration.

Gender-based violence constitutes a direct affront to fundamental constitutional rights. At its core, GBV infringes upon the right to life and personal integrity, the right to human dignity, and the principle of non-discrimination, all of which are pillars of constitutional democracies and enshrined in international human rights law.

First and foremost, the right to life and personal integrity is violated by GBV through physical and psychological harm, often culminating in femicide or lasting trauma. Constitutional systems typically guarantee the inviolability of human life and bodily integrity, and States have a duty not only to refrain from violating these rights but also to protect individuals from violence perpetrated by non-State actors. The European Court of Human Rights has established that failure to prevent foreseeable acts of domestic violence can amount to a breach of art. 2 (right to life) and art. 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights⁵.

GBV profoundly undermines the right to human dignity, a fundamental value protected by both constitutional frameworks and international law. Acts of GBV reflect and reinforce gender hierarchies and patriarchal norms that devalue women and marginalized groups, because they represent a system of dominance and not merely a matter of individual misconduct⁶. Such violence systematically deprives individuals of their dignity, autonomy, and equality – values that constitutional systems are bound to uphold.

The prohibition of discrimination is central to understanding GBV as a constitutional issue. GBV disproportionately affects women and girls due to deeply entrenched gender stereotypes and social inequalities. Thus, State inaction or inadequate response to GBV may amount to gender-based discrimination, as recognized by the Committee on the Elimination of Discrimination against Women (CEDAW)⁷. This principle demands that States implement proactive measures to prevent GBV and ensure equal protection under the law.

In sum, addressing GBV requires not only criminal justice interventions but also constitutional engagement. Ensuring accountability, protection, and equality requires recognizing GBV as a structural human rights violation that undermines the foundational commitments of constitutional democracies.

2. Macedonian Constitutional Provisions on Human Rights and Gender Equality

The Constitution of the Republic of North Macedonia is the highest legal act and was adopted on November 17, 1991, by the Assembly of the Republic of Macedonia. The Constitution of the Republic of North Macedonia establishes a robust normative foundation for the protection of human rights and gender equality, thereby providing a legal and constitutional basis for addressing gender-based violence. By incorporating international human rights standards into its core provisions, the Macedonian

⁵ European Court of Human Rights, Judgement of 9 June 2009, Application No. 33401/02, *Opuz v. Turkey*.

⁶ C. A. MACKINNON, *Toward a Feminist Theory of the State*, Harvard, 1989, p. 161.

⁷ Committee on the Elimination of all Forms of Discrimination, *General Recommendation No. 19: Violence against Women*, para. 6, A/47/38, 1992, available at <https://www.refworld.org/sites/default/files/legacy-pdf/en/1992-0/453882a422.pdf>.

Constitution affirms the State's obligation to prevent and combat GBV as both a legal and social imperative.

The Constitution's Preamble underscores a commitment to basic freedoms, the rule of law, and civil society, laying the groundwork for a just and democratic society founded on equality and dignity. One of the five goals stated in the Preamble is that the Constitution "*guarantees human rights, civil liberties, and national equality*"⁸. Although the guarantee of protection from gender-based violence is not directly stated, the very fact that equality is at the very essence of the need for protection from this type of violence, and that it represents several violations of basic human rights, is enough to conclude that this is a democratic constitution that protects against gender-based violence in a generic way. The fundamental freedoms and rights established by the Constitution of the Republic of North Macedonia, which also derive from the standards of international law, have a common attribute of equality for the citizens and people of our country, regardless of gender, race, skin color, national and social origin, political and religious beliefs, property and social position. The proclaimed equality of the citizens of our country before the Constitution and the laws is an affirmation of the concept and meaning of law, otherwise it would lose the meaning of equal legality of all people in terms of the enjoyment of fundamental freedoms and rights, without restrictions, based on certain personal characteristics and properties. In this regard, inequality as a discriminatory element would have a strong negative impact on the realization and enjoyment of fundamental freedoms and rights, both on civil and political freedoms and rights, as well as on the economic, social and cultural rights of citizens, and of course on democratic processes and the social development of freedoms and rights in general⁹. The Constitution not only establishes the fundamental rights of man and citizen, such as civil and political freedoms and rights, as well as economic, social, and cultural rights, but also guarantees the enjoyment of all those rights, which are regulated by special laws for those areas.

Art. 8 of the Constitution of the Republic of North Macedonia articulates the fundamental values of the constitutional order, establishing a normative framework that grounds the protection of human rights, including protection from gender-based violence. While the provision does not explicitly mention GBV, its principles implicitly provide a legal basis for State obligations to prevent and address such violence in both public and private spheres¹⁰. The fundamental values of the constitutional order are: the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; the free expression of national identity; the rule of law; the division of State powers into legislative, executive and judicial; political pluralism and free, direct and democratic elections; the legal protection of property; the freedom of the market and entrepreneurship; humanism, social justice and solidarity; local self-government; proper urban and rural planning to promote a congenial human environment, as well as ecological protection and development; and respect for the generally accepted norms of international law.

At the core of art. 8 is the recognition of basic freedoms and rights of the individual and citizen, aligning domestic constitutional law with international human rights instruments. This clause serves as an umbrella under which protection from GBV is situated, given that GBV constitutes a violation of several fundamental rights, including the right to life, bodily integrity, equality, and dignity. The reference to rights "recognized in international law" integrates key treaties such as CEDAW and the Istanbul Convention, both of which identify GBV as a form of discrimination and mandate State intervention

⁸ Preamble of the Constitution of the Republic of North Macedonia.

⁹ Citizens' Association Institute for Human Rights Skopje, *Praven Dijalog*, No.28, 2023, p. 7.

