



Australian Government
Refugee Review Tribunal

Country Advice Former Yugoslav Republic of Macedonia

Former Yugoslav Republic of Macedonia –
MKD36645 – Women – Domestic violence
– Legal provisions – State protection

10 May 2010

- 1. Please provide information about the incidence of domestic violence in Macedonia and the state's response to it, particularly whether there is effective state protection available to such women.**

Incidence of domestic violence

Women in the Former Yugoslav Republic of Macedonia (Macedonia) do experience high rates of domestic violence. The most recent empirical study (2006) on prevalence nationwide concluded that 56% of women experience psychological forms of domestic violence, 18% physical forms of violence, and 11% sexual violence. Skopje was one of three municipalities which recorded the highest number of cases of family violence in 2005: 862 of 3570 nationwide. Rates of domestic violence among particular ethnic groups, such as Roma, are believed to be significantly higher. Underreporting also remains a problem in the country.¹

The prevalence of domestic violence in Macedonia is attributed to several factors, including the continuation of traditional gender roles, inflexible social and cultural norms, an economy in transition with high rates of unemployment, and a country still in a post-conflict stage of development.²

State's response to domestic violence

Over the last five years, Macedonia has responded with concrete measures to the high rates of domestic violence through legislative reform, a national strategy and action plan, public awareness campaigns, and ratification of international agreements and declarations.

International and NGO pressure on the government saw amendments to the *Family Law*, *Criminal Code* and the *Law on Social Protection* in the period 2004 to 2008, resulting in physical, psychological and sexual forms of domestic violence being specifically recognised, defined, and criminalised.³ The legal amendments also increased the levels of protections for

¹ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, pp.6, 15, 19,

http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf - Accessed 10 May 2010 – Attachment 1; UNDP 2008, *Strengthening National Capacities to prevent Domestic Violence 2008-2011*, UNDP website, p.2 <http://www.undp.org.mk/?LCID=67> - Accessed 10 May 2010 – Attachment 2.

² UNDP 2008, *Strengthening National Capacities to prevent Domestic Violence 2008-2011*, UNDP website, pp.1-2 <http://www.undp.org.mk/?LCID=67> - Accessed 10 May 2010 – Attachment 2.

³ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, pp.17-18

http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf - Accessed 10 May 2010 – Attachment 1; Sudderth, L.K. 2010, *Improving Data Collection on Violence against women in South East Europe*, UNIFEM website, January, pp.21-22

<http://www.unifem.sk/uploads/doc/ImprovingDataCollectionOnVAW.pdf> - Accessed 11 May 2010 – Attachment 3.

victims by allowing for civil restraining orders, and increased the penalties to at least ten years to a maximum of life imprisonment for murder as a result of family violence. Perpetrators of violence extend to relatives of the 4th degree of blood relation and to the 2nd degree of legal relation of those partners. The *Family Law* now allows for victims to receive free legal advice and representation through social work centres.⁴

Alongside enhanced legislation, the government is also implementing a national strategy and action plan.⁵ Developed by NGOs working in the field of domestic violence and relevant government ministries (Labour and Social Affairs, Interior, Health, Justice, and Education), the strategy's three guiding documents are:

- Report on Violence and Health in R. Macedonia and Guide for Prevention 2006
- National Plan of Action towards Gender Equality 2007 – 2012
- National Strategy on Protection against Domestic Violence 2008 – 2011

Together these documents aim to provide a national plan for the prevention, intervention, education, follow-up, and inter-sectorial coordination against domestic violence. This strategy has seen the introduction of a national hotline and 27 shelter service centres, the largest of which is in Skopje with a capacity for 20 persons. Other recent examples of the strategy's implementation include: (1) a nationwide awareness raising campaign in October 2009 – “A Real Man Never Hits a Woman” – which featured three prominent male athletes and aimed to break down stereotypes and a culture of acceptance of violence against women; and (2) in May 2010, an pilot economic empowerment programme providing subsidised employment opportunities for the women victims of domestic violence. The pilot economic programme includes the City of Skopje.⁶

Effectiveness of state protection against domestic violence

Hundreds of Macedonian women victims of domestic violence have been provided with formal assistance through social work centres in recent years, including with the initiation of court procedures and protection measures. While information on the effectiveness of the protection measures offered was not found, one study indicates that 58 women were assisted with initiating temporary protection measures over a one year period.⁷

