



Македонско здружение на млади правници

WOMEN'S ACCESS TO JUSTICE

- Analysis -

Skopje, August, 2016

Publisher: Association for Equal Opportunities “Equal Access”

Authors: Jovanka Trenchevska
Svetlana Cvetkovska
Tanja Kikerkova
Jasna Orovchanec Arangelovikj

Translated by: Marija Kotevska- Certified Translator

Skopje, August 2016

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List of abbreviations

CSW	Centre for Social Work
CC	Criminal Code
Mol	Ministry of Interior
MLSP	Ministry of Labour and Social Policy
UN	United Nations
RM	Republic of Macedonia
SGRB	Strategy for Gender – Responsive Budgeting

INTRODUCTION

This analysis is a result of the research carried out by the Association for Equal Opportunities “Equal Access” in collaboration with the Macedonian Young Lawyers Association within the scope of the action grant “Women’s Access to Justice” held by Civica Mobilitas, and refers to the identification of the barriers that impede women’s access to justice.

The main objective of this analysis is to improve the access to justice for women in the Republic of Macedonia towards achieving the international standards for accomplishing factual gender equality.

The objective of all the activities implemented within the scope of the project is encouraging gender integration in all policies and measures and identifying the ways of eliminating the obstacles for women’s access to justice through debate and dialogue.

One of the crucial goals of this project is emphasizing the importance of the need for ratification of the Istanbul Convention and a debate with relevant experts on the positive aspects of its ratification.

The analysis aims to identify the de facto situation regarding women’s access to justice with a special focus on women victims of gender - based violence (rape, stalking, sexual harassment, domestic violence, trafficking in women and girls ...).

Through this analysis, an attempt is made to perceive the legal procedural impediments and practices that are related to women’s access to justice in all segments of social life.

It was developed by 4 experts with long-standing experience in this field, who gathered information and data applying an adequate methodology (survey, interviews with representatives of competent institutions and ...other) on the basis of which some conclusions and recommendations, which will ensure women’s facilitated access to justice, have been formulated.

The analysis contributes towards identification of the needs for changes in the legislation and the procedures that will ensure higher accessibility to justice to women victims of gender-based violence and provision of adequate assistance and support in accordance with their needs established on equal access and equal opportunities. The implementation of the project activities presents a combat against the socio - economic and cultural barriers for ensuring equal access to justice for women and for overcoming gender stereotypes and sexism.

Authors

1. Methodological Approach

Given the fact that the subject of this analysis is an issue which by its nature is comprehensive and is applied in significant areas of social life, the methodological approach in preparation of such a document is a particularly significant step. From that perspective, some efforts were made for a practical approach of identifying the methods which will provide most efficient and best results for achieving the goal.

From methodological aspect, this analysis focuses on using a combined approach of the normative and the comparative methods, particularly in the part of analysis of the current legal framework in the national legislation, and the practice noted from various sources.

The following techniques were utilized for collecting and processing data:

- qualitative analysis of documents such as: conventions, laws, strategic documents on this field etc.
- analyses and reports of relevant institutions;
- research through collecting data from the courts of first instance in the Republic of Macedonia by submitting requests for access to information of public interest;
- interviews by using a semi-structured questionnaire aimed for representatives of the professional fellowship – judges, public prosecutors, lawyers, representatives of Mol and CSW. The semi-standardised questions at the interviews served only as a course for obtaining information and data and were supplemented with sub-questions for the purpose of obtaining a clear picture of the situation and the experiences of the implementation of the legislation and the policies;
- the survey was carried out in four¹ towns in the Republic of Macedonia with a purpose to perceive the citizen's attitude and opinion about women's access to justice.