¹⁰ Art. 8 of the Constitution of the Republic of North Macedonia.

for its prevention and redress¹¹. Moreover, the principle of the rule of law, another cornerstone listed in art. 8, imposes an obligation on the State to ensure that anti-GBV measures are not only adopted but also effectively implemented through legislative, judicial, and administrative means. The value of humanism, social justice, and solidarity provides an ethical and political lens for addressing GBV, emphasizing the social responsibility of the State to protect vulnerable groups, particularly women, from systemic and interpersonal violence. This commitment supports the development of affirmative action policies, survivor-cantered services, and inclusive public awareness campaigns¹². Furthermore, the mention of respect for generally accepted norms of international law reinforces the constitutional obligation to harmonize domestic practice with evolving international standards on violence against women. This includes a duty to criminalize acts of GBV, provide adequate protection mechanisms, and ensure non-discriminatory access to health, housing, legal aid, and support services. In sum, art. 8 serves as a constitutional gateway through which GBV is understood not only as a criminal or social issue but as a violation of constitutional values and rights. Its broad, value-based approach enables a dynamic interpretation that supports proactive and systemic responses to gender-based violence within a democratic and rights-based framework.

Civil and political rights are addressed explicitly in several articles. Art. 9 guarantees equality before the law “regardless of sex”, thus providing a constitutional guarantee of gender equality¹³. This provision is essential in judicial review and legislative compliance with anti-discrimination principles. It provides a direct constitutional guarantee of gender equality and as such, forms a critical legal foundation for the prevention and elimination of gender-based violence. Art. 9 plays a pivotal role in shaping State obligations to ensure equal protection and equal access to justice for all citizens, particularly for women and girls. By constitutionally prohibiting discrimination based on sex, art. 9 aligns with international human rights standards, particularly arts. 2 and 15 CEDAW, which obligate States to pursue policies eliminating discrimination in law and practice¹⁴. It also echoes the Istanbul Convention, which identifies structural inequality as the root cause of violence against women and requires States to eliminate legal and practical barriers to equality¹⁵. In the context of GBV, equality before the law requires that legal protections and remedies be accessible, effective, and non-discriminatory. This includes not only criminalizing acts of domestic and sexual violence but also ensuring that women have equal standing in court, access to restraining orders, legal aid, and mechanisms for redress. Furthermore, the principle of equality enshrined in art. 9 supports the adoption of affirmative measures, including shelters, education programs, and specialized services for survivors, which are necessary to address the historic and systemic disadvantage faced by women. Constitutional recognition of gender equality thus reinforces the legitimacy and necessity of targeted anti-GBV policies. This article is not only a declarative affirmation of equality but also a normative instrument of transformation, obliging the State to

¹¹ Committee on the Elimination of All Forms of Discrimination against Women, *General Recommendation No. 35 on Gender-based Violence against Women, updating general recommendation no. 10*, CEDAW/C/GR/35, 2017, available at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>; Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence*, 2011.

¹² H. CHARLESWORTH, *What Are ‘Women’s International Human Rights’?*, in R.J. COOK (ed.), *Human Rights of Women: National and International Perspectives*, 1994, pp. 58–84.

¹³ Art. 9 of the Constitution of the Republic of North Macedonia.

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, arts. 2 and 15.

¹⁵ Preamble and art. 4 of the Convention on Preventing and Combating Violence Against Women and Domestic Violence.

eliminate the conditions – legal, institutional, and social – that enable or tolerate gender-based violence.

Art. 10, which enshrines the protection of life, is critical in GBV cases involving femicide, domestic violence, and threats to life based on gender. While the text of art. 10 primarily reflects a commitment to the inviolability of life and the abolition of the death penalty, it also has significant implications for the State's responsibility to protect individuals from gender-based violence. In the broader context of constitutional and international human rights law, the right to life is not only a negative obligation (to refrain from arbitrary deprivation of life), but also a positive obligation, requiring the State to take active measures to safeguard life, particularly for those at heightened risk. In GBV contexts, this includes the duty to prevent femicide, intimate partner violence, and other gender-related threats to life. The European Court of Human Rights (ECtHR) has repeatedly emphasized that State inaction in the face of known threats can constitute a violation of art. 2 of the European Convention on Human Rights (ECHR), which mirrors the constitutional guarantee in art. 10¹⁶. Applied to North Macedonia, art. 10 imposes a constitutional obligation on State authorities – legislative, executive, and judicial – to prevent foreseeable threats to life, especially in situations of known domestic abuse or systemic violence against women. This duty extends to implementing protective legislation, issuing and enforcing restraining orders, ensuring timely police response, and holding perpetrators accountable. The State's failure to act diligently in this regard could be interpreted as a breach of its constitutional obligations under art. 10. Thus, art. 10, when read within the framework of both national constitutional values and international human rights obligations, clearly supports a rights-based approach to GBV prevention. It emphasizes the State's duty to protect life, particularly in circumstances where gender-based harm is foreseeable and preventable.

Following the right to life, art. 11 protects personal integrity, prohibits torture and inhuman or degrading treatment – a provision often invoked in cases of sexual violence, trafficking, and abuse, where physical and psychological integrity is compromised. This provision enshrines the right to personal integrity and protection from abuse, placing a constitutional barrier against practices and acts that compromise the dignity, bodily autonomy, and psychological well-being of individuals. In the context of GBV – which includes sexual violence, domestic abuse, trafficking, and other gender-specific harms – art. 11 plays a crucial role in defining such acts as violations of constitutional rights, not merely criminal offenses. From a constitutional perspective, GBV constitutes a direct infringement of physical and moral integrity, particularly when it is tolerated, inadequately addressed, or trivialized by State institutions. The constitutional language aligns with international human rights instruments such as art. 3 ECHR, which prohibits torture and inhuman or degrading treatment. In *Aydin v. Turkey*, the European Court of Human Rights held that the rape and beating of a woman by security forces constituted torture, affirming that sexual violence falls under the scope of art. 3 protections¹⁷.

