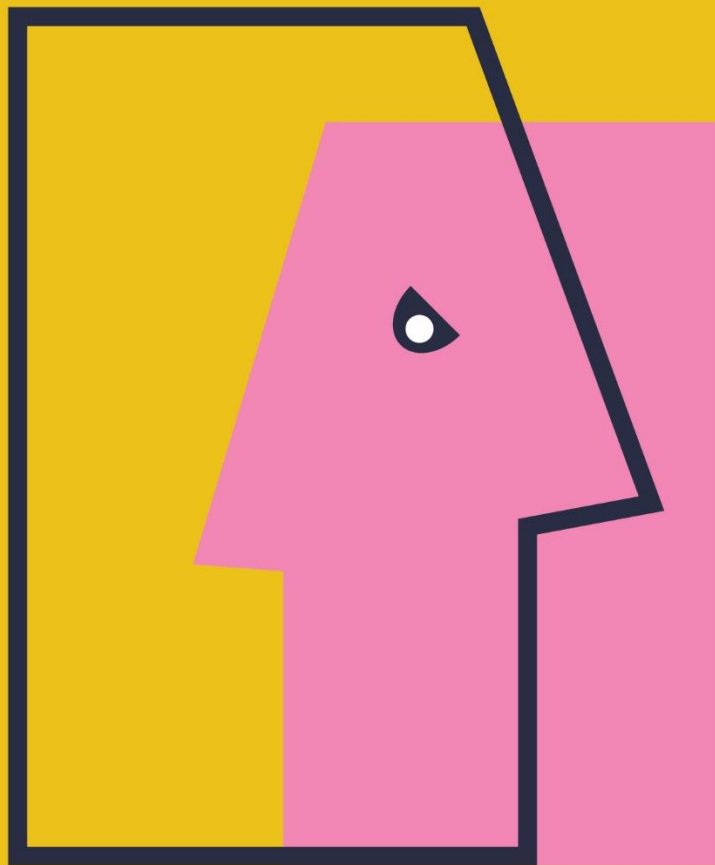


Skopje, 2025

Natasha Petkovska

# Report on the Provided Free Legal Aid to Victims of Gender-Based and Domestic Violence



Author: Natasha Petkovska

Proofreading and translation: Robert Raman

Graphic design: Agnesa Sarachini



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# INTRODUCTION

The Helsinki Committee for Human Rights is a registered citizens' association established in 1994. The Committee monitors the human rights landscape, provides legal aid, and collaborates with various organizations and state bodies to enhance the promotion, respect, and protection of human rights and freedoms. Its primary objective is to safeguard and advance the human rights and freedoms guaranteed in the Constitution of North Macedonia,<sup>1</sup> international instruments, and the Helsinki Final Act<sup>2</sup> of 1975, while fostering democratic conditions for their practice within the framework of the rule of law. The Committee asserts that all individuals should have the opportunity to enjoy and exercise their fundamental rights and freedoms, as well as the means to protect them in instances of violation or restriction. This principle underpins the rule of law, human rights, and democracy.

In its commitment to promoting and protecting human rights while aligning domestic legislation with European Union standards, the Helsinki Committee conducts systematic monitoring of the human rights situation in the Republic of North Macedonia; provides pro bono legal aid, safeguarding the rights of individuals, collectives, and other legal entities both domestically and before international organizations; prepares monthly, annual, and specialized reports regarding the human rights landscape alongside analyses and expert documentation pertaining to these issues; organizes conferences, seminars, forums, public events, and various civic activities; actively promotes the development of democracy, the rule of law, and civil society, and engages in other public interest initiatives in accordance with the Law on Citizens' Associations.<sup>3</sup>

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<sup>1</sup> Decision on the Proclamation of the Constitution of the Republic of Macedonia. Assembly of North Macedonia. (17.11.1991).

<sup>2</sup> Helsinki Final Act, Conference on Security and Cooperation in Europe. (30.07-01.08.1975)

<sup>3</sup> Law on Associations and Foundations. Assembly of North Macedonia. ("Official Gazette of the Republic of Macedonia" No. 52/10, 135/11, and 55/16 and "Official Gazette of the Republic of North Macedonia" No. 239/22)

Law on Associations and Foundations.

In 2021, 3,266 citizens received primary legal aid, while 203 received secondary legal aid, highlighting significant benefits for the populace.

Report on the Paths to Justice.

Over a four-year period, there were 19 cases of femicide in Macedonia.

For 30 years, the Helsinki Committee has been a leading organization for human rights protection in North Macedonia, addressing various domains that directly impact human rights. Our free legal aid service has been operational since 2016, continuously serving the community. To date, the Committee has successfully provided pro bono legal aid to over 5,000 individuals from diverse social categories. Ongoing legal aid services focus on labour relations, social and health protection, child protection, family and gender-based violence, pension and disability insurance, property rights, criminal law, and other areas aligned with our mission to protect human rights. We diligently monitor hate speech and hate crimes, alongside instances of discrimination and unequal treatment.

