

WHO

CAN (NOT)

**REPORT GENDER-
BASED VIOLENCE?**

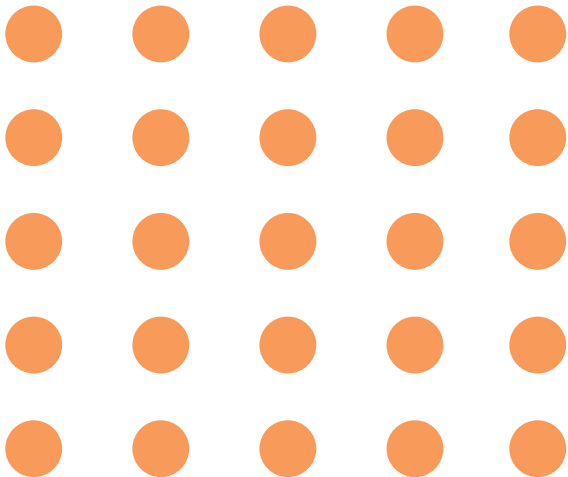
PUBLIC POLICY DOCUMENT

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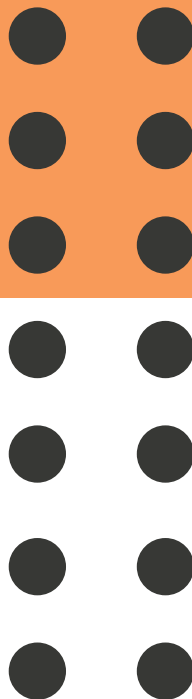
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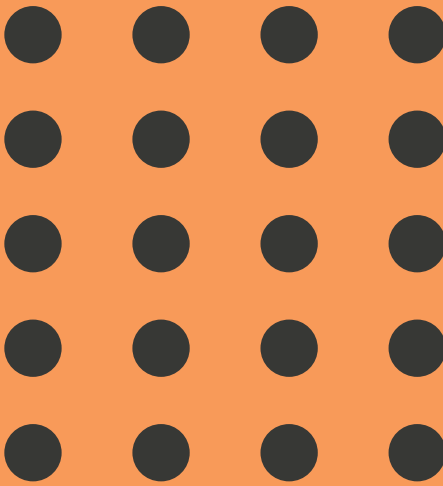


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INTRODUCTION

The Republic of North Macedonia currently implements the new Law on Prevention and Protection from Violence against Women and Domestic Violence, which came into force on 6 May 2021.¹ The Law introduced new forms of violence and new principles in dealing with victims of violence, such as due diligence, mutual coordination of institutions and organizations, prohibition of victimization, etc. According to the Law, any natural person aware of the existence of gender-based violence against women and domestic violence is obliged to report it to a police station, centre for social affairs, public prosecutor’s office, association, or SOS line. The competent institutions are obliged to act upon an anonymous report, and the responsible person and the administrator of the institution who perform activities in the field of social and child protection, employment, internal affairs, health, and education, are obliged to report knowledge of the existence of gender-based violence against women and domestic violence to a police station or social work centre.

Research to date has shown that victims do not report gender-based violence, which is one of the most serious problems in this field.

If the rate of reporting cases of violence is around 14% in Europe, in North Macedonia only 2% of women who have experienced violence have reported it to the competent institutions.² It is estimated that the low rate of reported violence is most often the result of mistrust in institutions, impunity of perpetrators, lack of sensibilization of officials acting in cases of violence, but also fear and shame, and even situations where the victims themselves do not recognize it is violence. The reports made by the Helsinki Committee for Human Rights also speak about the inaction of the institutions, specifically the Ministry of Interior and the Basic Public Prosecutor’s Office, which amplified by the double victimization from the public that the victims are themselves guilty, further discourages girls and women to report violence.³ According to the latest analysis of femicides in the country, in more than 80% of cases, although there was violence which was later witnessed in the procedure by close relatives of the victim, none of the murdered women reported the violence to the authorities.⁴

1 Assembly of the Republic of North Macedonia. (2021). Law on Prevention and Protection of Violence against Women and Domestic Violence.
2 OSCE Mission to Skopje. (2019). OSCE-led Survey on Violence Against Women: North Macedonia – Well-being and Safety of Women. Available at: https://www.osce.org/files/f/documents/3/5/419264_1.pdf.
3 See more at: <https://mhc.org.mk/en/annual-reports-regarding-the-committees-activities/>.
4 National Network to End Violence against Women and Domestic Violence “Voice against Violence”. (2021). Analysis of Cases of Femicides Murders of Women in the Republic of North Macedonia 2017–2020. UNDP. Available at: https://glasprotvinnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid-EN_6.2.pdf.



The focus of this policy paper is to answer the question of *how the inaction of the competent institutions affects the (non) report of violence*, while analyzing the problem through several aspects:

- Using the possibility of reporting from a third party, including anonymous report;
- The consequences of the inaction of the competent institutions after receiving a report of violence and
- Report by competent institutions after being informed of gender-based violence.

By analyzing the above aspects, this document provides several possible solutions to increase the rate of reporting violence through specific guidelines and recommendations for creating measures and policies to overcome existing barriers.





METHODOLOGY

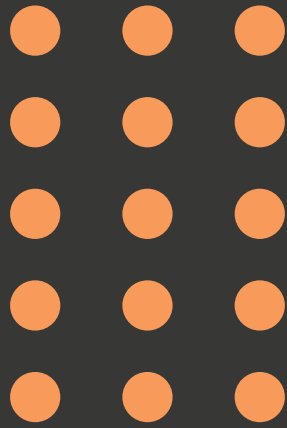
To analyze the impact the inaction of the competent institutions has on (not) reported violence, the document uses a methodology that consists of applying a qualitative analysis of primary and secondary data, collected through the application of several research instruments:

1. Content analysis of:
 - » international legislation;
 - » national legislation;
 - » research, reports, publications;
 - » answers to requests for access to public information.