This interpretation is also supported in international feminist legal theory, which argues that violence against women is a form of State-sanctioned inequality when ignored or inadequately punished. Catharine A. MacKinnon famously observed that “*torture is routinely what is done to women in their beds at night, and it is called something else*”¹⁸. This framing helps expose how domestic and sexual violence – when normalized or systemically unaddressed – can amount to cruel, inhuman, or degrading treatment under

¹⁶ European Court of Human Rights, *Opuz v. Turkey*, cit.

¹⁷ European Court of Human Rights, Judgement of 25 September 1997, Application No. 23178/94, *Aydin v. Turkey*.

¹⁸ C. A. MACKINNON, *Are Women Human? And Other International Dialogues*, Harvard, p. 21.

constitutional and international law. Furthermore, art. 11's protection of psychological integrity is particularly important in GBV cases. The emotional and psychological trauma caused by coercive control, stalking, and intimate partner violence has been increasingly recognized in international legal doctrine. The Istanbul Convention explicitly identifies psychological violence as a distinct form of GBV that States are obligated to criminalize and address¹⁹. This article is a powerful constitutional tool in the fight against GBV.

Importantly, the Constitution also includes *economic, social, and cultural rights*. art. 42 mandates the protection of women and mothers, including those in vulnerable positions, offering a direct constitutional foundation for affirmative measures and anti-GBV policies. This provision reflects a rights-based approach that incorporates social vulnerability as a factor in legal protection²⁰.

Art. 42 establishes a social rights provision that mandates affirmative State action to protect groups in vulnerable positions, particularly women and mothers. While the article's language is rooted in a welfare-based approach, it can and should be interpreted within the broader human rights framework to encompass protection from GBV. By explicitly referring to "women" and "mothers," the Constitution acknowledges the gendered dimensions of vulnerability and therefore establishes a constitutional obligation to address systemic risks and harms disproportionately affecting women. In practice, this includes protection from domestic violence, sexual abuse, workplace harassment, and other forms of GBV, which undermine women's safety, autonomy, and dignity. This is aligned with international legal standards, particularly the Istanbul Convention, which obliges States to take a "gender-sensitive" and preventive approach to violence against women, especially in the context of family, motherhood, and caregiving roles²¹. Academic scholarship supports this interpretation. Substantive equality requires recognizing difference and disadvantage and enabling institutions to respond with targeted support. Equality may require accommodation of difference rather than identical treatment, especially when dealing with caregiving roles or violence that disproportionately affects women²². Art. 42 offers a constitutional mandate to implement such inclusive and responsive public policies. Moreover, art. 42's protective scope includes pregnant women and new mothers, who face particular risks of GBV, such as reproductive coercion, psychological abuse, or economic violence during maternity. Research has shown that violence during pregnancy is not only prevalent but significantly harmful to both maternal and infant health²³, making this constitutional protection especially urgent in practice.

Finally, art. 118 elevates international agreements²⁴. This article establishes the constitutional supremacy and direct applicability of international treaties, positioning them within the hierarchy of domestic legal norms. In this matter, in the hierarchical position of the legal norms, international agreements take precedence over domestic

¹⁹ Art. 33 of the Convention on Preventing and Combating Violence Against Women and Domestic Violence.

²⁰ Art. 43 of the Constitution of the Republic of North Macedonia.

²¹ Arts. 12-18 of the Convention.

²² S. FREDMAN, *Discrimination Law*, Oxford University Press, 2011, pp. 15-17.

²³ K. M. DEVRIES, S. KISHOR, H. JOHNSON, H. STÖCKL, L. J. BACCHUS, C. GARCIA-MORENO, C. WATTS, *Intimate partner violence during pregnancy: analysis of prevalence data from 19 countries*, in *Reproductive Health Matters*, Vol. 18, No. 36, 2010, pp. 158-170.

²⁴ A. CEKOV, *The Rule of Law in Macedonia, Assessment based on the Rule of Law Checklists developed by the Council of Europe* (The Venice Commission), 2018, available at <https://www.crpm.org.mk/wp-content/uploads/2018/12/The-Rule-of-Law-in-Macedonia.pdf>.

laws²⁵. It affirms that once ratified, international human rights instruments become not only binding but integral to constitutional interpretation and implementation. In the context of gender-based violence (GBV), art. 118 plays a transformative role by anchoring global legal standards – such as CEDAW and the Istanbul Convention – into the Macedonian legal order. For example, the previous articles – 8, 9, 10, 11, and 42 – collectively form the normative and protective architecture within the Macedonian Constitution for addressing GBV. Art. 8 defines the fundamental values that are deeply aligned with the purposes of the Istanbul Convention, which calls for a systemic, human rights–based response to GBV. Art. 9 guarantees equality before the law, and explicitly prohibits discrimination based on sex, which is a principle of substantive equality in CEDAW, particularly arts. 2 and 5. Art. 10 enshrines the right to life, which in GBV contexts applies to the State’s duty to prevent femicide and life-threatening abuse - it corresponds with obligations under the European Convention on Human Rights (ECHR), particularly art.2, *etc.*

Through art. 118, the Macedonian Constitution internalizes the binding force of these international instruments. Thus, the Istanbul Convention (ratified in 2018) and CEDAW are not external reference points but part of the domestic constitutional framework. This integration obligates State authorities – including courts, ministries, and local governments – to interpret constitutional rights considering international GBV standards, and to ensure that legislation, policy, and practice reflect the evolving doctrine of international women’s rights law.