Significant problems nonetheless exist with the overall effectiveness of state protection for women against domestic violence in Macedonia. According to a 2010 UNIFEM-sponsored

⁴ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, p.18, p.31

http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf - Accessed 10 May 2010 – Attachment 1. Specific crimes, sentences and Articles are listed in paragraph 149 of: UN Committee on the Rights of the Child (CRC) 2009, *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: 2nd periodic report of States parties due in 1998: the former Yugoslav Republic of Macedonia*, CRC/C/MKD/2, UNHCR website, 12 November – Attachment 4.

⁵ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, pp.18-19, pp.31-32

http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf - Accessed 10 May 2010 – Attachment 1.

⁶ ‘FYR Macedonia Battles Domestic Violence’ 2010, UNDP website, 4 May

<http://europeandcis.undp.org/gender/show/63A10AE0-F203-1EE9-B1F9EDDFC8781276> - Accessed 11 May 2010 – Attachment 5.

⁷ For these statistics see page 32 of: Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website

http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf - Accessed 10 May 2010 – Attachment 1.

report, the effective implementation of the national legislation and national strategy described above has “been seriously hampered by a lack of political will, lack of resources, and prevailing patriarchic attitudes among the general population, as well as public officials and legislators”.⁸ State capacity in this area of public policy is described as “very low”, and implementation of the laws criminalising domestic violence as ‘weak and sporadic’.⁹

Specific areas of concern include the continuing reluctance of victims to report abuse due to continuing social stigma, and of the state to prosecute perpetrators and enforce legal provisions.¹⁰ Some police officers are unaware of the legal provisions which provide for civil restraining orders and which allow them to act to protect victims.¹¹ Other impediments to effective policy implementation on domestic violence are the weak coordination between NGOs and the governmental sector, and lack of standardised and agreed referral protocols, and an *ad hoc* approach to the recording and collection of domestic violence statistics.¹²

Attachments

1. Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf – Accessed 10 May 2010.
2. UNDP 2008, *Strengthening National Capacities to prevent Domestic Violence 2008-2011*, UNDP website <http://www.undp.org.mk/?LCID=67> – Accessed 10 May 2010.
3. Sudderth, L.K. 2010, *Improving Data Collection on Violence against women in South East Europe*, UNIFEM website, January, <http://www.unifem.sk/uploads/doc/ImprovingDataCollectionOnVAW.pdf> – Accessed 11 May 2010.
4. UN Committee on the Rights of the Child (CRC) 2009, *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: 2nd periodic report of States parties due in 1998 : the former Yugoslav Republic of Macedonia*, CRC/C/MKD/2, UNHCR website, 12 November.
5. ‘FYR Macedonia Battles Domestic Violence’ 2010, UNDP website, 4 May <http://europeandcis.undp.org/gender/show/63A10AE0-F203-1EE9-B1F9EDDFC8781276> – Accessed 11 May 2010.

⁸ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, p15 http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf – Accessed 10 May 2010 – Attachment 1.

⁹ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, p15 http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf – Accessed 10 May 2010 – Attachment 1.

¹⁰ United States Department of State 2010, *2009 Country Reports on Human Rights Practices - Macedonia*, 11 March, ‘Women’ – Attachment 6.

¹¹ Association of Citizen Sumnal 2010, *Partner Violence amongst the Roma in R. Macedonia and the public sector*, UNIFEM website, p.33 http://www.unifem.sk/uploads/doc/Partner_violence_amongst_Roma_and_the_public_sector_response_ENG.pdf – Accessed 10 May 2010 – Attachment 1; United States Department of State 2010, *2009 Country Reports on Human Rights Practices - Macedonia*, 11 March, ‘Women’ – Attachment 6.

¹² UNDP 2008, *Strengthening National Capacities to prevent Domestic Violence 2008-2011*, UNDP website, pp.3-7 <http://www.undp.org.mk/?LCID=67> - Accessed 10 May 2010 – Attachment 2.

6. United States Department of State 2010, *2009 Country Reports on Human Rights Practices – Macedonia*, 11 March.