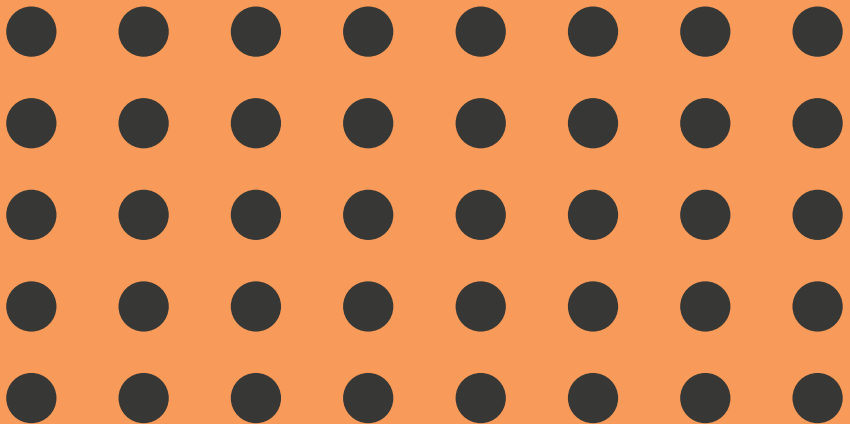
2. Interviews and written questionnaires with relevant actors – the primary data of the research were collected through thorough interviews with three lawyers working in the field of gender-based and domestic violence, three representatives of civil society organizations working directly with victims of gender-based and domestic violence, and one civil society organization working in the field of research. The interviews were conducted in person with the interviewee or in writing. The questions asked to the interviewees were open character questions and there was an opportunity to answer them descriptively, so the result of the research interviews show their full of details perspective. For the purposes of this research, only the most relevant data are singled out in the main text.

3. Case studies – cases of gender-based and domestic violence have been developed with a focus on various aspects of not taking actions by the relevant institutions.
The analysis covered three cases:
 - Case in which there is no response after a filed report by relatives/friends/neighbours of a victim of gender-based violence;
 - Case in which there is no response after a report by a legal representative, i.e., a lawyer representing a victim of gender-based violence, and
 - Case in which there is no response after a report by a civil society association working in the field of prevention and protection against gender-based and domestic violence.





DATA
ANALYSIS





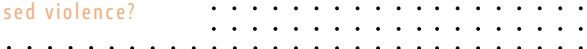
Content analysis

LEGAL REGULATIONS

The recognition and legal regulation of the concept of violence against women as a form of discrimination and a violation of human rights, first occurred in the 1990s. With the adoption of the General Recommendation No.19,⁵ the Committee for Elimination of Discrimination against Women establishes gender-based violence as a form of gender discrimination and links the achievement of gender equality to the eradication of violence against women. At a regional level, in 2011 the Council of Europe opened the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)⁶ or ratification.⁷ This convention, as part of the system of international treaties⁸ for strategic and effective dealing with the violence against women, takes the international legal framework one step further by establishing a legally binding definition of the violence against women as *a violation of human rights and a form of discrimination against women*.⁹ This means that states are responsible for any inappropriate actions in cases of violence against women.

The Istanbul Convention is a comprehensive legally binding instrument based on four postulates: prevention of violence, victim protection, prosecution of perpetrators, and the adoption and implementation of integrated policies. The Convention calls for the involvement of all relevant state entities and service providers, whose aim is coordinated fight against violence against women and domestic violence. This is a Convention that covers all women and girls, of all backgrounds, regardless of their age, race, religion, social background, migrant status, or sexual orientation. Furthermore, the Convention recognizes that certain groups of women and girls are at greater risk of violence and states must ensure that their specific needs are consistently met. States have the opportunity to apply the provisions of the Convention to other victims of domestic violence, such as men, children, and the elderly.

5 Committee for Elimination of Discrimination against Women. (1992). General Recommendation no.19.
6 Council of Europe. (2011). Convention on Preventing and Combating Violence against Women and Domestic violence.
7 Considering that violence against women and girls is a worldwide phenomenon, the Istanbul Convention is not limited to a particular geographic area. Since the Convention entered into force, it was open to accession by any country in the world. At present, 35 countries have ratified the Convention, 8 of which are countries outside of Europe. See more at <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=210>.
8 This system of international treaties, beside the Istanbul Convention, comprises of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).
9 Article 3 of the Istanbul Convention.



Building on the case law of the European Court of Human Rights, the Convention incorporates *the principle of due diligence*. This principle is defined as an obligation the states have to prevent, investigate, penalize, and ensure acts of violence reparation.¹⁰ Except when dealing with cases of violence against women, states are obliged to consistently apply the principle of due diligence much earlier – at the time of reporting the violence. Hence, the Istanbul Convention imposes an obligation on states to encourage any person who witnesses any act of violence or who has reasonable grounds to suspect that such an act may be committed or that further acts of violence may be expected, to report it to the competent organizations or authorities.¹¹ In addition, the Convention obliges states to ensure that the rules of confidentiality imposed by domestic law on certain professionals do not preclude them from reporting to the competent organizations or authorities if they suspect that a serious act of violence has been committed and further acts of violence may be expected.¹²

Although the Istanbul Convention is a powerful international standard for dealing with violence against women, it is not an aim per se. The Convention is a call for action and guides states and other actors in the process. That is why after North Macedonia ratified the Convention and after its entry into force, the Law on Prevention and Protection from Violence against Women and Domestic Violence¹³ was adopted. Thus, the Law stipulates that any natural person aware that there is gender-based violence against women and domestic violence is obliged to report it to the police station, centre for social affairs, public prosecutor's office, association, or SOS line.¹⁴ The competent institutions are obliged to act even after an anonymous report¹⁵ which means that any person can report any information about gender-based violence and by phone; i.e. they do not have to do it in person at the institution. Furthermore, both the responsible person and the administrator of the institution that perform activities in the field of social and child protection, employment, home affairs, health, and education, are obliged to report any knowledge of gender-based violence against women and domestic violence to a police station or centre for social affairs.¹⁶ This means that every employer, kindergarten teacher, police officer, health, or education worker has an obligation

10 Article 5 paragraph 2.

11 Article 27.

12 Article 28.

13 Assembly of the Republic of North Macedonia. (2021). Law on Prevention and Protection of Violence against Women and Domestic Violence.

14 Article 40 paragraph 1 of the Law.

15 Article 40 paragraph 2.

16 Article 41 paragraph 1.

to report knowledge of gender-based violence. Additionally, such an obligation is provided for each responsible and administrator in a legal entity,¹⁷ trade unions¹⁸ and other citizens' associations.¹⁹

FIELD RESEARCH

Adopting legal solutions is only the first step towards systemic changes in addressing the problem of gender-based violence – how they will be implemented, i.e. whether the victims of this type of violence will be protected, will depend on the primary institutions obliged to act on such reports, and especially the centres for social affairs, the Ministry of Internal Affairs, the Basic Public Prosecutor's Office, etc.²⁰ Given that in practice the implementation of legal provisions is still one of the most serious drawbacks in providing adequate protection to victims of gender-based violence, the question remains how applicable they are in practice and how much they are really in favour of the victims.