The Constitution of the Republic of North Macedonia does not directly address gender-based violence; however, it provides a strong normative and legal foundation for its prevention and redress through provisions on equality, dignity, the right to life, and integrity, as well as the incorporation of binding international human rights instruments into the domestic legal order.

3. EU Legislation and Gender-Based Violence

The need for constitutional protection of women and girls from discrimination and violence is further accentuated considering North Macedonia’s EU integration process. Chapter 23 of the EU *acquis communautaire*²⁶ places emphasis on judicial reform, fundamental rights, and protection from discrimination – areas where effective responses to GBV are pivotal. North Macedonia, as a candidate country for EU membership, has made significant normative progress in aligning its legal framework on GBV with European Union standards, particularly by ratifying the Istanbul Convention and harmonizing national laws with the EU *acquis* on gender equality and victim protection²⁷. However, important gaps remain in implementation, institutional coordination, and victim support services. The State’s ratification of the Istanbul Convention in 2018 obliges it to prevent violence, protect victims, and prosecute perpetrators by both constitutional principles and European standards. In this context, framing GBV as a constitutional issue is not merely a normative stance, but a strategic legal and political

²⁵ T. KARAKAMISHEVA, *Human Rights in the Republic of Macedonia, Seen Through the Lens of the Constitution and the Practice of Democracy*, in *Revus - Journal for Constitutional Theory and Philosophy of Law*, No. 11, 2009, pp. 151-166.

²⁶ European Commission, *Chapters of the acquis*, available at https://enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en.

²⁷ See more about Macedonian harmonization of national legislation with international and EU standards at O.KOSHEVALISKA, E. MAKSIMOVA, *op. cit.*, p. 39.

imperative. It reinforces the necessity for robust institutional mechanisms and legal reform aimed at ensuring that the rights enshrined in the Constitution are not theoretical but effectively enjoyed by all citizens, especially women and marginalized groups.

The EU's journey to address gender-based violence has evolved significantly over the decades. Initially, efforts within the European Community were primarily focused on promoting gender equality in employment and economic rights. By the late 20th century, the need to address violence against women was emphasized, and it became a critical human rights issue²⁸. The EU legal framework contains several legal instruments that indirectly address GBV. Directive 2004/113/EC on equal treatment between men and women in the access to and supply of goods and services. It prohibits discrimination in areas outside the labour market²⁹.

Directive 2006/54/EC on equal opportunities and equal treatment of men and women in matters of employment and occupation. It covers direct and indirect discrimination, harassment, pregnancy/maternity rights, and positive action. Art. 29 says “*Member States shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to in this Directive*”³⁰.

Directive 2012/29/EU³¹ establishing minimum standards on the rights, support, and protection of victims of crime, among which are also GBV victims. Among other specific categories of victims that expressly fall within the scope of the Victims' Rights Directive, victims of gender-based violence are placed at the very heart of the protection offered by the latter. In the absence of a specific legislative text which would reflect an EU vision and harmonized approach towards preventing and combating violence against women in Europe, the Victims' Rights Directive is hailed as one of the main EU instruments addressing the issue of gender-based violence within its Member States³².

Directive 2011/99/EU on the European Protection Order aims to protect victims of GBV across EU Member States³³. Directive 2010/41/EU on equal treatment of self-employed workers and assisting spouses extends protections for women in self-employment, including during maternity leave. It says that the Member States shall actively take into account the objective of equality between men and women when

²⁸ A. KUMBISEK, B. EMANUELI, M. AFRIDI AND R. KEENAN, *An Analysis of the EU's Directive on Combating Violence Against Women and Domestic Violence*, 2025, available at <https://esthinktank.com/2025/02/24/an-analysis-of-the-eus-directive-on-combating-violence-against-women-and-domestic-violence/>.

²⁹ “*Discrimination based on sex, including harassment and sexual harassment, also takes place in areas outside of the labour market. Such discrimination can be equally damaging, acting as a barrier to the full and successful integration of men and women into economic and social life*”. Directive 2004/113/EC of the Council, implementing the principle of equal treatment between men and women in the access to and supply of goods and services, of 13 December 2004, in OJ L 373/37, of 21 December 2004.

³⁰ Directive 2006/54/EC of the European Parliament and of the Council, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), of 5 July 2006, in OJ L 204/23, of 27 July 2006, art. 29.

³¹ Directive 2012/29/EU of the European Parliament and of the Council, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, of 25 October 2012, in OJ L 315/57, of 14 November 2012.

³² Questions and Answers on Directive 2012/29/EU, cit., available at https://www.endfgm.eu/editor/files/2016/10/FINAL_Q_A_Victims_rights_directive_End_FGM_European_Network.pdf.

³³ Artemis, *Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order D36 – Final Research Report*, Mediterranean Institute of Gender Studies, 2021, available at https://medinstgenderstudies.org/wp-content/uploads/2021/06/D36_ARTEMIS-Final-Research-Report_FINAL_edited_CLEAN.pdf.

formulating and implementing laws, regulations, administrative provisions, policies, and activities in the areas referred to in this Directive³⁴.