For 30 years, the Helsinki Committee has been a prominent organization dedicated to human rights protection in North Macedonia, consistently at the forefront of advocacy. A critical area of our work is **the provision of free legal aid to victims of gender-based and domestic violence**. For numerous women and girls, our services represent the initial step towards safety, protection, and empowerment.

## THE HELSINKI COMMITTEE OFFERS VICTIMS

- legal advice and representation
- accompaniment before institutions
- communication with relevant authorities, as well as practical guidance for navigating the challenges faced in judicial and administrative processes

Concurrently, the Helsinki Committee engages in public awareness campaigns, advocates for legal reforms, and educates society to foster an environment devoid of violence and discrimination. Our multifaceted approach addresses the pressing needs of victims while striving for systemic change to cultivate a more just and equitable society.

The report is part of the project "Prevention and Protection against Gender Based Violence in North Macedonia - Phase II" implemented by United Nation Population Fund UNFPA and supported by the British Embassy. It aims to enhance the efforts of state institutions and civil society organizations (CSOs) to effectively implement the Law on Prevention and Protection from Violence against Women (VAW) and Domestic Violence (DV) at both national and local levels. By supporting comprehensive gender-based violence (GBV) services, the project will contribute for the prevention and protection measures to be accessible nationwide.

In July 2024, the Helsinki Committee initiated the project "Support to NGOs in Providing Legal Aid to Victims of GBV and Sustainable Services for Mobilizing Local Support," sponsored by the UN Population Fund (UNFPA). This collaboration aims to enhance the sustainability of civil society organizations, enabling them to deliver long-term services to survivors and victims of gender-based violence. Contributions received by the Committee are directed toward the free legal aid service, ensuring that the support provided yields a significant and lasting impact. Sustainable funding is essential not only for addressing immediate needs but also for establishing a robust legal aid system that effectively safeguards the rights and dignity of citizens.

Hence, this report outlines data on the legal and paralegal aid offered to victims of gender-based and domestic violence and examines the monitoring of court cases related to these issues during the period from July 2024 to March 2025. Additionally, it summarizes the conclusions drawn from forums with women across all regions of the country, excluding Skopje.

# Report

## Methodology

This report is predicated on a qualitative analysis of data pertaining to legal and paralegal aid provided to victims of gender-based and domestic violence, along with the monitoring of court cases in this domain from July 2024 to March 2025.

Data was procured from diverse sources and through several methodologies:

This analysis identifies systemic weaknesses in institutional actions and offers recommendations to improve access to justice and support for victims.

1.

**Document Analysis** – a comprehensive review was conducted of domestic and international laws, research, reports, and publications from pertinent organizations, as well as responses to requests for access to public information.

2.

**Case Study** – specific instances of legal aid offered were analysed, emphasizing institutional responses and identifying areas of deficiency.

3.

**Court Case Monitoring** – cases concerning gender-based and domestic violence were monitored to evaluate the functioning of the system, the effectiveness of judicial protection for victims, and the challenges encountered during court proceedings.

4.

**Forums with Women in Various Regions Outside Skopje** – experiences and perspectives of women from different communities were gathered to attain a clearer understanding of the issues they face and the support necessary for enhanced protection.

# Free Legal and Paralegal Aid

## to Victims of Gender-Based and Domestic Violence

The Helsinki Committee for Human Rights is dedicated to offering free legal aid to vulnerable and marginalized individuals, as well as citizens at social risk. The adoption of the initial Law on Free Legal Aid in 2009 aimed to align our legislation with European Union standards and safeguard its fundamental values. However, the implementation of this system encountered significant challenges. Consequently, a revised Law on Free Legal Aid (LFLA)<sup>4</sup> was enacted in 2019, which came into effect in October of that year. This updated legislation expands eligibility to a broader group of citizens who qualify for free legal aid. The Helsinki Committee consistently monitors the implementation of the new law and the operational effectiveness of the free legal aid system. Since its establishment in 1994, the Committee has been dedicated to the legal empowerment of citizens and has been recognized since 2016 as an authorized organization for the provision of primary legal aid under the Law on Free Legal Aid.