In April 2022, the Gender Equality Platform submitted a *Shadow Report on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*²¹ to the GREVIO Committee, the first such report since the country ratified the Istanbul Convention. The report reaffirmed the deep-rooted and persistent nature of gender-based and domestic violence in the Macedonian society, despite the fact that decades have passed since the declaration of equality between women and men and recognizing women's rights under national law. Looking back, the omnipresence of gender-based violence in the country can be located in the long legislative inactivity of the state in this area, given that we can talk about the existence of a national legal framework for gender-based and domestic violence only after the ratification of the Istanbul Convention and the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence in 2021.²²

Gender-based violence is a quite widespread phenomenon in the Macedonian society, and the perception of violence as a common occurrence in our environment, or its normalization, as well as being located exclusively in the sphere of the home, or the

17 Article 41 paragraph 2.

18 Article 25.

19 Article 24.

20 Helsinki Committee for Human Rights Skopje. (2022). Annual report on human rights in the Republic of North Macedonia 2021.

21 Gender Equality Platform. (2022). Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia. Available at http://rodovaplatforma.mk/wp-content/uploads/2022/06/Shadow-report-GREVIO-2022-Gender-Equality-Platform_April-20221.pdf.

22 Ibid.



private sphere – contributes to that. Hence, according to recent research, almost half of the interviewed women consider domestic violence to be a private matter, and three out of ten women believe that victims exaggerate the allegations of harassment or rape.²³ It is this normalization and acceptance of violence that contributes to the fact the violence not be reported.

Undoubtedly one of the most serious problems is when victims do not report violence; in North Macedonia there is only 2% of women who have experienced violence, primarily due to shame, financial reasons, lack of information, insufficient knowledge of what is considered violence, fear from repercussions,²⁴ as well as the distrust in the institutions, i.e. the insufficient sensitization of the officials who act in cases of violence. In this context, one of the key things is that the new legal solution from 2021 for the first time introduces the principle of action with due diligence to the interests and needs of the victim by the institutions in taking measures for prevention and protection against gender-based violence.²⁵

The data from the analysis of femicides show that the violence is not reported, where in more than 80% of the cases, none of the killed women reported to the competent institutions the violence they experienced, although it existed and was later confirmed in the procedure by close relatives of the victim, with most of the killed women being exposed to more than one form of gender-based violence, and some of them were receiving death threats.²⁶

One of the most vulnerable groups to gender-based violence is undoubtedly people with disabilities, and one of the main conclusions of the research on gender-based violence against women and girls with disabilities is that they do not trust the institutions and rarely report violence. Those women who have experience with reports against violence find that when a woman with a disability reports violence, that is not seen as serious due to stereotypes and prejudices because it is thought that the person cannot recognize what violence is.²⁷ According to the victims with disabilities who reported a case of violence, the employees of the institutions where they reported

23 OSCE Mission to Skopje. (2019). OSCE-led Survey on Violence Against Women: North Macedonia – Well-being and Safety of Women. Available at https://www.osce.org/files/f/documents/3/5/419264_1.pdf.

24 Ibid.

25 Helsinki Committee for Human Rights. (January, 2021). The new Law should bring real improvement in the life of women. Available at <https://mhc.org.mk/news/noviot-zakon-da-donese-i-realno-podobruvanje-vo-zhivotot-na-zhenite/>.

26 National Network to End Violence against Women and Domestic Violence “Voice against Violence”. (2021). Analysis of Cases of Femicides Murders of Women in the Republic of North Macedonia 2017-2020. UNDP. Available at https://glasprotivnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid-EN_6.2.pdf.

27 Kocosa, E. and Dimitrovska, N. (2022). Preventing gender-based violence against women and girls with disabilities - Investigative report. OSCE Mission to Skopje. Available at https://www.osce.org/files/f/documents/8/1/513250_0.pdf.



the said violence often did not know how to react when a person with a disability reports violence, have communication difficulties (deaf women especially have a problem without an interpreter), and after police interventions in cases of physical violence, the cases were not resolved and the violence continued with the same intensity or worse, for several days.²⁸

A significant obstacle to encouraging victims to report violence is the inefficiency of court proceedings. The analysis conducted by the Coalition *All for Fair Trials* indicates the fact that this form of crime is generally undeclared and undetected and has a large dark number; meaning, a small number of criminal proceedings are conducted for these crimes.²⁹ Additionally, the treatment of the perpetrators of these crimes after the completion of the criminal proceedings and the serving of their sentence, as well as the mild penal policy of the Macedonian courts, are a significant inhibiting factor for victims of domestic violence in reporting these crimes to the authorities.³⁰

28 Kocoska, E. and Dimitrovska, N. (2022). Preventing gender-based violence against women and girls with disabilities - Investigative report. OSCE Mission to Skopje. Available at https://www.osce.org/files/f/ documents/8/1/513250_0.pdf.

29 Coalition All for Fair Trials. (2019). Data Analysis from the Monitoring of Court Procedures in Domestic Violence Cases in 2019. Available at <https://all4fairtrials.org.mk/wp-content/uploads/2019/12/OSCE-2019-SN-MKD-ENG-ALB.pdf>.

30 Ibid.



THE IMPACT OF COVID-19 ON REPORTING VIOLENCE

Probably one of the biggest challenges affecting the prevalence of gender-based violence globally, but even more so to be reported to the authorities, was imposed by the COVID-19 pandemic. From the very beginning of the pandemic, the World Health Organization, as well as other international and local civil society organizations, warned of the increased risk of domestic violence in times of crisis, such as the pandemic itself.³¹ The restrictive measures that were being adopted daily by the Government of the Republic of North Macedonia since the beginning of the pandemic, were a serious factor in increasing the risk of violent behaviour at home, given that recommendations for self-isolation were one of the most effective ways of prevention. Although most domestic violence reporting services were operational, such as the National free mobile SOS line for victims of domestic violence, the centres for social affairs worked part-time and from home, providing telephone counseling only.³² Additionally, the measures made it more difficult for individuals to physically report cases, which were later changed in favour of the victims of violence. Despite the awareness of the risks of increasing violence in this period, the state still failed to implement any creative solutions for prevention of violence and for facilitating the reporting process.³³ There was an increase in reports of domestic violence in North Macedonia, especially after the end of the state of emergency and the reduced curfew measures.³⁴

31 Jovanovska, B. (2020). Pandemic in Shadow. Available at <https://meduza.mk/fem-101/pandemi%201%98a-vo-senka/>.

32 National Network to End Violence against Women and Domestic Violence "Voice against Violence". (2021) Combating violence against women and domestic violence in the Western Balkan in time of and after the COVID-10 health crisis: Recommendations to Governments, donors and civil society organizations. Available at <http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2020/09/Spravuvane-so-nasilstvo-vrz-zheni-i-semejno-nasilstvo-za-vreme-na-KOVID-19.pdf>.