However, the adoption of Directive (EU) 2024/1385³⁵ marks a landmark moment in the European Union's commitment to combating violence against women and domestic violence. It establishes legally binding minimum standards for prevention, protection, criminalization, and victim support. As a candidate country for EU membership, North Macedonia's alignment with this Directive is both a legal obligation and a constitutional opportunity grounded in art. 118, which integrates ratified international agreements into the domestic legal order. The Directive (EU) 2024/1385 is a groundbreaking legal document that aims to prevent and combat violence against women (VAW) and domestic violence. It highlights the European Union's objectives to achieve equality between women and men, as outlined in the Treaties, including arts. 2, and 3, para. 2, TEU, arts. 8, 10, 19 TFEU, as well as arts. 21 and 23 of the Charter of Fundamental Rights, which represent the fundamental values of the EU. The Directive also aligns with the EU Gender Equality Strategy 2020-2025, which includes the objective of eliminating gender-based violence³⁶.

The Directive introduces EU-wide criminalization of specific forms of gender-based and online violence, including female genital mutilation, forced marriage, non-consensual sharing of intimate images, cyberstalking, and cyber harassment, as well as measures to support and protect victims before, during, and after judicial proceedings. It reinforces the principle of consent as central to the legal definition of sexual violence – a key element of feminist legal reforms throughout the EU

For the Republic of North Macedonia, which is a signatory to the Istanbul Convention and has been making strong efforts in recent years to change its legislation in order to align it with the norms of the Convention, it is important to examine what extent these two acts overlap. The EU signed the Convention in 2017, and the accession process was concluded in June 2023 with the deposit of the instrument of accession to the Council of Europe. The Convention entered into force on 1 October 2023, binding the EU, with regard to institutions and the public administration of the Union, as well as matters related to judicial cooperation in criminal matters, asylum, and non-refoulement. The EU's accession to the Istanbul Convention is considered a milestone in the EU's efforts to realise gender equality, because it shows the EU's commitment to stepping up actions against gender-based violence across the Member States and in support of all victims of violence against women and domestic violence³⁷. The Istanbul Convention and the EU Directive share similar goals. But there can be some important distinctions in their scope and enforcement. The Istanbul Convention applies to all Council of Europe Members and focuses on broad principles of prevention, protection, and prosecution. While comprehensive, the Convention does not address specific forms of digital violence, such as cyberstalking or the non-consensual sharing of intimate images, due to these crimes being less frequent a decade ago. In contrast, the EU Directive explicitly includes these

³⁴ Art. 12 of Directive 2010/41/EU of the European Parliament and of the Council, *on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed and repealing Council Directive 86/613/EEC*, of 7 July 2010, in OJ L 180/1, of 15 July 2010.

³⁵ Directive 2024/1385/EU of the European Parliament and of the Council, *on combating violence against women and domestic violence*, of 14 May 2024, in OJ L series, of 24 May 2024.

³⁶ C. KASIM, *Advancing Gender Equality: The EU's Landmark Directive 2024/1385 on Violence Against Women*, in *EU Law Analysis*, 2024, available at: <https://eulawanalysis.blogspot.com/2024/06/advancing-gender-equality-eus-landmark.html?m=1>.

³⁷ European Commission, *Ending gender-based violence*, available at https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/ending-gender-based-violence_en.

offences, reflecting its commitment to tackling emerging threats in the digital era, responding to the growing rates of cyber violence targeting women. Furthermore, the EU Directive benefits from the enforcement mechanisms of the European Commission, allowing for stronger monitoring and penalties for non-compliance – a feature absent in the Istanbul Convention³⁸.

Taking all this into account, we will conduct a comparative analysis of the Macedonian Constitution and legislation, which have been partially amended following the ratification of the Istanbul Convention, in comparison with this directive. This analysis aims to identify the achievements and shortcomings that our country must address to harmonize with EU postulates.

4. Comparative Analysis: North Macedonia Legislation vs. Directive (EU) 2024/1385

The legal landscape of the European Union concerning gender-based violence has undergone a significant transformation with the adoption of the above-mentioned Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. For the first time, the EU has established a binding legal instrument specifically dedicated to addressing violence against women, thereby marking a paradigmatic shift from previously fragmented policies toward a harmonized and rights-based legislative framework.

The Directive introduces a comprehensive and coordinated legal response to GBV, incorporating minimum standards for the prevention, criminalization, protection, and support of victims of violence. It responds to the long-standing calls from scholars and human rights bodies to recognize violence against women not merely as a social or private issue, but as a structural violation of fundamental rights, including dignity, equality, bodily autonomy, and life itself.

In particular, the Directive mandates: the criminalization of specific acts of gender-based and online violence, including female genital mutilation, forced marriage, cyberstalking, and non-consensual sharing of intimate images; the establishment of specialized support services, including shelters, helplines, and trauma-informed psychological support; obligations for early risk assessment and protection measures; rights for victims to access legal aid, justice, and compensation; institutional reforms such as training of professionals, coordinated national action plans, and standardized data collection mechanisms³⁹.

These measures are not only a legislative milestone but also a reflection of the EU's commitment to fulfilling its obligations under international human rights law, including the Council of Europe Istanbul Convention, CEDAW, and the Charter of Fundamental Rights of the European Union. For candidate countries like North Macedonia, the Directive serves as a benchmark for legal harmonization and institutional reform. While the country has aligned itself with the Istanbul Convention and introduced domestic legislation on GBV, the Directive introduces a higher threshold of protection, particularly in areas such as online violence, coordinated policy enforcement, and the rights of victims. Below, we are going to do a short analysis that compares key provisions of the Directive with North Macedonia's domestic legal and constitutional framework,

³⁸ A. KUMBISEK, B. EMANUELI, M. AFRIDI AND R. KEENAN, *An Analysis of the EU's Directive on Combating Violence Against Women and Domestic Violence*, in *European Student Think Tank*, 2025, available at <https://esthinktank.com/2025/02/24/an-analysis-of-the-eus-directive-on-combating-violence-against-women-and-domestic-violence/>.