Data from a 2023 survey<sup>5</sup> reveal that a considerable portion of the population remains unaware of the Law on Free Legal Aid and the rights it affords. Specifically, 65.6% of respondents indicated they are unaware of this law, while 21.5% possess some knowledge but lack detailed understanding, and only 10% are informed about the conditions and procedures for obtaining legal aid. These findings underscore the necessity for enhanced efforts to promote these services and elevate public awareness. To optimize the effectiveness of awareness-raising campaigns, it is essential to consider various socio-demographic groups. Notably, there exists a disparity in awareness of the Law on Free Legal Aid between male and female respondents; approximately 40.29% of men are aware of the legal opportunities provided, whereas only 28.7% of women have basic information regarding the law. This significant difference underscores the need to integrate a gender perspective into awareness initiatives.<sup>6</sup> According to the Ministry of Justice, 3,266 citizens received primary legal aid in 2021, alongside 203 individuals who accessed secondary legal aid. This marks a 20% increase in primary legal aid and a 53.7% rise in secondary legal

<sup>4</sup> Law on Free Legal Aid. Assembly of the Republic of North Macedonia. ("Official Gazette of the Republic of North Macedonia" No. 101/19 and 194/24).

<sup>5</sup> Report on the Paths to Justice. Council of Europe. (2023). Available at: <https://rm.coe.int/path-to-justice-mkd-2023/1680ab96f1>

<sup>6</sup> Ibid.



aid compared to 2020, indicating a growing awareness of these services and their utilization.<sup>7</sup>

These data underscore the critical role of the Helsinki Committee and other organizations in delivering free legal aid, as well as the necessity of enhancing the free legal aid system in North Macedonia.

What implications does this have for women victims of gender-based and domestic violence? Regarding legal challenges associated with marriage and partnerships, the Pathways to Justice Report indicates that only 2.41% of respondents who were married or cohabiting reported legal issues from 2020 to 2023. An analysis of the reported cases reveals that the most prevalent issues are divorces, division of marital property, and instances of partner violence, which, despite their low occurrence, should not be dismissed.<sup>8</sup> Although this figure is relatively minor compared to other legal challenges, researchers remain uncertain whether this reflects a reluctance to disclose personal information or indicates that these issues are indeed rarer among the general population.<sup>9</sup> Concerning child-related issues, 86 cases were documented, with the most frequent being incidents jeopardizing children's safety, along with late alimony payments and custody disputes.<sup>10</sup>

Domestic and gender-based violence are significant and pervasive issues in our society, often remaining unreported and inadequately addressed by institutions. This situation poses a substantial risk of escalating into femicide. Over the past four years in Macedonia, there have been 19 recorded cases of femicide.<sup>11</sup> Statistics indicate that more than 80% of femicide incidents occur within the victim's home or that of their parents, particularly during divorce proceedings. Most perpetrators are current or former partners.<sup>12</sup> Therefore, it is imperative that the Centres for Social Work establish specialized departments focused on assisting victims of domestic violence, addressing both institutional shortcomings and the broader environmental factors impacting victims. The most recent data from the Ministry of Internal Affairs reveals that in 2023, a total of 1,082 crimes related to domestic violence were reported, along with 321 related misdemeanours and 5,300 complaints in this area.<sup>13</sup> In over half of the domestic violence cases, bodily harm is reported, with threats to safety being the second most prevalent issue. Most of these offenses are perpetrated by men.

The registration of domestic violence reports as complaints, without the implementation of appropriate measures or procedures, reflects an inadequate response by law enforcement, fostering a sense of hopelessness and deterring victims

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<sup>7</sup> "In 2021, 3,266 citizens received primary legal aid, while 203 received secondary legal aid, highlighting significant benefits for the population." Ministry of Justice. (2022). Available at: <https://www.pravda.gov.mk/vest/6347>

<sup>8</sup> Report on the Paths to Justice. Council of Europe. (2023). Available at: <https://rm.coe.int/path-to-justice-mkd-2023/1680ab96f1>

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> "In four years – 19 cases of femicide in Macedonia." DW. (13.09.2023). Available at: <https://www.dw.com/mk/femicidite-zemaat-zalet-za-cetiri-godini-ubieni-19-zeni-i-devojcin-a-vo-makedonija/a-66790178>

<sup>12</sup> Analysis of Cases of Femicide – Murders of Women in Macedonia 2017-2020. National Network against Violence against Women and Domestic Violence. (2021). Available at: [https://glasprotivnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid\\_14\\_MK.pdf](https://glasprotivnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid_14_MK.pdf)

<sup>13</sup> Aggregate Analysis of Total Crime 2010 – 2023. Ministry of Internal Affairs. (Last accessed on 20.03.2025). Available at: <https://mvr.gov.mk/analiza/kriminal/70>

from reporting incidents of violence. This situation also signifies deficiencies in resources, training, and coordination when addressing such cases.

By ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)<sup>14</sup> in 2018, North Macedonia committed to a proactive approach to preventing violence against women and domestic violence. The Convention characterizes violence against women as a violation of human rights and a form of discrimination, designating its elimination as a critical objective for achieving gender equality. It establishes obligations for states to implement effective measures for prevention, protection of victims, and prosecution of perpetrators, while requiring member states to adopt integrated policies that engage all relevant stakeholders in society.