33 Helsinki Committee for Human Rights Skopje. (2020). Annual report on human rights in the Republic of North Macedonia 2020. Available at <https://mhc.org.mk/en/reports-en/annual-report-on-human-rights-in-2020/>.

34 National Network to End Violence against Women and Domestic Violence "Voice against Violence". (2021). Analysis of Cases of Femicides Murders of Women in the Republic of North Macedonia 2017–2020. UNDP. Available at https://glasprotivnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid-EN_6.2.pdf.



Interviews with relevant actors

When it comes to legislation in this area, the general conclusion is that we have solid legal solutions, and the barriers that victims face arise in the implementation of laws, or the practice of inappropriate treatment or inaction of institutions with victims of gender-based and domestic violence. Despite the adoption of the new Law on Prevention and Protection from Violence against Women and Domestic Violence, not all bylaws and operational procedures necessary for its successful implementation have been adopted.³⁵

The practice of the interviewed stakeholders indicates inadequate application of the Law by the centres for social affairs, which contributes to omissions in taking certain actions to help victims, especially in cases of acute violence. At the same time, there is insufficient knowledge among police officers about the legal provisions, as well as the manner of acting according to them.

The police officers at the Karposh police station were not informed that even if the violence comes from a close person, extramarital partner, or ex-partner it is still domestic violence; the woman who reported her ex-husband who was violent was told that she could not be subjected to domestic violence because they had been divorced for six years. Her filed report was treated as a complaint that cannot later be used in a centre or social affairs so temporary protection measures can be imposed.³⁶

Most of the interviewees think that citizens are generally still insufficiently informed about how or where to report violence. Even in cases where they know they have to report to the police, they do not know where else to turn – be that centres for social affairs, and they oftentimes avoid reporting this to a lawyer thinking they will have to pay a lot of money for that.³⁷

Although they believe that there is an increasing number of women who know where and how to report violence, especially in urban areas, according to the interviewees, most women victims of some form of violence, still find the greatest support in CSOs working on this issue and offering free legal aid. Therefore, for example, in smaller municipalities where there are civil society organizations that deal with this issue,

35 Interview with a representative of a civil society organization.

36 Interview with a representative of a civil society organization.

37 Interview with a lawyer.



citizens are much better acquainted with the ways and competent institutions where they can report violence.³⁸

The interviewees locate the reasons for not reporting the violence initially in the high degree of distrust in the competent institutions. In this context, a great deal of cases that have been reported to the police station end up as complaints and no further processing measures are taken; on the other hand, centres for social affairs contribute to this distrust given the insufficient time professionals devote to victims, especially during risk assessments.³⁹ According to one civil society association, the reason that limits the centres for social affairs in dealing with anonymous reports is the excessive workload, ie lack of sufficient human resources, as well as special teams for dealing with emergencies.

Additionally, some acts are not incriminated at all, hence there is no sanction for the perpetrators of these acts, and for those acts where a qualifying circumstance of the basic crime committed in domestic violence is provided, court decisions regarding the type and amount of the sanction are very mild.⁴⁰

Watching through the media how court cases end, citizens do not trust the judiciary and see these proceedings as a maze from which there is no way out, unless they have connections.⁴¹

As a result, victims are further demotivated to report violence and lead the entire process in which they often face (multiple) victimization, while a lenient criminal policy for this type of crime encourages the perpetrator to repeat the violence.

Meanwhile, support for victims of violence is becoming more prevalent through social media, such as Facebook support groups, where women victims who have reported violence to one of the competent institutions often share their (negative) experiences, which contributes to increasing mistrust in the competent institutions and discouraging the victims, but also the potential women who would like to file a report.

Privacy of violence is still a limiting factor for reporting by third parties, even when it comes to anonymous report. Citizens, despite their legal obligation, still do not feel a moral duty to report violence, and to not want to *interfere* in the private affairs of their friends, neighbors, relatives, and others.

All interviewees are unanimous in the view that the institutions very rarely act upon a report by third parties, especially after an anonymous report, although they have a legal obligation to act.

38 Interview with a representative of a civil society organization.

39 Interview with a representative of a civil society organization.

40 Interview with a representative of a civil society organization.

41 Interview with a lawyer.

Although the police are obliged to act upon an anonymous report, they do not do so on the grounds that there is not enough data for domestic violence inspectors to go out on the field.⁴²

Institutions often do not take claimants seriously and suspect that it is a false report. Thus, it is not uncommon for the claimants to be punished for false reporting, just because they were not at the scene or due to the slow response of the police officers (sometimes even a few hours after the report), and in the meantime, there had been change of situation.

Urgent action by the police is needed after these reports because there is a possibility the situation to result in either a murder or a change of situation.⁴³

Most of the interviewees had experience with filing reports against violence as a third party, as a civil society organization, as a lawyer, and as an anonymous person. Cases of violence vary, but what unites them is the inappropriate attitude of officials while reporting violence. Even in cases where a witness or other person wishes to report violence anonymously, the police insist on obtaining personal information about the claimant and often respond to the report, especially when it comes to a telephone report.

If we as a citizens' association that has been working in this area for a long time are told that we cannot report suspicion of domestic violence by phone, dialing 192, that we must go in person to the police station, what can the other citizens do, especially those who want to stay anonymous?⁴⁴

Filing a report by a third party is always taken with a high degree of reserve by police officers and very often a direct report and consent from the victim is required (that they are a victim), for their protection in case of action.

In one case of a victim I am representing, the staff at the Centre for Social Affairs told me that because I did not have a power of attorney, I could not report domestic violence, and I was forced to explain that everyone has an obligation to report domestic violence and that I do not need a power of attorney.⁴⁵

Frequent cases in which victims of violence change their minds to report a case, meaning to initiate proceedings against the perpetrator, at an early or later stage, significantly affect how officials act.⁴⁶ Although this should not be an argument for suspicion in cases of violence, the experience of civil society organizations that have been working on this issue for years indicates that it often influences the actions of institutions.