³⁹ Directive (EU) 2024/1385.

assessing convergence and gaps in areas such as criminalization, victim support, institutional coordination, and integration of international standards.

4.1. Legal Framework and Constitutional Grounding – North Macedonia’s Legal and Constitutional Basis

North Macedonia addresses GBV primarily through the Law on Prevention and Protection from Violence Against Women and Domestic Violence⁴⁰. This law builds upon the ratification of the Istanbul Convention and is reinforced constitutionally by provisions that guarantee the right to life (art. 10), physical and moral integrity (art. 11), equality before the law (art. 9), and special protection for women and mothers (art. 42). Furthermore, art. 118 from the Constitution incorporates international treaties into the domestic legal order, as we already explained above. The Law introduced a definition of rape based on lack of consent; defines stalking and sexual harassment; and regulates reintegration of women victims of violence.

However, the Macedonian Constitution does not explicitly define or mention gender-based violence, leaving much of the protective infrastructure to statutory law. This differs from EU developments, where GBV is increasingly being understood as a structural form of discrimination requiring explicit legal recognition. Directive (EU) 2024/1385 introduces minimum standards for all Member States and candidate countries, structured around five pillars: 1) criminalization of key offences; 2) victim protection; 3) access to justice; 4) prevention; and 5) Coordinated implementation and data monitoring. These pillars are rooted in rights enshrined in the EU Charter of Fundamental Rights⁴¹, especially arts. 1 (human dignity), 3 (physical integrity), and 21 (non-discrimination).

4.2. Criminalization and Legal Definitions, EU Directive Requirements and Macedonian Law

The Directive mandates the criminalization of: female genital mutilation (FGM), forced marriage, psychological violence, cyberstalking, cyber harassment, and non-consensual sharing of intimate images, Incitement to gender-based violence (arts. 3-9). It also emphasizes a consent-based definition of rape, in line with feminist legal thought which views the absence of consent – not force – as the defining element of sexual violence.

North Macedonian law criminalizes physical, psychological, sexual, and economic violence, and incorporates a general definition of domestic violence. The Macedonian Criminal Code was amended in February 2023⁴². Gender-based violence against women was defined, and a lot of incriminations were amended, and new ones were introduced, like female genital organ stalking and sexual harassment. Directive introduces a significant normative advancement by explicitly requiring the criminalization of cyberstalking, cyber harassment, non-consensual sharing of intimate or manipulated images, and online incitement to gender-based violence, thereby addressing a rapidly growing form of abuse with gendered implications¹. These forms of violence are not clearly defined nor uniformly penalized in North Macedonia’s Criminal Code, and

⁴⁰ Law on Prevention and Protection from Violence Against Women and Domestic Violence, in Official Gazette of the R.M, No. 24 of 29 January 2021.

⁴¹ Charter of Fundamental Rights of the European Union, in OJ C 326/391, of 26 October 2012.

⁴² Law to Amend and Supplement the Criminal Code, Official Gazette of R.M. No. 36/2023, of 17 February 2023.

institutional awareness of digital abuse remains low, as highlighted by recent Group of Experts on action against Violence against Women and Domestic Violence (GREVIO) assessments⁴³. Also, in North Macedonia, psychological violence within and outside the domestic sphere is not criminalised as a dedicated criminal offence, although several provisions of the Criminal Code may cover certain aspects of this form of violence: coercion (art. 139); threatening the safety (art. 144); threatening with a dangerous tool during a fight or a quarrel (art. 133); extortion (art. 258); or blackmail (art. 259). For this, GREVIO considers that such general offences often do not capture the harm experienced by victims of psychological violence, and without a criminal offence adequately covering psychological violence, law enforcement agencies are ill-equipped to respond to this type of violence.

4.2. Victim Protection and Access to Justice – Directive Provisions and Macedonian Practice

The Directive guarantees: free legal aid, psychological support, protection orders, trauma-informed procedures, and child-sensitive approaches in custody and visitation cases. It also enshrines the principle of non-retaliation and protects victims from secondary victimization in judicial and police procedures. It requires Member States to ensure victims have access to support services, legal assistance, and protection measures, with a focus on a victim-centered approach.

North Macedonia's 2021 Law provides for temporary protection orders, access to shelters, psychosocial counselling, and legal assistance. The 2021 Law on Prevention and Protection from Violence against Women and Domestic Violence emphasizes victim protection, including provisions for temporary shelters, psychological counselling, financial assistance, and employment support. So we can proudly say that the foundational elements for victim protection are present in North Macedonia's legislation, and it is in alignment with the Directive. However, GREVIO reports highlight inconsistencies in service provision, especially outside urban areas, and note that women from marginalized groups (e.g., Roma, rural, and disabled) face systemic barriers to accessing justice. Furthermore, coordination among police, prosecutors, and social services remains fragmented⁴⁴. Also, although in 2018 North Macedonia opened three referral centres for victims of sexual violence and rape with funds from donors, research conducted by the National Network showed that a very small number of women and girl victims of sexual violence received complete services, particularly among victims who reported sexual violence in police stations. The Ministry of Health is not fulfilling its legal obligation to fund the centres. Services for victims of GBV and DV managed by the Ministry of Labor and Social Policy, including counselling centres, shelters, and crisis centres, do not follow clear standards and are inefficient in operation. Professionals working at the counselling centres for victims of GBV and DV lack specialized skills to work with victims⁴⁵.

⁴³ GREVIO, *Baseline Evaluation Report: North Macedonia*, Council of Europe, 2023.