The Republic of North Macedonia implemented the Law on Prevention and Protection from Violence against Women and Domestic Violence,<sup>15</sup> effective 6 May 2021. This legislation introduced new definitions of violence and established principles for assisting victims, including due diligence, inter-institutional coordination, and the prohibition of victimization. Under this Law, individuals who are aware of incidents of gender-based or domestic violence are mandated to report such instances to a police station, social work centre, public prosecutor's office, relevant association, or SOS line. Institutions are also required to respond to anonymous reports, and designated personnel, including social workers, police officers, and health and education professionals, are obligated to report any knowledge of violence. This requirement extends to all personnel in public services as well as employees of private legal entities and associations. The Convention and the laws of North Macedonia compel institutions and professionals to report any suspected cases of violence, even in the absence of certainty that violence has occurred, provided there are reasonable grounds for concern. This enhances the accountability of individuals and institutions in the fight against violence and bolsters the protection of victims.

Research indicates that victims of violence seldom report such incidents, posing a significant issue. In Europe, the reporting rate stands at approximately 14%, whereas in North Macedonia, only 2% of women report experiencing violence.<sup>16</sup> Contributing factors include a lack of trust in institutions, impunity for perpetrators, and feelings of fear and shame among victims, as well as the lack of recognition of certain behaviours as violent. The experiences of the Helsinki Committee for Human Rights with victims further highlight the inadequate and delayed responses of institutions, which erodes victims' confidence in the reporting process.

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<sup>14</sup> Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. Council of Europe. (2011).

<sup>15</sup> Law on Prevention and Protection Against Violence Against Women and Domestic Violence. Assembly of the Republic of North Macedonia. ("Official Gazette of the Republic of North Macedonia" No. 24/21 and 39/25)

<sup>16</sup> OSCE Survey on Violence Against Women in North Macedonia - Report of Results. OSCE Mission to Skopje. (2019). Available at: <https://www.osce.org/mk/secretariat/424409>

During the reporting period, legal aid was extended to



**5**  In **five cases**, the Helsinki Committee engaged a lawyer to represent women victims of domestic violence in court proceedings.

Legal aid was provided in the executive office of the Helsinki Committee by the legal advisor. Free legal aid is accessible to all individuals residing or staying in the Republic of North Macedonia. Secondary legal aid, in accordance with the Law on Free Legal Aid, is available to victims of domestic and gender-based violence, regardless of their financial circumstances.<sup>17</sup> Through primary legal aid, citizens receive general legal information and advice, assistance in completing forms, and support in submitting requests for secondary legal aid. Furthermore, the Committee monitors the procedures for protection against domestic and gender-based violence, which includes submitting requests for information to social work centres, the Ministry of Internal Affairs, public prosecutor's offices, and the courts, as well as initiating extraordinary inspections of social work centres through the relevant sector of the Ministry of Social Policy, Demography and Youth.

Victims of gender-based and domestic violence who have approached the Helsinki Committee encounter a range of legal and practical challenges, often characterized by complex and multifaceted situations. A significant issue faced by victims is the granting of custody to a father who is a perpetrator of violence, potentially placing the child in a dangerous environment. Additionally, victims of violence seeking legal aid may encounter serious legal obstacles, particularly when attempts at rape, stalking, and harassment by perpetrators are inadequately punished or when court proposals for protective measures are rejected. Such challenges exacerbate feelings of hopelessness and distrust in institutions, as victims do not receive the appropriate and necessary legal protection. Many victims experience harassment and psychological abuse through threats from the perpetrator regarding child custody, raising concerns as perpetrators may utilize their children to intimidate the other parent. Many victims witness physical violence in the presence of their children, leading to severe repercussions for the children's development and well-being.

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<sup>17</sup> Law on Free Legal Aid.

Witnesses of violence are often exposed to aggressive situations and may themselves become victims.

Women informed us that some victims face harassment from their abuser, even when the perpetrator is incarcerated and allowed weekend releases. This ongoing intimidation creates additional stress and insecurity for the victims. There are instances where victims are compelled to agree to increased contact with the abusive parent post-divorce, a decision made by social work centres without a thorough evaluation of the child's best interests.