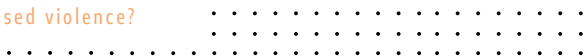
42 Interview with a representative of a civil society organization.

43 Interview with a lawyer.

44 Interview with a representative of a civil society organization.

45 Interview with a lawyer.

46 Interview with a representative of a civil society organization.



If someone falsely reports, the institution will not have any harmful consequences, while on the other hand, if the institution does not act upon a report of domestic violence, the victim is the one who will bear the consequences.⁴⁷

One of the reasons why reports from third parties are not taken seriously by the authorities is that they believe that if there is indeed domestic violence, then the victim themselves will report it and seek ways to leave their home, which indicates that the officials have low level of awareness regarding this issue.

After reporting to the police, our social worker faced an unnecessary waste of time explaining why the victim had not reported the violence in person – what if it was a false report, was it necessary for the police to go on field immediately and so on. After a painstaking explanation, the police decided to go and check, and confirmed that it was indeed violence and measures were taken to clear up the case.⁴⁸

Through the policy of punishment for false report, the system disciplines the citizens in a way, and informs them that for this type of report, strong evidence is necessary, which usually does not depend on themselves, and that significantly reduces the likelihood of the person to report violence again, or to encourage another person to do the same.⁴⁹

For third parties to be encouraged to report violence, they must be sure that their report will not harm them and that the competent institutions will act in the case.⁵⁰

In certain cases, the officials in the institutions profile the claimant who appears in the capacity of a third party and thus decide whether to trust the claimants and whether to follow the report. The manner of (non) action of the institution also depends on the assessment of the claimant. If the institutions assess that the person filing a report would not be persistent in the long run, meaning they would not continue to further put pressure on the institutions, they will not process the application.⁵¹

In one situation, a woman reported domestic violence against her neighbour. The claimant was uneducated and did not know how to express herself well, after which she was immediately characterized as a person who could not be trusted, and the actions of the institutions were very slow, and the necessary actions were not taken.⁵²

47 Interview with a lawyer.

48 Interview with a lawyer.

49 Interview with a representative of a civil society organization.

50 Interview with a representative of a civil society organization.

51 Interview with a lawyer.

52 Interview with a lawyer.

Even in cases when a civil association is involved in the procedure in which a third party or an anonymous person appears as a claimant, the case does not always receive the appropriate treatment from the institutions.⁵³

Although the new Law on Prevention and Protection from Violence against Women and Domestic Violence has been adopted, our institutions still do not have statistics on all forms of violence and they put any violence under domestic violence.⁵⁴

Despite the legal obligation, the institutions do not properly register all complaints of gender-based and domestic violence. More specifically, the institutions have incomplete statistics on domestic violence because a large number of reports are not registered by them, and they do not keep separate statistics at all for gender-based violence; meaning, in addition to domestic violence, they do not keep statistics on all other forms of violence.

The Ministry of Internal Affairs emphasized that they cannot “recognize” gender-based violence in the database, only domestic violence.⁵⁵

According to the experiences of the interviewees, the competent institutions, although they have the opportunity, very rarely report violence after receiving information. Thus, the representatives of the health care institutions, despite the obligation to report, very rarely do so, and most often at the request of the victim not to report, except in cases when there are serious bodily injuries. One of the interviewed lawyers shared information about cases in smaller cities in the country where employees of centres of social affairs do not act, although aware of cases of domestic violence, one of the interviewed civil society organizations pointed out a case in which the report came from an educational institution, from a teacher of a child suspected of being a victim, which was reported to the competent centre for social affairs and was acted upon accordingly.

In general, all interviewees pointed out the need for more campaigns to raise awareness among citizens about the obligation to report gender-based and domestic violence.

We need a state-level campaign that will be sufficiently commercialized, accessible to all citizens and show all the steps of application.⁵⁶

At the same time, the need for greater sensitization was unanimously stated, as well as information, continuous training, and upgraded knowledge of the officers who act in cases of gender-based and domestic violence.

53 Interviews with representatives of civil society organizations.

54 Interview with a representative of a civil society organization.

55 Interview with a representative of a civil society organization.

56 Interview with a lawyer.



Competent institutions that are at the frontline of protecting persons facing violence, such as the police and the centre for social affairs, should be more aware of this issue and thoroughly investigate any report of violence, whether it comes from third party, anonymously, or by the persons themselves.⁵⁷

It is necessary to provide appropriate specialization of the employees in the institutions because those who work with domestic violence should not work in other areas, as well as to minimize the change of the positions of the employees (except for promotion), in order to ensure the sustainability of acquired knowledge and experience, as well as effectiveness in action.

57 Interview with a representative of a civil society organization.





Case studies

CASE STUDY 1 – “IF IT HADN’T BEEN FOR HIM, IT WOULD HAVE BEEN ME”

This morning at around 2:20 a.m., a 40-year-old policeman was killed in his family house in Veles. According to information from the Ministry of Internal Affairs, police officers from SVR Veles detained P.I. (23) from Veles due to suspicion that she committed the murder with a sharp object. Unofficially, it was cited as a “love drama”.⁵⁸

This is how the media on 29 September 2022, reported to the public the case of P.I. from, a victim of a long-term physical and psychological violence from her unmarried partner, a police officer from Veles, whom she killed in a state of great agitation and danger to her life, while he was strangling her by the neck. On 14 February 2022, after the indictment was submitted by the Veles Prosecutor’s Office to Primary Court Veles, a hearing was held for the crime of manslaughter, in which the victim P.I. appeared as the accused.