⁴⁴ *Ibidem*.

⁴⁵ The Advocates for Human Rights and National Network to End Violence Against Women and Domestic Violence, *Gender-based violence against women and domestic violence*, in *Universal Periodic Review*, 2024, available at <https://www.theadvocatesforhumanrights.org/Res/North%20Macedonia%20UPR%20Information%20Gender-based%20Violence.pdf>.

4.3. *Prevention and Institutional Coordination, North Macedonia's Preventive Measures vs. EU Standards*

The EU Directive obligates States to develop national action plans. Also, to provide training for professionals, raise awareness through public campaigns, and collect disaggregated data on GBV cases. These measures reflect the preventive turn in EU gender policy, which emphasizes structural and cultural change over reactive prosecution.

The 2021 Law includes provisions for preventive measures and awareness campaigns. However, the effectiveness of these measures is contingent upon the development and implementation of specific programs and protocols, many of which are still pending⁴⁶. North Macedonia has adopted a *National Action Plan for Gender Equality (2022-2024)*⁴⁷, but lacks a unified national GBV strategy. mandatory training for law enforcement and judiciary and a centralized data system for monitoring GBV trends. The implementation of the NAP was behind schedule and incomplete, and more than 50% of planned activities were not implemented. These activities include public awareness campaigns, integration of teaching contents in education, and capacity building for professionals, including service providers, working on GBV and DV, everything that the prevention is all about. Since the implementation of the Istanbul Convention, we have had an improvement, but not in all sectors and not as much as needed. Reports that give data from the survey about the State's progress in the implementation of the Action Plan for the implementation of the Istanbul Convention⁴⁸ until December 2023 indicate that we have the least progress in the prevention of gender-based violence and family violence.

So, although the country's legislative provisions for prevention and awareness are in place, the absence of concrete programs and finalized protocols limits the practical implementation of preventive measures.

4.4. *Other Aspects of Alignment of Macedonian Legislation with the Directive*

Directive (EU) 2024/1385 is consistent with CEDAW, the Istanbul Convention, and the jurisprudence of the ECtHR. While North Macedonia has ratified these instruments and incorporated them through art. 118 of its Constitution, effective implementation and judicial reliance on international standards remain weak.

A crucial element of any comprehensive strategy to combat GBV is the availability of accurate, disaggregated, and systematically collected data. Reliable data not only enhances visibility of the scope and nature of violence but also enables evidence-based policymaking, resource allocation, and institutional accountability. In this regard, Directive (EU) 2024/1385/EU introduces a mandatory obligation for Member States to collect, process, and report data on violence against women and domestic violence. The Directive specifically requires national authorities to disaggregate data by sex, age, relationship to the perpetrator, and type of violence, and to coordinate reporting efforts with EU bodies such as Eurostat and the European Institute for Gender Equality (EIGE).

⁴⁶ *Ibidem*.

⁴⁷ Assembly of North Macedonia, *National Action Plan on Gender Equality*, available at <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/116975/MKD-116975.pdf>

⁴⁸ *Summary Report on the Progress of R. North Macedonia for the Implementation of the National Action Plan for the Implementation of the Istanbul Convention, cit.*

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In contrast, while North Macedonia's Law on Prevention and Protection from Violence Against Women and Domestic Violence (2021) acknowledges the importance of statistical monitoring, the law lacks concrete mechanisms for the systematic, disaggregated, and centralized collection of data on GBV incidents. Reports by international observers conclude that there is an absence of a unified database, and the fragmentation of data across police, health, and judicial institutions significantly hamper the State's ability to assess patterns of violence and develop responsive policy interventions⁴⁹. Additionally, current data often fail to capture the experiences of marginalized groups – such as Roma women, persons with disabilities, or LGBTQ+ individuals – thus limiting the inclusiveness of State interventions.

This reveals a clear implementation gap: while the principle of data collection is recognized, the infrastructure and coordination needed to meet the standards of Directive (EU) 2024/1385 remain underdeveloped. Data is not simply neutral information, but a tool of structural accountability⁵⁰. Without comprehensive data, State efforts risk becoming reactive rather than preventive.

Closely related to data collection is the requirement under the Directive for each Member State to adopt National Action Plans (NAPs) and to establish coordinating bodies responsible for overseeing the implementation of GBV policies. The Directive outlines that such plans must include strategic objectives, dedicated resources, monitoring indicators, and the meaningful participation of civil society and survivors. North Macedonia adopted the mentioned National Action Plan for the Implementation of the Istanbul Convention (2018-2023), demonstrating its normative commitment to structured policy action. However, as noted by The Advocates for Human Rights and GREVIO, this NAP lacked dedicated funding, failed to establish functional monitoring and evaluation mechanisms, and suffered from insufficient institutional ownership. The absence of a permanent and empowered coordinating body, tasked with cross-sectoral oversight, further undermines the NAP's effectiveness. This stands in contrast to the Directive's call for mandated institutions to lead, evaluate, and report on national GBV strategies.

In sum, North Macedonia aligns in principle with the Directive's strategic goals, particularly through its adoption of national plans and recognition of data's importance. However, the operational mechanisms, funding frameworks, and evaluative structures required for full compliance remain insufficiently developed. To harmonize with Directive (EU) 2024/1385, North Macedonia must urgently prioritize the institutionalization of data governance and strategic oversight in its fight against gender-based violence.

Directive (EU) 2024/1385 Requirement	North Macedonia Status	Alignment	Gap
<i>Criminalization of offenses</i>	Partially aligned	☑	Cyber violence provisions need enhancement

⁴⁹ Gender Equality Platform, *Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, 2022, pag.27, available at <https://rm.coe.int/shadow-report-grevio-2022-gender-equality-platform/1680a64ae6>.