Victims also report experiences of sexual extortion or sextortion, wherein the perpetrator manipulates them by threatening to disseminate intimate photographs or information. This form of sexual blackmail poses significant challenges that require clearly defined legal measures for resolution. It is crucial to recognize sexual blackmail as a criminal offense within the Criminal Code, establishing precise legal parameters and facilitating actions by the relevant authorities. Furthermore, acknowledging sexual blackmail as a form of gender-based corruption will enable the implementation of gender-sensitive reporting mechanisms, enhancing victim protection and streamlining the prosecution process.<sup>18</sup>

Paralegal aid encompasses support that, while not strictly legal, facilitates victims' access to justice. It includes delivering information on rights and available legal mechanisms, aid in completing documentation such as reports and appeals, and referrals to competent institutions and organizations. This aid often encompasses psychosocial support, as victims may not possess the capacity to navigate complex legal procedures independently. Typically, women facing violence first seek help from trusted individuals within their community. Consequently, organizations and activists in the field serve as the initial support line, recognized by victims as reliable sources of information and assistance. To enhance victims' access to protection and justice, the Helsinki Committee has engaged seven female paralegals, one in each of the seven planning regions of the country.

During the reporting period, 362 cases of paralegal aid related to domestic and gender-based violence, legal challenges, and disrupted family dynamics were documented by the Helsinki Committee's paralegals across the seven regions. Numerous women experienced both physical and psychological violence from their partners, often left without financial resources or support, prompting them to seek legal and social assistance. In one instance, a victim faced pressure from her ex-husband and his partner, who attempted to dissuade her from pursuing legal action. Further, there have been cases where women sought divorce due to violence or family pressures, as well as situations where a parent denied consent for a minor child to travel.

These examples illustrate the intricate and multifaceted challenges encountered by victims of domestic violence, underscoring the necessity for sufficient legal aid, community support, and institutional intervention to ensure safety and justice for these individuals. The civil sector, which is vital in providing services that the state cannot

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<sup>18</sup> Legal Regulation of Sexual Blackmail in National Legislation. Aleksandar Markoski. (2022). Available at: [https://mhc.org.mk/wp-content/uploads/2022/09/dokument-za-javni-politiki\\_mk-1.pdf](https://mhc.org.mk/wp-content/uploads/2022/09/dokument-za-javni-politiki_mk-1.pdf)

fulfil, encounters significant obstacles due to insufficient support from state institutions, including the education sector, which has a crucial role in promoting awareness of gender equality. Legal aid for victims of gender-based and domestic violence is essential in this endeavour. The civil sector must persist in its efforts to deliver legal aid and support to victims, but meaningful systemic change and effective protection for all victims of violence can only be realized with the comprehensive support of institutions such as the Ministry of Interior, the Basic Public Prosecutor's Office, and the Centres for Social Work.



## Case Study

### **Procedure of Institutions in Cases Involving Domestic Violence and Protection of a Minor Child**

This case involves domestic violence and the safeguarding of a minor child's rights, as the child, along with his mother, has been subjected to violence by his father. At the age of only 11, the child experienced psychological and physical violence; the father engaged in physical assaults and verbal attacks, which the judicial system characterized as an "upbringing method." Professional assessments indicate that the child is immersed in a consistently stressful and unsafe familial environment, underscoring the urgent need for prompt and effective institutional action to protect the child's rights. The parents' marriage was dissolved by a judgment in 2023, resulting in the minor child's custody being granted to the mother, while maintaining the father's visitation rights. Concurrently, the child's mother, also a victim of domestic violence, is actively pursuing legal measures to ensure both her and her child's safety.

Of particular concern in this case is the measure preventing the child from leaving the country. This restriction was imposed by the Ministry of Internal Affairs – Public Security Bureau, at the request of the Centre for Social Work, to avert the potential risk of the child's departure from the country. Such a restriction raises significant concerns regarding the infringement of the child's right to freedom of movement, a fundamental human right guaranteed in our Constitution.<sup>19</sup> Moreover, this prohibition adversely affects the child's entitlement to a safe and stable environment necessary for healthy growth and development. As a victim of violence, the child deserves comprehensive protection and support from the state and social work centres to ensure physical and psychological well-being, in alignment with domestic and international standards.

This case scrutinizes the institutional procedures surrounding domestic violence and the protection of a minor's rights, including decisions from various competent authorities and appeal processes that highlight substantial deficiencies in the institutional response to violence. The procedure encompasses actions taken by the

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<sup>19</sup> Article 27 from the Constitution of the Republic of North Macedonia

Centre for Social Work, the Basic Public Prosecutor's Office, the Higher Public Prosecutor's Office, and the Ministry of Interior, with a focus on the protection of the minor and the correct application of laws related to the child's rights.

## Chronology of Events



### **Criminal Report Concerning Domestic Violence against a Minor Child**

march 2024

In March 2024, the mother filed a criminal complaint with the Basic Public Prosecutor's Office in Skopje against the father for domestic violence committed against their minor child. The complaint detailed that the father physically attacked and verbally harassed the child during visitation, as determined by a decision of the Centre for Social Work. The expert team asserted the necessity of protecting the minor child from further physical and psychological violence perpetrated by the father. Furthermore, the expert team recommended the imposition of temporary measures to safeguard the child from domestic violence inflicted by the father. Subsequently, the minor child underwent a medical examination with the mother acting as the legal representative, where a medical professional diagnosed a bodily injury resulting from a blunt-force impact to the head. The Basic Public Prosecutor's Office received a Finding and Opinion from an expert team at the Social Work Centre, which detailed the expert-methodological work with the minor child, who recounted the assault by the father.