Considering the methodological approach, the analysis is conceived in four parts. The first part refers to the international standards on gender equality, woman's access to justice, local legislation and the strategic documents in this domain. The second part analyses the data obtained from the courts as well as the opinions of professionals about the implementation of the legislation and the policies which refer to women's access to justice. The third part elaborates the attitudes and opinions of the citizens for women's access to justice. The fourth and final part of this Analysis gives conclusions and recommendations which also incorporate the conclusions and recommendations of the four trainings for women's access to justice held in Skopje, Bitola, Shtip and Gostivar.²

2. Review of international and national standards for gender equality and woman's access to justice

This part of the analysis provides a comparative review of the international, national standards and strategic documents for gender equality and women's access to justice.

A review of the international standards and the national legislation has been given and then strategic documents which provide women's access to justice have been analysed, because women's access to justice is a vital element in accomplishing the rights guaranteed with the Convention on the Elimination of All Forms of Discrimination against Women.

In that sense, the equal access of women to justice is a key element in ensuring gender equality, i.e. equality between men and women not only de jure but also de facto.

¹In the period between 15th January and 15th February 2016 the survey was carried out with 102 people

² 87 people representatives from the police, centres for social work, representatives from the local self-government, civil associations, lawyers, judges, medical institutions and schools took part in the training on treating women victims of gender-based violence.

2.1 International Standards

For the requirements of this analysis, a review of the international standards on women's access to justice is given, in terms of: prohibition of discrimination against women, equality between men and women before the law and legal protection of women's rights on equal grounds as men.

Republic of Macedonia is a contracting party of the hereinafter international conventions for human rights of the United Nations and the Council of Europe and they are part of the legal system pursuant to article 118 of the Constitution of the Republic of Macedonia.

2.1.1 United Nations

Article 7 of the **Universal Declaration for Human Rights (1948)** guarantees the right of all people to equality before the law and entitles them to equal protection of the law. Article 8 regulates the right to effective legal remedy by competent courts for acts violating the fundamental rights granted to a person by the Constitution or by law.

Article 2 of the **International Covenant on Civil and Political Rights (1966)** guarantees the right to all people on the territory of each State Party to the Covenant, to respect the rights recognised by this covenant irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or any other status.

Moreover, it regulates the right of each individual to efficient legal remedy and ensures enforcement on the grounds of a proceeding upon legal remedy. Article 3 regulates the equal rights of men and women to enjoyment of all civil and political rights set forth in this Covenant.

Identical provisions are included in article 2 paragraph 2 and article 3 (equal rights of men and women to enjoyment of all economic, social and cultural rights) of the **International Covenant for Economic, Social and Cultural Rights (1966)**

Articles 2-b and c of the **Convention on the Elimination of All Forms of Discrimination Against Women (1979)** binds the States Parties to this Convention: to adopt relevant legislative and other measures, including sanctions where required, which prohibit all kinds of discrimination against women; to introduce legal protection of the rights of women on equal basis with men and to ensure through competent national courts and other public institutions the effective protection of women against any act of discrimination.

Article 3 of the Convention refers to the need of taking all the appropriate measures to ensure full development and advancement of women, and guarantees the exercise of the rights and freedoms on equal basis with men. Furthermore, pursuant to article 15 paragraph 1 of this Conventions, the States Parties recognize equal rights to women as to men, and paragraph 2 of this article guarantees women legal capacity in civil matters identical to that of men.

2.1.2 Council of Europe

The prohibition of discrimination binds the States Parties of the **European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)**, in accordance with article 14, to ensure enjoyment of rights and freedoms recognized with this Convention, without discrimination, irrespective of sex, race, colour, language, religion, political or other belief, national or social origin, affiliation to a national minority, property, gender or other status. The right to a fair trial of article 6 regulates the right to a fair and public hearing within a

reasonable time limit by an independent and impartial court established by law to trial the groundedness of criminal charges.