⁵⁰ S. FREDMAN, *Discrimination Law*, Oxford, 2011, pp. 84-85.





<i>Victim protection and support</i>	Legislated but under-implemented		Pending bylaws and protocols
<i>Prevention and awareness</i>	Legislated but under-implemented		Lack of concrete programs
<i>Data collection and monitoring</i>	Recognized but insufficient		Need for systematic data mechanisms
<i>National action plans</i>	Existing but under-resourced		Insufficient funding and monitoring

Table 1: Summary of Alignment between Macedonian Legislation and Directive (EU) 2024/1385

5. Conclusion

The constitutional and legal architecture of the Republic of North Macedonia provides a strong normative foundation for the protection of human rights, including gender equality and human dignity. However, considering the recent adoption of Directive (EU) 2024/1385 on combating violence against women and domestic violence, a deeper alignment between domestic and European legal standards has become imperative.

North Macedonia's constitutional framework – characterized by its rigid nature, reinforced human rights focus, and the model of parliamentary democracy – offers significant potential for transformative legal harmonization. Its rigidity ensures that fundamental values such as the right to life (art. 10), physical integrity (art. 11), and equality before the law (art. 9) are protected from political volatility. At the same time, art. 118 of the Constitution mandates direct incorporation of ratified international treaties, thereby requiring the domestic legal system to comply with evolving EU norms and obligations, including those under the Istanbul Convention and Directive (EU) 2024/1385.

Importantly, the Macedonian Constitution does not need to enumerate every aspect of gender-based violence in detail. Instead, it establishes a constitutional obligation to adopt laws, policies, and practices that give effect to its core human rights commitments. As feminist legal scholars have emphasized, constitutions serve as living documents that guide legislative adaptation in response to changing international legal environments and social realities. The reinforced human rights orientation of North Macedonia's constitutional order is, therefore, a critical entry point for embedding more comprehensive and specific protections against violence, including cyber violence, sexual harassment, and institutional neglect.

In practical terms, North Macedonia must address key implementation gaps to fully align with the Directive, like criminalizing forms of cyber violence, institutionalizing coordinated and well-funded national action plans, and developing systematic, disaggregated data collection frameworks. These are not only legal obligations under EU accession conditions, but essential components of a democratic system committed to the protection of its most vulnerable citizens.

Ultimately, the Macedonian constitutional framework, while not exhaustively prescriptive, establishes clear mandates of compliance, reinforcing the principle that the State must proactively safeguard against gender-based violence. The country's aspiration for EU integration further elevates this imperative, placing it at the intersection of national identity, human rights enforcement, and democratic governance.

Looking ahead, it is essential to emphasize the proactive role that constitutional courts and public institutions in North Macedonia can play in bridging the gap between formal guarantees and practical protection from gender-based violence. Constitutional interpretation should not remain static; instead, courts should adopt an evolutionary and harmonizing approach, aligning domestic constitutional provisions – particularly arts. 8, 9, 10, 11 and 42 – with the normative requirements of Directive (EU) 2024/1385 and the Istanbul Convention. Public institutions, including ministries, ombuds institutions, and parliamentary committees, should actively use international standards as interpretative tools and benchmarks when drafting or reviewing laws, issuing policies, or monitoring implementation. This approach would not only fulfil the obligations under art. 118 of the Constitution, which integrates ratified international treaties into domestic law, but also reaffirm the judiciary's role in advancing gender equality and ensuring that constitutional rights are not abstract promises but enforceable and evolving protections.

ABSTRACT

As North Macedonia moves forward on its path toward European Union accession, the imperative to harmonize its constitutional and legal framework with EU fundamental rights and values has gained renewed importance. Among the most pressing human rights challenges facing the country is gender-based violence (GBV), which continues to disproportionately affect women and girls, despite ongoing legislative reforms and international commitments. This presentation examines the constitutional aspects of GBV in North Macedonia, evaluating the effectiveness of the country's supreme legal framework in addressing the issue and its alignment with the broader normative framework of the European Union.

The Constitution of the Republic of North Macedonia incorporates the principles of equality, human dignity, and the right to life and security. However, in practice, the protection afforded to victims of GBV remains inconsistent and often inadequate. High levels of underreporting, lack of specialized support services, insufficient training among law enforcement and judiciary actors, and cultural stigmas all contribute to a persistent gap between constitutional guarantees and the lived reality of women facing violence.

This presentation analyses the interplay between constitutional provisions and the State's obligations under international and regional human rights instruments, with particular emphasis on the Istanbul Convention, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the EU Charter of Fundamental Rights and the EU Gender Equality Strategy 2020–2025. The focus is placed on whether constitutional norms are sufficiently actionable to ensure prevention, protection, and prosecution in cases of GBV, and how EU integration serves as a framework for reform. Further attention is given to the institutional and legal reforms undertaken by North Macedonia in recent years, including amendments to legislation and their constitutional implications. The presentation argues that addressing gender-based violence through a constitutional lens is not only a legal necessity for harmonization with EU standards but also a vital step toward building a more just, equal, and democratic society.

In conclusion, the paper underscores the need for a more proactive constitutional commitment to combating GBV – one that goes beyond symbolic guarantees to ensure

real, enforceable rights for women. As North Macedonia aspires to join the European Union, the constitutional entrenchment of gender equality and the protection of women from violence must be seen not merely as accession criteria, but as a foundational expression of European values and democratic resilience.

KEYWORDS

Constitution, European Union, Gender, Legislation, North Macedonia, Prevention, Protection, Violence.