The indictment was submitted with an explanation that *“On 20.09.2021, between 1:30 am and 3:00 am, in the family house in Veles where she lived with her unmarried partner A.R. now the deceased, she deprived him of his life in an instant brought while being brought to a state of great agitation and not because of her fault, but as a result of the assault and domestic violence done by the deceased, which she suffered from for several years. One night, after he became intoxicated, they came back from a house visit and he started a verbal argument with her, accused her she was a whore, a bad housewife, so in intention to stop the argument, the accused went into the bedroom to sleep, where he also entered when she was already dozing off, grabbed her pyjamas, dragged her, and tore them off, and after pulling her out in the kitchen, he punched her on the ear, head, left shoulder, and kicked her in the area of her left thigh, after which he grabbed her by the neck with his hands and started to strangle her; she couldn’t breathe and told him **“Don’t! Aleksandar, you are going to kill me!”** and then in a state of great threat and as a result of the attack, she took a 15-centimeter knife standing on the worktable, which was close to her, and inflicted a stab wound in the region of the heart with a length of 20 cm, that lead to the disruption and end of the heart function and later to death of the now deceased.”*

58 Free Press. (September 2021). Drama in Veles: A policemen killed, his partner a suspect. Available at: <https://www.slobodenpecat.mk/ljubovna-drama-vo-veles-ubien-policaec-osomnichena-e-negovata-partnerka/>



The victim and her partner met in April 2015 when she was 16, and he was 34. After a short time, her partner began to actively consume alcohol, became aggressive, and began to inflict psychological and then physical violence on P.I. The violence mostly consisted of insults, swearing, physical abuse, breaking objects in the household, verbal arguments, etc.

At the trial on 14 February 2022, the victim shared that on one occasion, while her partner was beating her, she managed to send a message to her partner's sister, with whom they worked at the same workplace but in different shifts and asked her to call the police. Her partner's sister confirmed that she had received the message and that she had called the police, and the next day when she asked the victim if the police had come to their home, the victim told her that they hadn't.

Additionally, during the hearing, it was pointed out by a witness – a neighbor of the victim, that when they heard a quarrel or fight at their house, they reported it to the police, but authorized persons from the Ministry of Internal Affairs of Veles never came to the scene. The victim's neighbour had personally filed a report for harassment against him to the police in three different cases, but the police never showed up. At the hearing, the victim stated that he often remembers the words of his partner: I am a police officer, *nobody can do anything to me... Your reports mean nothing, you see that nobody comes*, so the victim living in fear of violence suffered from that.

Three days after the hearing, on 17 February 2022, after the public was informed that neighbours and relatives reported the violence on several occasions, but the police did not act, the Basic Public Prosecutor's Office Veles informed that the victim did not report domestic violence to Internal Affairs of Veles. *The competent prosecutor's office was also verbally informed by Internal Affairs of Veles that no reports were received from Iloska about domestic violence committed against her, according to the Prosecutor's Office in a statement given for Focus magazine.*⁵⁹

The main reason why the victim did not report the violence personally to the police was because her partner was a police officer and a colleague to the employees of Internal Affairs of Veles, and who also threatened her that if she reported the violence, he would kill her with his work gun. Although the victim's neighbours and relatives reported the violence to the police instead of her, it is still obvious that the police did not register the reports from third parties, did not act on the reports, and allowed the longterm violence against this victim to escalate.

59 Focus. (2021). Pale didn't report the domestic abuse, police officials and social workers claim. Available at: <https://fokus.mk/pale-ne-prijavovala-semejno-nasilstvo-tvrdat-od-politsija-i-od-sotsijalno/>

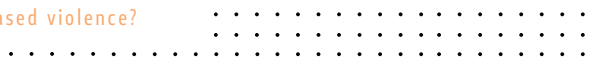
"I didn't know what I touched with my hand, I just hoped that what I touched would save my life. I deeply regret and regret that a human life is gone because of me, but if it hadn't been for him, it would have been me", said the victim at the trial before Primary Court Veles.

On 15 February 2022, Primary Court Veles freed the victim of the charge because the crime for which she is accused is not a crime according to the law – the crime was committed in self-defense under strong agitation and that the victim, or the accused, committed the crime in continuity, after she was brought to a hopeless and life-threatening situation.

If the Ministry of Internal Affairs, or rather the police officers from Internal Affairs Veles, had registered and acted upon the reports from third parties, neighbours, and relatives of the victim, it is very likely that the violence she suffered would not have escalated, because the victim would have been protected by the competent institutions.

In this case, by not registering and following on the reports of third parties, the violence against this victim is considered as if it was not reported because it is not registered as such in Internal Affairs Veles. With this, the police officers literally left the victim to the "mercy" of the abuser, and they allowed her to fight to save her life at the expense of his. If the victim had not managed to defend herself, she would have ended up as another case in the statistics of femicides.

In addition, with the inaction of the Internal Affairs of Veles, the victim was not only left unprotected by the competent institutions but was forced to be in a several-month long legal battle with the state authorities in refutation of the charge of the Basic Public Prosecutor Veles, which until the last moment accused her of having committed crime Manslaughter.



STUDY CASE 2 – PENALTY FOR FALSE REPORTING

A lawyer from Skopje that has a history of working with victims of domestic violence, reported a case with a risk of violence against the victim she was representing, who was already a victim of domestic violence and at the moment divorce proceedings were underway. When taking the children, the perpetrator repeatedly committed violence against the victim, in several cases he forcibly took her inside the home and locked her, not allowing her to leave or call anyone. In these situations, the victim repeatedly happens to be subjected to physical and psychological violence, to receive threats from the perpetrator that he will not give her the children.

In one of these situations of taking the child from the perpetrator's home, the victim's lawyer called the police at 192 to report that violence might occur when he was going to take the children, and she did not want the situation to escalate to a higher level. The lawyer's request from the police was for someone to patrol at the moment when she hands over the children, citing the history of violence and the high risk of repetition by the perpetrator. When she called the police, the lawyer was first ridiculed by the police officer for her action, which was inappropriate *interference in other people's affairs*, while also being accused of inventing the whole situation, considering that she was not present at the scene. As an outcome, the lawyer was fined for false crime report and had to pay a fine because she was not at the scene and was therefore not competent to report.

This means that the police, with their inaction, ignored the violence against the victim that had been committed for a long period of time, did not take precautions to prevent possible new violence that was very likely to happen considering other events, and did not act upon a report by a third party, or in this case – a lawyer.

The police have a legal obligation to prevent domestic violence whenever there are indications that such violence has occurred or is about to occur and must not ignore reports from third parties, who also have an obligation to report indications of domestic violence. In this case, not only did the police not respond on a report from a third party, but also took actions to sanction the lawyer, which contributes to the fact that in the future, third parties, including lawyers, will be discouraged from representing the victims, and even less from filing a report for violence when the victims are unable to do so, out of fear they will be sanctioned for their actions and that they will not have the means to pay the fine. In cases where third parties report suspicions of domestic violence, the police have an obligation to take measures, or to check whether the suspicions are founded. With the practice of sanctioning claimants for false reports and the failure of the police to act, the most harmful consequences are suffered by the victims themselves.

STUDY CASE 3 – WHAT DOES 192 SERVE US FOR?