Article 1 of the **Protocol no. 12 (2000)** to the Convention for the Protection of Human Rights and Fundamental Freedoms includes general prohibition of discrimination saying that “The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, affiliation to a national minority, property, birth or other status. “

Prevention and combating of trafficking in human beings, protection of the rights of the victims of trafficking by guaranteeing equality between men and women are part of the objectives of the **Council of Europe Convention on Action against Trafficking in Human Beings (2005)**. The measures for protection and improvement of the rights of the victims in accordance with article 3 of this Convention shall be implemented respecting the principle of non-discrimination on many grounds among which is sex. At the same time, the States Parties obligate to take preventive measures which include educational programmes assigned for girls and boys in the course of their education, which emphasises the unacceptable character of discrimination on sex grounds. The provisions of this Convention guarantee the right to a lawyer and to free legal assistance, in accordance with the conditions under the country's internal law and the right for victim's compensation.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) from 2011 is the first internationally binding document which recognizes “the violence against women” as violation of human rights and a form of discrimination against women.

This convention also defines “gender-based violence against women”, a violence against a woman because she is a woman or that affects women disproportionately. (Article 3 paragraph 1-d);

Also, pursuant to article 4 paragraph 3 of the Convention, the Parties ensure implementation of the provisions of this Convention, in particular measures to protect the rights of victims without discrimination on any ground such as sex, gender and 18 more grounds for non-discrimination.

This Convention binds the States Parties to ensure that the victims of violence are provided with adequate and timely information on available support services and legal measures in the language they understand, legal and psycho-social counselling, financial assistance, housing, education, training and assistance in finding employment. The victims are guaranteed the right to adequate legal remedies against the state authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers and the right to claim compensation from the perpetrators for any of the offences established in accordance with this Convention. The victims also have right to legal advice and to free legal assistance, under conditions stipulated by internal law.

2.1.3 European Union

Equality before law (article 20) and non-discrimination (article 21) are guaranteed with the **Charter of Fundamental Rights of the European Union (2000)**. Article 23 prohibits discrimination based on sex and requires that equality between men and women in all areas, including employment, job and salaries, is ensured. Article 8 of the Treaty on the Functioning of the European Union establishes that the European Union aims to eliminate inequalities and to promote equality between men and women.

At the same time, the European Union has passed more Directives that prohibit discrimination on many grounds including sex , in many spheres in particular in the area of employment and access to goods and services. These directives at the same time prescribe judicial mechanisms for protection of the principle of non-discrimination and facilitated burden of proof for victims.

2.1.4 Recommendations of the UN Committees

Within the regular process of periodic reporting on implementation of the ratified international conventions, in 2015 Republic of Macedonia presented:

- The third periodic report of the Republic of Macedonia on the International Covenant on Civil and Political Rights; The third periodical report of RM on the Convention against Torture; and Combined eighth to tenth report of RM on the Convention on Elimination of Racial Discrimination.

The Human Rights Committee, the Committee against Torture and the Committee for Elimination of Racial Discrimination adopted and addressed concluding observations for the Republic of Macedonia, which comprise recommendations that refer to measures to fight violence against women.

They refer to and require in a sublimated way for Republic of Macedonia:

- to enlarge the efforts directed to prevention, opposing and punishing violence against women and girls, including domestic violence;
- to eliminate violence against women and children and to consider recognizing the violence against women and children as a separate criminal offence in the Criminal Code. To ensure efficient implementation of the existing legal framework through timely, purposeful and impartial investigation on cases of domestic violence and punishing the perpetrators in accordance with the severity of the committed offences;
- to take measures for ensuring that victims have access to effective legal remedies and protective measures, including legal compensation for all women and girls victims of violence and to provide appropriate number of shelters available in all the parts of the country, particularly for single mothers at the age of 16 to 18 including Roma women and female members of the rest of the communities;
- to raise awareness of the population, particularly to members of minority groups for the prohibition and the negative consequences of domestic and gender-based violence and to inform potential victims about available legal remedies;
- Encouraging women to report cases of domestic and gender-based violence through raising awareness for the penal character of such deeds and provide adequate assistance and protection of women victims, and
- to organise training for local authorities and bodies enforcing law, as well as for social workers and medical staff about how to identify and adequately counsel the victims of domestic violence.