In September 2024, the Skopje Public Prosecutor's Office dismissed the criminal complaint on the grounds that the reported offense was not a criminal matter prosecuted *ex officio*. The prosecution noted *the involvement of differing parenting styles and expectations between the parents. It indicated that the incident stemmed from discrepancies in parental beliefs regarding child-rearing, as well as varying personality traits and value systems acquired in their respective families.* The Prosecutor's Office characterized *the father's reaction as an expression of anger directed at the child and mother, representing an educational method aligned with the father's value system regarding parental responsibilities.*

In November 2024, the High Public Prosecutor's Office in Skopje accepted an appeal from the child's legal representative, directing the Basic Public Prosecutor's Office to resume the procedure. This action highlighted significant deficiencies in the initial investigation, particularly regarding the selective interpretation of evidence. The High Prosecutor's Office determined that the investigation did not adequately explore whether the accused had committed psychological or physical violence, contrary to the Law on Prevention and Protection from Violence against Women and Domestic Violence, which mandates a comprehensive examination of all forms of familial violence. Moreover, the High Prosecutor's Office disagreed with the Basic Public



Prosecutor's Office regarding the characterization of pushing and hitting the child on the head as a disciplinary method, asserting that such actions constituted a severe violation of the child's personal rights.

### ***Measure: prohibiting the minor child from leaving the country***

october 2024

In October 2024, the Ministry of Interior, acting upon a prior request from the father and at the behest of the Centre for Social Work, placed the minor child on a national stop list, prohibiting his departure from the country. This decision raised controversy as it was made without consulting the child's mother, significantly infringing upon the child's constitutional right to freedom of movement as outlined in Article 27 of the Constitution of the Republic of North Macedonia. Such a measure is only justifiable in circumstances of potential violence, contingent upon a thorough risk assessment conducted in the child's best interest – an evaluation that was inadequately performed by the relevant institutions.

In response to the actions of the Centre for Social Work, the Ministry of Social Policy, Demography, and Youth requested an inspection. In January 2025, the Inspection Supervision Sector conducted an extraordinary review of the Public Institution Inter-Municipal Centre for Social Work - City of Skopje, identifying procedural irregularities in the prohibition of the minor child's exit from the country. The Centre failed to adhere to the requisite legal processes, did not engage in interdisciplinary collaboration, and neglected to issue an administrative act outlining legal instructions, thereby denying the child's legal representative the right to appeal. Consequently, the Centre was mandated to rectify these procedural errors and resubmit the process within 30 days while providing a report on the corrective measures implemented. The Ombudsman has informed the legal representative of the minor child that the Centre has once again upheld the decision to prohibit the minor child's exit from the country.

### ***Decision of the Centre for Social Work***

january 2024

In January 2025, the Centre for Social Work issued a new decision regarding the personal relations between the child and the non-custodial parent at the father's request. The appeal filed against this decision highlights considerable deficiencies in the process of fact-finding. The appeal asserts that the Centre did not adequately assess the social and economic circumstances of the non-custodial parent, nor did it accurately ascertain his actual place of residence. This oversight violates the rights of the child and raises concerns about prioritizing the child's best interests throughout the procedure. Any decision in such matters should advocate for the child's rights and adhere to the principle of the child's best interests. A response from the Ministry of Social Policy,



Demography and Youth is still pending following the appeal. Despite adjustments made to the visitation decision at the father's request, he has failed to comply on multiple occasions.



### Key Questions Raised by This Case:

1. How did the institutions assess the severity of the violence against the child and his mother?
2. Were domestic and international standards for the best interests of the child and due diligence considered in decisions regarding parental rights and protection measures?
3. What deficiencies did the institutions exhibit in investigating domestic violence, and how did these shortcomings affect the victims?
4. Is the imposed measure prohibiting the child from leaving the country beneficial for him, or does it impose an additional restriction on his rights?
5. How can institutional responses be enhanced to ensure the protection of child victims of domestic violence?

This case reveals significant institutional deficiencies in the protection of child victims of domestic violence. Although the child's best interests should serve as the fundamental guiding principle in institutional decision-making, this principle was inadequately applied in the present case. Initially, the Basic Public Prosecutor's Office failed to recognize the gravity of the violence, categorizing it as a "nurturant method," which reflects a serious underestimation of violence against children and potentially endorses detrimental parenting practices. The Higher Prosecutor's Office subsequently rectified this mistake; however, it underscores a systemic weakness in the preliminary investigations. Moreover, the Centre for Social Work imposed a measure prohibiting the child from leaving the country, disregarding his constitutionally guaranteed rights, under the unfounded rationale that this measure would ensure his protection. An inspection confirmed the inadequate procedure implementation, yet the Centre's decision remained unchanged.