An employee of a healthcare institution reported to the Helsinki Committee for Human Rights that their employee had not appeared at the work for a month, and that she was unavailable when they tried to contact her by phone. In a conversation with the claimant, the Helsinki Committee learned that the employee had appeared at the workplace on several occasions with visible physical injuries on her body, and after the end of the maternity leave, her husband insisted that she resign from the workplace.

Concerned and under serious suspicion that the victim is suffering physical and psychological violence in her home, the Helsinki Committee reported the case to the police, dialing the number 192 because the administrator of the healthcare institution did not want the institution to *interfere* in the case. Moreover, the claimant (a representative from the Helsinki Committee) made four attempts to contact a police officer because the line was busy the first time, and no one answered the second and the third time. The officer who answered the call first thought that the representative from the civil organization wanted to report a missing person, so after it was explained to the officer again that it was a case with serious indications of domestic violence, the officer asked for time so that she could consult with her colleagues. After waiting for a few minutes, she informed her that the case should be reported to the police station in person. To that, the claimant asked for an explanation why the report could not be taken via the telephone number 192, considering that reports for domestic violence can be made anonymously. Then an officer's colleague took over the phone conversation and clarified that it was a case the claimant did not witness, so he insisted that the claimant go to the police station and give a written statement. To the compliner's question whether the police will follow a report and statement given by phone on the number 192, the officer replied that the police would not follow through, especially because the employees of 192 could not order the competent police station to take steps.

Since the claimant insisted that the report be registered and processed by calling the number 192, she continued to contact other employees of the Ministry of Internal Affairs, with the aim of finding a solution to the problem she faced with the officials of 192. In a conversation with other employees of the Ministry, the claimant was told that there was a difference whether the violence is reported by the victim herself or by a third party, for which the police officers did not have a specific explanation, but they decided to check with the officers of 192 whether such an event could be reported over the phone or was it necessary the person to give a written statement at the police station. Shortly after this conversation, an employee of the Ministry informed the claimant that it was a misunderstanding and directed her to another



phone number where she can make the report. After the claimant called the number, the employee from there informed her that the police cannot act if there was no crime, or there was no injured party. The claimant was again forced to explain to the police that this is a case with serious indications of domestic violence, which the police have an obligation to check. After a few minutes of persuasion, the police decided to send a team and check the condition of the woman.

After all this, the Ministry of Internal Affairs showed that there is not enough expertise and awareness among the officers working in 192, who are usually the first point of contact for victims and third parties who want to report gender-based and domestic violence. Furthermore, the Ministry showcased that it makes a difference in terms of whether the violence is reported by the victim themselves or by a third party, which should not be the case. Namely, every citizen has a legal obligation to report domestic violence, and the law does not distinguish whether the violence is reported by the victim or by a third party, especially because the victim, due to their vulnerability, are not always able to report the violence themselves without mediation to another person. In addition, by refusing to follow the report given on the telephone number 192, i.e. the insistence of the police that the claimant has to personally come to the police station and give a written statement, creates a barrier that can deter the complainer, or the third parties from filing a report on violence, and at the same time increases the mistrust that citizens have in institutions as protective mechanisms against gender-based and domestic violence. Finally, in this case, the police were not allowed to assume if there was a criminal act for them to follow the report – they were not allowed to assume whether the victim will admit the violence towards her or not.

Any suspicion of domestic violence must be checked by the police in order to prevent it and protect the victim, especially in situations where victims have already faced domestic violence. Failure to act by the police can have harmful consequences for the victim, while acting in situations where there are no confirmed indications of domestic violence or the victim themselves does not want to admit it, does not cause harmful consequences for anyone.





CONCLUSIONS

The legislation is in accordance with international standards for protection against gender-based violence, including in the area where third parties report the violence. Barriers arise due to inadequate implementation of the legal regulation by the competent institutions. Despite the fact that the new Law on Prevention and Protection from Violence against Women and Domestic Violence was adopted more than a year ago, not all by-laws and operational procedures necessary for its successful implementation have been adopted yet.

The general conclusion is that citizens have a high degree of mistrust in the actions of competent institutions, including the police, centres for social affairs, and the judiciary, which significantly influences demotivation amongst citizens to report violence.

There is still low awareness among citizens that everyone has an obligation to report domestic violence, and even less knowledge that it is legally regulated. Citizens still treat domestic violence as a private matter, outside the public domain. Hence, people see it as an interference in someone else’s life when a third person reports domestic violence.

The number 192, which is intended for urgent police action, is not always available to citizens. People who want to report a case of violence are often forced to be persistent and after several attempts someone answers their call. In addition, the officers who answer the calls are not always sufficiently skilled and professional when talking to the persons that report violence. Very often officials are insufficiently sensitized to the problem of gender-based violence, guided by stereotypes about traditional gender roles. The constant rotation of officials in different work positions, in different areas, does not allow continuity in work and sustainability of acquired knowledge.

According to the data obtained from this research, police officers do not act on anonymous reports of violence, with the ungrounded reasoning that they do not have enough data or legal basis for domestic violence investigators to go to the field. In this way, they complicate the reporting procedure and usually deter people who want to report a case.



Reports from third parties are very often not treated seriously, unless a civil organization or a lawyer working in this area is involved in the case, which indicates that the competent institutions give unequal treatment to citizens, and by doing so, give unequal access to protection as well. As a result, citizens often see civil society organizations as mediators in reporting cases and communicating with institutions. However, even in cases where a civil organization or a lawyer managed to file a report, the whole procedure was often accompanied by numerous barriers. One of the problems faced by claimants is the danger of being penalized for false reports, which significantly discourages them from contacting the competent institutions.

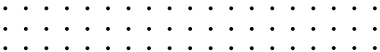
It was found that the police officers acted untimely on reports of violence, which leads to a serious risk for the victim, where there is a possibility that the situation could escalate with murder or that the situation could change; that is, the victim would be discouraged from filing a report against the perpetrator.

Reports by third parties are not always recorded by the competent institutions, which may affect the further course and outcome of the procedure. This creates problems for the victims, especially in court proceedings – meaning, they have no proof that the violence was reported.

Despite the legal obligation, the institutions do not always report violence ex-officio after receiving knowledge of it, except when it comes to cases that have been covered by the media or where there are serious bodily injuries to the victim. In addition, the health institutions do not report the violence at the request of the victims, which indicates their distrust in the further action of the institutions that have the obligation to protect them.