2.2 National Legislation

The legal framework in the Republic of Macedonia that regulates gender-based equality and women's access to justice comprises of: the Constitution, the laws and the ratified international conventions.

In this sense it should be emphasised that only the Constitution of RM guarantees protection against discrimination based on sex (but not gender), while the rest of the Laws that comprise provisions for gender equality regulate protection on the ground of sex and gender or individually on one of these grounds.

So, article 9 of the **Constitution of RM** establishes that citizens of the Republic of Macedonia are equal in their freedoms and rights, irrespective of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. At the same time, paragraph 2 of this article guarantees **equality before the Constitution and law**.

Gender-based equality is guaranteed with the constitutional provisions that regulate competencies of the State Ombudsman : Namely, in accordance with Amendment XI to the Constitution: “The Ombudsman gives particular attention to safeguarding the principles of non-discrimination and adequate equitable representation of communities in state bodies, bodies of the units of local self-government and public services.”

The following constitutional provisions are significant in the context of equal access of women to justice:

- Article 13 paragraph 2 of the Constitution guarantees **the right to compensation** and other rights determined by law to the person unlawfully apprehended, detained or convicted;

- **The right to appeal** against individual legal acts enacted in a first instance proceeding by a court, administrative body or organisation or other institutions carrying out public mandates, is guaranteed in article 15;

- Article 50 comprises **guaranties on the fundamental rights and freedoms** establishing that every citizen may refer to the protection of freedoms and rights determined by the Constitution before courts, as well as before the Constitutional Court of RM, in a proceeding based upon the principles of priority and urgency.

These constitutional provisions are appropriately incorporated in the laws as follows:

Article 3 of the **Law on Prevention and Protection against Discrimination** prohibits any direct or indirect discrimination, invocation and stimulation of discrimination and contributing to discriminatory practice on many grounds, including sex and gender³. Only this law along with the Criminal Code regulate protection against discrimination on sex and gender grounds.

Protection of sexual equality is promoted in article 6 of the **Labour Law** which establishes that: “the employer shall not put the job seeker in unequal position because of the sex, including the other 13 grounds.⁴ In case of discrimination established with article 6 of this Law, the employment candidate has a right to compensation in accordance with the provisions of the Law on Obligations.

Ensuring equality, equal rights, non-discrimination on whatever grounds and ensuring legal security based on the rule of law are the objectives and functions of the judicial authorities encompassed in articles 3 to 6 of the **Law on Courts**. At the same time, the right of each individual to equal access before a court on protection of one's rights and legal interests is guaranteed.

The legislation regulating health care guarantees the right of patients to equality based on sex in providing the rights stipulated by the Law on Health Care.

Also, by **ensuring the rights to social protection** stipulated by the Law on Social Protection and by ensuring the rights and forms of children's protection set forth in the **Law on Children's Protection**, the equality is regulated, prohibiting direct or indirect discrimination based on sex and other 11 grounds .

The Law on Prevention Restraint and Protection against Domestic Violence regulates the accountable and due actions of the institutions and associations, their mutual coordination and cooperation for the purpose of preventing and restraining domestic violence and providing protection to victims. Pursuant to this Law, the victim has a right to assistance, support and protection against domestic violence. At the same time the victim has a right to be advised by the officials about their rights, the protection measures and the procedures for obtaining those rights, as well as of the available services providing assistance and protection. The Law regulates the protection measures for the victims undertaken by Centres for Social Work. For the purpose of eliminating a serious and immediate threat against the life and physical integrity of the victim and the members of their family, the Law regulates pronouncement of a temporary protective measure – removal of the perpetrator of his/her home and a ban to approach the home upon recommendation by Mol.

With the amendments of the **Criminal Code** from 3 February 2014, the gender equality – along with many other discrimination grounds are entitled to criminal protection.