It is vital to emphasize that the state bears the responsibility to safeguard the child from all forms of violence and to provide appropriate legal and institutional support.<sup>20</sup> This case illustrates that a deficient understanding of the child's best interests, coupled with selective law enforcement, can lead to misguided and harmful decisions that negatively impact children's growth and development. Institutional reforms are necessary to improve responses to domestic violence and to enhance the implementation of protective mechanisms for child victims, prioritizing their well-being over formal procedures that may further jeopardize them. Institutions must assume accountability and ensure that every decision genuinely upholds children's best interests, as mandated by domestic and international standards.

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<sup>20</sup> The Balance Between Joint Parenting and the Best Interests of the Child. Natasha Petkovska. (2024). Available at: [https://glasprotivnasilstvo.org.mk/wp-content/uploads/zaednicko-roditelstvo-i-najdobar-interes-na-deteto\\_izvestaj.pdf](https://glasprotivnasilstvo.org.mk/wp-content/uploads/zaednicko-roditelstvo-i-najdobar-interes-na-deteto_izvestaj.pdf).

# Monitoring of Court Hearings

June 2024

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March 2025

**From July 2024 to March 2025, the Helsinki Committee monitored ten court hearings concerning crimes related to domestic violence.**

During this monitoring period, we observed the case of 36-year-old V.I. from Kratovo, a victim of domestic violence, following the initiation of proceedings by the Basic Public Prosecutor's Office in Kumanovo. Preliminary information suggests reasonable suspicion of self-defence rather than intentional murder, as alleged by the Prosecutor's Office. The Kumanovo Public Prosecutor's Office reports that V.I. was assaulted by her husband, who physically attacked and strangled her. In an attempt to protect herself, she used a kitchen knife, injuring her husband and his father, leading to fatal consequences. This indictment raises critical questions regarding institutional responses to domestic violence and whether women compelled to defend themselves receive adequate and equitable treatment within the justice system. This case bears resemblance to that of Pale Iloska<sup>21</sup> from Veles, who, after enduring years of violence, defended herself and killed her abuser. Despite a documented history of abuse and inadequate institutional response, the Prosecutor's Office charged her with murder, neglecting the circumstances surrounding her defence. The court, however, appropriately acquitted her, acknowledging the challenges faced by victims of domestic violence. In V.I.'s situation, the prolonged violence she experienced and the failure of institutions to provide timely protection must be factors for consideration.

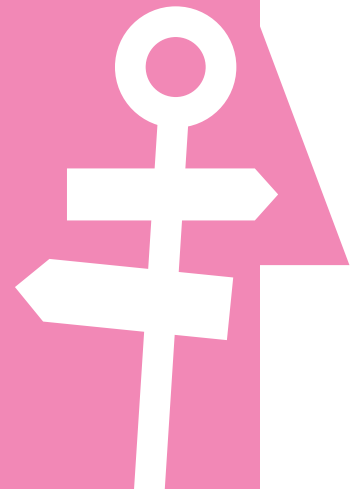
The Helsinki Committee for Human Rights has observed that victims of domestic violence are often treated as perpetrators rather than protected. In certain instances, social work centres propose protective measures against women victims, which courts

<sup>21</sup> See more at: <https://mhc.org.mk/news/ochekuvame-osloboditelna-presuda-za-pale-iloska-i-odgovornost-od-policaicite-koi-shtitele-kolega-nasilnik/>; <https://mhc.org.mk/news/obvinenieto-protiv-pale-ilovska-ja-ignorira-istorijata-na-nasilstvo-vrz-neat/>; <https://sdk.mk/index.php/makedonija/osloboditelna-presuda-za-veleshankata-pavlinka-iloska-za-ubistvoto-na-nevenchaniot-soprug-storeno-e-vo-nuzhna-odbrana/>.

may accept. This situation symbolizes a systemic issue that necessitates urgent resolution. Moreover, the role of the media in reporting these cases warrants attention. Ethical and responsible reporting is essential to prevent further victimization and to encourage victims to seek assistance. Given that one in three women has encountered some form of violence, institutional and public attitudes toward victims must reflect the gravity of this issue. The prevalence of aggression and violence in society significantly impacts women as victims of domestic and gender-based violence.