Institutions are not accessible for persons with disabilities, and they have difficulties when they want to report violence, which is not in accordance with the principle of adequate adaptation of measures, activities, and services for victims of violence to the specific needs of women with disabilities.

The lenient penal policy, or the inadequate sanctioning of the perpetrators of domestic violence, as well as the inefficiency of the judiciary and the prolongation of court proceedings in cases of violence, limits the access to justice for the victims and makes it difficult, which additionally negatively affects the report itself.

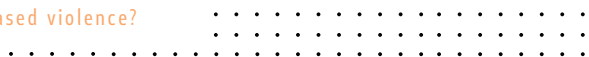




RECOMMENDATIONS

1. TO ALL ENTITIES:

- Consistent compliance with the legal regulations and obligations stipulated by the law and international standards;
- Urgent adoption of all by-laws and operational procedures necessary for successful implementation of the Law;
- Taking measures and activities to prevent any action of gender-based violence and domestic violence;
- Immediate action in procedures for gender-based and domestic violence, with due attention to the interests and needs of the victim;
- Acting ex-officio and taking appropriate measures whenever the institution is aware that a victim is suffering from gender-based and domestic violence;
- When taking measures and activities, take into account the consequences that gender-based violence have on vulnerable categories of women (such as pregnant women, women with children and children with disabilities, single mothers, women with disabilities, women from rural areas, women who have material need insecurity etc);
- Taking measures, activities, and services for victims of gender-based violence and domestic violence that will be properly adapted to the specific needs of women with disabilities. This implies appropriate adaptation of competent institutions for persons with disabilities to report violence; for example, by providing interpreters, physical accessibility, information available in Braille etc.;
- Taking preventive measures to raise awareness of all forms of gender-based violence, promote gender equality and eliminate stereotypes about gender roles based on culture, customs, faith, traditions, and other practices that are based on the idea of gender subordination of women and men;
- Establishing a system for regular publication of information on security measures, advice, and other useful information on violence prevention;
- Finding creative and alternative solutions for reporting violence, especially through online tools;
- Appropriate sanctioning of the perpetrators of domestic violence, strengthening the efficiency of the judiciary and respecting the urgency of procedures for protection from domestic violence by the courts;
- Guaranteeing unhindered and unlimited access to justice for victims of gender-based and domestic violence;
- Conducting public campaigns for a wider audience to raise awareness among citizens about the phenomenon of gender-based violence and domestic violence, the harmful consequences resulting from these forms of violence, the possibilities and steps of how to report, including its method and at the competent institutions, such as familiarizing them with the report obligation and the importance of their involvement as a third party.



2. TO THE MINISTRY OF INTERNAL AFFAIRS AND POLICE OFFICERS:

- Acquaintance with the legal provisions and their appropriate application in daily work, without room for different interpretations between different police officers;
- Implementation of initial and continuous education for police officers to perform the tasks of their competence for gender-based violence against women and domestic violence and their sensitization;
- Conducting continuous education of police officers on appropriate handling and the consequences that gender-based violence has on vulnerable groups of women;
- Carrying out continuous education of police officers on appropriate handling and the consequences that gender-based violence has on vulnerable groups of women;
- Specialization of the officials that offers sustainability of the acquired knowledge and minimizing the changes of the working positions in this area, with the exception of promotion situations;
- Monitoring and analyzing the situation with gender-based violence and domestic violence and taking immediate and appropriate measures to protect the victims according to the situation;
- Appropriate registration of all reported cases of gender-based violence and domestic violence;
- Establishing a unified practice for dealing with reports of gender-based and domestic violence;
- Acting on anonymous reports and reports from third parties about gender-based and domestic violence and treating them in an equal way with reports by victims;
- Acting on anonymous reports and reports from third parties on gender-based violence and domestic violence on the number 192 and continuous education of the officials who answer the number 192 on gender-based and domestic violence, as well as their sensibilization;
- Urgent and timely action by police officers whenever there is a report of gender-based violence and domestic violence, and in order to remove an immediate and serious danger to the life and physical and mental integrity of the victim and their domestic members;
- Urgent and timely action by police officers whenever there is a report that violence against a victim is very likely to occur, taking into account the history of violence, with the aim of preventing possible harmful consequences for the victim.

3. TO THE MINISTRY FOR LABOR AND SOCIAL POLICY AND CENTRES FOR SOCIAL WORK:

- Acquaintance with the legal provisions and their appropriate application in daily work, without room for different interpretations between different employees in social work centres;
- Implementation of initial and continuous education for employees in the social work centres to perform the tasks of their competence for gender-based violence against women and domestic violence and their sensitization;

- Specialization of the employees that offers sustainability of the acquired knowledge and minimizing the changes of the working positions in this area, with the exception of promotion situations. In addition, employees who will have specialization and will work in dealing with cases of gender-based violence and domestic violence, should not work in other areas of social protection;
- Monitoring and analyzing the situation with gender-based violence against women and victims of domestic violence and taking immediate and appropriate measures to protect the victims according to the situation;
- Establishing a unified practice for dealing with reports of gender-based and domestic violence;
- Acting on anonymous reports and reports from third parties on gender-based violence against women and domestic violence;
- Urgent and timely action by social work centres whenever there is a report of gender-based violence against women and domestic violence, in order to eliminate immediate and serious danger to the life and physical and mental integrity of the victim and her family members;
- Urgent and timely action by social work centres whenever there is a report that violence against a victim is very likely to occur, taking into account the history of violence, with the aim of preventing possible harmful consequences for the victim.

4. TO THE MINISTRY OF HEALTH AND HEALTH WORKERS:

- Acquaintance with the legal provisions and their appropriate application in daily work, without room for different interpretations between different health institutions and health professionals;
- Implementation of initial and continuous education for health institutions and health workers for early detection, care and assistance of women victims of gender-based and domestic violence
- Implementation of initial and continuous education for health institutions and health workers for early detection, care and assistance of women victims of gender-based and domestic violence;
- Conducting continuous education for health facilities and health workers on appropriate handling and the consequences that gender-based violence has on vulnerable groups of women;
- Monitoring and analyzing the situation with gender-based violence and family violence, based on the data from the National System for Electronic Health Records;
- Informing the public and health professionals about the availability of existing services for the treatment and support of women victims of gender-based and family violence;
- Respecting the duty of the health facility and the health workers to immediately take measures to protect the victim, especially to inform the victims about their rights, the protection procedure and the available assistance and support services.





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