First of all, to article 39, which sets forth a provision for meting out punishment, a new paragraph 5 is added which establishes that when meting out punishment the court shall take into consideration if the offence is

³ ...affiliation to a marginalized group, ethnic affiliation, language, citizenship, social origin, religion or religious belief, other kinds of beliefs, education, political affiliation, individual and social status , mental or physical disability, age, family or marital status, property, health condition or any other ground provided by law or by a ratified international agreement.

⁴ Race, colour of skin, age, health condition i.e disability, religious, political or other beliefs, trade union membership, national or social origin, family status, property or other personal circumstances.

committed against an individual or a group of people or property, directly or indirectly, due to their sex or gender, and including the other grounds set forth in article 3 of the Law on Prevention and Protection of Discrimination.

These discrimination grounds are entitled to criminal protection in the case of the following offences: article 137: Violation of the equal rights of citizens, article 319: Causing hatred, discord or intolerance on national racial, religious and other discrimination grounds, article 394-a: distributing racist and xenophobic material by means of computer system and article 417: Racial and other discrimination. Equal protection in proceedings and access to justice is also guaranteed with the **Law on Criminal Procedure**. Primarily, Articles 5 and 6 encompass the principles of fair trial and a trial within reasonable time limits.

Articles 53 to 56 of this Law guarantee equal protection of the victims in the criminal offence as follows: to take part in the criminal procedure as a damaged party, joining the criminal prosecution or for realization of a claim for indemnification, due care and attention by the bodies or entities participating in the criminal proceeding and are entitled to an effective psychological and other expert assistance and support by the bodies, institutions and organisations for assistance to victims of criminal offences.

Any victim of a criminal offence for which a prison sentence of at least four years is prescribed, has among others a right to: a counsellor, whose expenses are covered by the budget, before giving a statement i.e. declaration or filing a property claim if the victim suffers severe psycho-physical damage, or serious consequences from the criminal offence and a right to a compensation for a material or non-material claim from the state fund under terms and conditions stipulated by a separate law, in cases when compensation cannot be claimed from the convicted person.

Article 55 of this Law provides gender sensitive approach and protection of secondary victimisation of women victims of criminal offences against gender freedom and gender morality, humanity and international law, regulating the right to be questioned by a person of the same sex in the police and in the public prosecutor's office, to refuse to answer questions that refer to victim's personal life and are not related to the criminal offence and to request questioning with a help of visual - audio means in a manner stipulated by this Law.

The Law on **Free Legal Aid** regulates the right to a free legal aid for individuals who in terms of their material standing, are not be able to exercise the rights guaranteed by the Constitution and law without endangering their own support and the support for the members of their family who live in a same household. The application for a free legal aid is approved in all court and administrative procedures, if it resolves an issue of the legal advice claimant for rights in the sphere of social, health, pension or disability insurance, labour relations, children protection, victims of domestic violence, protection of victims of criminal offences, victims of trafficking in human beings, acknowledgement of the right of asylum and property issues.

2.3 Strategic documents

2.3.1. Strategy on Gender Equality 2013- 2020

The Strategy on Gender Equality is an update to the previous national policy set forth in the National Action Plan for Gender Equality 2013-2016.

This document increases the significance of gender equality issue, taking in consideration that it is passed by the highest representative body in the country - The Parliament of the Republic of Macedonia. The Strategy **defines the specific strategic goal 2.2.** for raising social awareness on gender based violence and improvement of the legal framework which provides standards on effective protection and punishment for different forms of gender-based violence.

The expected results shall provide appropriate recognition of the gender-based violence as violence based on inequality between women and men in the society. Also, one of the expected results is an improved response of the system's institutions by introducing specific measures for protection and sanctioning of different kinds of gender-based violence.

2.3.2. National Strategy and Action Plan to Combat Human Trafficking and Illegal Migration 2013-2016

This document sets forth measures and activities of competent institutions aimed for prevention, identification and prosecution of perpetrators, as well as a complex approach for improving the status of victims of human trafficking and illegal migration in the Republic of Macedonia.