# Forums with women

## in various regions outside Skopje



Recently, forums were organized with women from communities across each of Macedonia's eight planning regions to gather their experiences and identify the key challenges they encounter in their daily lives. During these forums, women articulated their experiences and highlighted numerous systemic issues that hinder their pursuit of basic rights and a dignified existence. Many participants pointed to specific challenges prevalent in rural and less developed areas. One of the most notable issues identified was the lack of information regarding women's rights and available services for those experiencing violence. Several women expressed uncertainty about which institutions or organizations can provide assistance in cases of violence, and some have difficulty recognizing their rights as victims. Furthermore, women reported that the civil sector in their municipalities is not sufficiently developed to offer adequate support and assistance. This problem is particularly acute in less developed regions, where access to information and services is limited.

A concerning observation shared by participants was that young people do not recognize violence as an issue. The prevalent tolerance of violence in some communities complicates the fight against gender-based violence, as young individuals often lack the necessary education about the ramifications of such violence. Additionally, economic violence was identified as a widespread yet underreported phenomenon. Women who depend financially on their abusers frequently refrain from reporting violence due to the fear of financial instability for themselves and their children. Absent institutional support, they remain in abusive relationships, exacerbating their social and economic circumstances, especially where victims struggle to secure their livelihoods.

Women from Roma communities face compounded challenges. When attempting to report violence, they frequently encounter resistance from institutions, notably from law enforcement, which may dismiss their cases and send them back to their abuser. This results in feelings of hopelessness and diminishes trust in the legal system. The forums further revealed that institutions lack effective communication and often do not collaborate sufficiently, leading to inefficiencies in addressing the issues faced by women. The absence of comprehensive, multi-sectoral institutional cooperation

means that victims of violence do not receive cohesive and coordinated support from relevant entities, reducing the efficacy of both the legal and social systems.

Moreover, the absence of local policies targeting gender equality contributes to the marginalization of women, particularly in rural areas. Consequently, women in these regions confront distinct challenges, including limited economic opportunities, inadequate infrastructure, difficulties commuting to centralized institutions, and restricted access to education and vocational training. Participants noted that their initiatives to establish their own businesses for self-sustainability often lack support. These factors heighten their dependence on family members and further diminish their social and economic conditions.

Concluding observations from the forums indicate an urgent need to enhance awareness of women's rights, bolster institutional support, and expand economic opportunities for women throughout the country. Strengthening these aspects will foster a more robust and effective system for the protection and support of women, ultimately facilitating a better and more secure life for all women, irrespective of ethnicity, residence, or other characteristics.

# Conclusion

Providing free legal aid to victims of gender-based and domestic violence is a crucial aspect of the fight against violence directed at women. This report underscores the urgency of continually strengthening legal protection mechanisms and institutional support for victims, as well as enhancing the implementation of existing legal frameworks. The findings from the provision of free legal and paralegal aid, alongside the monitoring of court cases related to gender-based violence, indicate a pressing need for systemic reforms. Institutions frequently fail to respond with appropriate urgency to reports of violence, leaving many cases unresolved or processed inadequately and untimely. The current practices demonstrate that the justice system does not prioritize these cases and does not consistently provide adequate legal protection for victims, leading to diminished trust in institutions and discouraging victims from reporting incidents of violence.

Monitoring of court proceedings and the legal aid provided illustrates that women defending themselves from abusers are frequently treated as perpetrators, emphasizing the necessity for a more comprehensive and gender-sensitive approach to addressing gender-based and domestic violence. This situation further underscores the importance of free legal aid and legal representation for victims throughout court proceedings. Engagements with women across various regions have revealed significant disparities in access to legal

and social support, particularly in rural areas, where women often lack awareness of their rights and the protection mechanisms available to them. Economic dependence and social stigmatization significantly influence their decisions to report violence or to remain in abusive environments.

To ameliorate the situation, it is essential to implement several key measures. Institutional capacities must be expanded to effectively recognize and address gender-based and domestic violence, including mandatory continuous training for all relevant professionals. The availability of free legal aid should be enhanced, ensuring that the criteria for access are broadened and more favourable for citizens. This will ensure that a more extensive range of citizens, particularly those from smaller towns and rural areas living on low incomes, can access free legal aid. Additionally, improving coordination between institutions will facilitate more effective handling of violence cases. Public awareness campaigns and educational initiatives regarding gender-based violence should be actively promoted by both civil society organizations and the institutions themselves, while legal mechanisms for victim protection should be made more comprehensive and effective.

This report confirms that, although significant progress has been made in protecting victims of gender-based and domestic violence, considerable work remains to establish a fair,

functional, and sustainable protection system. There is a need for clear and systemic policies, enhanced institutional accountability, and ongoing support for victims to foster a society in which violence is not tolerated and justice is accessible to all. This report affirms that, while notable advancements have been achieved in safeguarding victims of gender-based

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and domestic violence, substantial efforts are still required to create an equitable, effective, and sustainable protection system. There is a necessity for clear and systematic policies, improved institutional accountability, and continuous support for victims to cultivate a society where violence is intolerable, and justice is readily accessible to all.

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