Within the framework of the action plan, chapter 4.2 establishes that the victims of trafficking in human beings are provided accomplishment of their rights in a criminal proceeding with a special view on children's rights.

A new strategy and action plan are currently being developed with time framework 2017 to 2020 and which also anticipate exercising of victims' rights and access to justice in each phase of the procedure.

2.3.3. Strategy for Gender-Responsive Budgeting (SGRS) 2012-2017

The Strategy for Gender-Responsive Budgeting is a national document having an aim to improve gender equality and to establish equal opportunities for men and women through harmonizing of the current planning processes and budgeting of the policies and programmes of budget beneficiaries, taking into consideration different implications on men and women. The introduction of gender perspective in the budget policies on national and local level, leads to responsive distribution of funds, as well as to better transparency and accountability of the state budget in reference with gender equality.

SGRS focuses on three strategic areas:

1. Introduction of gender perspective in the programmes and budgets of budget beneficiaries on central and local level,
2. Improvement of the legal framework for introduction of gender-responsive budgeting,
3. Strengthening of institutional mechanisms and capacity building necessary for inclusion of gender perspective in the creation of policies, programmes and appropriate budgets.

2.3.4 National Strategy on Equality and Non-Discrimination 2016-2020

This strategic document of the Government of the Republic of Macedonia defines the objectives, measures, indicators, key creators of the policy for improvement in rights and the equal opportunities in different areas of life, the competent practitioners and all involved parties in establishing of equality and non-discrimination in RM. In comparison with the previous one, this strategy takes into consideration all grounds for discrimination in accordance with the Law on Prevention and Protection against Discrimination. (article 3) and conceptually refers to discrimination in all spheres grouped as follows: labour and labour relations, education, science, sport and culture, social security (protection, pension and disability insurance and health care insurance) the legal system and administration and access to goods and services in accordance with the recommendations that RM has been given by the international mechanisms for human rights of the United Nations.

3. Analysis of the current situation

This part of the analysis depicts the results obtained with the carried out research.

3.1 Research results – data of criminal offences in the Courts of First Instance in RM

Within the project “Women’s Access to Justice” a research has been carried out by collecting data from the Courts of First Instance in the Republic of Macedonia, by submitting Requests for access to information of public character⁵.

Data of criminal offences where the damaged party is a female have been required.

The Request has been formulated in the following way:

How many criminal proceedings where the victim is a female were processed during 2015 for the following offences:

- Bodily injury while performing domestic violence – article 130 paragraphs 1 and 2 of the CC;
- Severe bodily injury while performing domestic violence – article 131 paragraphs 1 and 2 of the CC;
- Coercion while performing domestic violence - article 139 paragraphs 1 and 2 of the CC;
- Endangering security while performing domestic violence - article 144 paragraphs 1 and 2 of the CC;
- Rape – article 186 of the CC;
- Statutory rape with misuse of the position - article 186 of the CC;
- Mediation in prostitution article 191 of the CC;
- Trafficking in human beings - article 418-a of the CC;
- Unlawful termination of pregnancy and sterilization - article 129 of the CC;
- Unlawful deprivation of freedom while performing domestic violence - article 140 paragraphs 1 and 2 of CC;
- Statutory rape of a helpless person -article 187 Criminal code.

⁵ Requests for access to information of public character were filed electronically to 26 Courts of First Instance in RM : access was allowed by 19 Courts. Access was not allowed i.e. no response to the request was received by the following 5 Courts of First Instance: Court of First Instance Ohrid, Court of First Instance Krushevo, Court of First Instance Tetovo and Court of First Instance Radovish.

The Court of First Instance Gostivar informed the applicant after 30 days of filing the request for access to information that it takes more time to provide the response to the request due to the fact that the required information is extensive and specific.

According to the information and data delivered by the Courts of First Instance in Radovish, Berovo and Struga, during 2015 there are no recorded criminal offences for any of the criminal offences stated in the request for free access to information where the victim is a female.

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The following is a tabular presentation of the criminal proceedings before the Courts of First Instance in RM during 2015 for each offence separately.

Criminal Offence as set forth in the Criminal Code	Number of criminal proceedings in 2015 in RM where the victim is a female
Bodily injury while performing domestic violence – article 130 paragraphs 1 and 2	252
Severe bodily injury while performing domestic violence – article 131 paragraphs 1 and 2	20
Coercion while performing domestic violence - article 139 paragraphs 1 and 2	/
Endangering security while performing domestic violence - article 144 paragraphs 1 and 2	135
Rape – article 186	23
Statutory rape with misuse of the position - article 189	2
Mediation in prostitution article 191	1
Trafficking in human beings - article 418-a	1
Unlawful termination of pregnancy and sterilization - article 129	/
Unlawful deprivation of freedom while performing domestic violence - article 140 paragraphs 1 and 2	7
Statutory rape of a helpless person article 187 of CC	4

Certain Courts submitted information on how many criminal proceedings have been started for the specific offences, stating that there are no data whether the damaged party was a female. In part of the provided responses it is not precisely stated if the information submitted about the number of criminal proceedings refers to proceedings where the damaged party is a female.

The received information shows that it is obvious that the largest number of the proceedings are for the offence Bodily injury while performing domestic violence – article 130 paragraphs 1 and 2 of the Criminal Code and Endangering security while performing domestic violence - article 144 paragraphs 1 and 2 of the Criminal Code;

The largest number of proceedings for the offences set forth in article 130 paragraphs 1 and 2 and article 144 paragraphs 1 and 2 of the Criminal Code, where the victim is a female are initiated in the Court of First Instance Kumanovo, Court of First Instance Skopje, Court of First Instance Kochani, Court of First Instance Kavadarci. In these courts there is a higher number of criminal proceedings for the rest of offences for which a request for information was filed.

The Court of First Instance Kumanovo submitted information on the total number of criminal proceedings separately and of the proceedings where the damaged party is a female, for each of the above stated offences. For the criminal offence – Bodily injury while performing domestic violence- article 130 paragraphs 1 and 2, the total number of proceedings in 2015 is 74, and in 33 of them the damaged party is a female. For grievous bodily injury while performing domestic violence – article 131 paragraphs 1 and 2, according to the information submitted by the court, there are total number of 8 (eight) initiated proceedings, and in 1 (one) of them the damaged party is a female. For the criminal offence Rape, there were 4 initiated proceedings in total, in 2 (two) of which the damaged party is a female.

The number of criminal proceedings before the forenamed 4 courts- Court of First Instance Kumanovo, Court of First Instance Skopje, Court of First Instance Kochani and Court of First Instance Kavadarci gives an overview of the occurrence of this kind of offences on the territories of jurisdiction of these Courts. This situation could be due to many factors such as:

- Size of the area which is under jurisdiction of the local court,
- Effective actions of competent bodies which can contribute to motivating the citizens to report criminal offences,
- Ensuring effective protection for victims/damaged parties of such offences,

- The frequency of this type of offences in the given areas is due to the mentality i.e. perception of women as subordinate to men.

3.2 Results of the interview

In the course of implementation of the project “Women’s Access to Justice” a questionnaire was composed as part of the research activity intended for judges, public prosecutors, lawyers, representatives of Mol and CSW.

The objective of this questionnaire was to determine the need of undertaking appropriate measures and actions to improve women’s access to justice, equality and gender-based violence. The questionnaires were delivered directly to the interviewees by conducting a conversation / interview or they were delivered electronically. There were 16 interviewees from the following four towns: Skopje, Bitola, Shtip and Gostivar, four of which were judges, four lawyers, four representatives of Mol, three representatives of CSW and one public prosecutor.

The questionnaire was composed of 22 questions part of which were closed with multiple choice, while to the others, open questions, the interviewee could give a freely formulated answer, i.e. opinion.

After processing of the given answers, it was established that not all of the interviewees have answered part of the questions, while to part of the questions more options were given as an answer.

The analysis of the questionnaires identified the following situation:

Regarding the question asking whether there are sufficient regulations in the Republic of Macedonia that ensure women’s access to justice and equal opportunities, 10 out of 16 interviewees answered affirmative (yes) - that in RM there were sufficient regulations that ensure women’s access to justice and equal opportunities, while the rest answered that with the existing regulations women’s access to justice was partially ensured.

Which are the regulations that ensure effective protection of women’s rights? - was the next question.

The interviewees provided different answers in relation to the regulations that ensure effective protection of women’s rights, out of which according to one of the interviewees all the regulations ensure protection, because all of the laws provide provisions for guaranteeing the right to equality.

Other named regulations are:

Law on Prevention, Restraint and Protection against Domestic Violence; UN Charter on Human Rights ; Criminal Code; The Constitution of RM; Law on Equal Opportunities for Women and Men; National Strategy for Gender Equality; Family Law; Law on Social Security; Law on General Administrative Procedure; Law on Pension and Disability Insurance; Law on Occupational Safety, Law on Prevention and Protection against Discrimination, Law on Protection against Harassment at Work, Law on Free Legal Aid and Law on Ombudsman.

The next question asked the interviewees to give the reasons they think cause gender-based violence. The following were given as reasons for gender-based violence: inequality, lack of education, economically dependent position of women, unstable marital relations, traditional attitudes to women’s role, physical difference, the perception of woman and her obedient role.

In terms of reporting gender-based violence, according to the largest part of the interviewees – 14, it is reported occasionally, while only according to two interviews, it is often reported. The interviewees consider the domestic violence to be the most common one of all types of gender-based violence and within it, the psychological and physical violence, the latter being more common according to most of them. Only one interviewee answered that the sexual harassment was the most represented one as gender-based violence.

In terms of effectiveness of the protection of the victims of gender-based violence and the proposals for its improvement, some of the interviewees think that the protection of women victims of gender-based violence is effective. According to one of the interviewees, the effectiveness depends on to what extent the woman cooperates. According to those who do not think that there is an effective protection, the recommendations for

better protection are: improvement of the institutional cooperation and coordination, inclusion in the process of the Ministry of Health and the Ministry of Education and Science, as well as informing/ educating the citizens.

According to the interviewees' experience, the most of the answers to the question who reports cases of domestic violence more, were that women report them more, while two of the interviewees answered that it is done by other family members. One of the interviewees answered that other people who are not family members have reported a case of domestic violence.

The answers of the interviewees on the question - who is the most often a victim of bodily injuries and mental traumas of domestic violence, showed that most often women are the victims. More than a half answered that apart from women, children are also victims.

In order to determine how effectively the temporary measures stipulated by the Law on Protection against Domestic Violence are implemented, a question was asked to which 10 (ten) of the interviewees answered that the temporary measures stipulated by the Law on Protection against Domestic Violence were implemented partially effectively, 5 (five) that they were implemented effectively, while 1 (one) answered that they were not effective.

One of the questions was whether in the course of the process where the woman is exposed to an unequal treatment or is a victim of harassment or any other violence, it happens that the report or the lawsuit is withdrawn, or the woman changes her statement. The answers of the interviewees to this question are divided. Half of them think that it happens often, while the other half thinks that these cases are rare.

In order to identify the biggest obstacles faced by women victims of gender-based violence , (women victims of domestic violence, raped women, women victims of human trafficking...) when requiring assistance or exercising a certain right with the institutions, the interviewees were asked to give their opinion in accordance with their experience in the institutions they work for. This question included six options of answers. Part of the interviewees think that each of the options is an obstacle when asking for assistance or when exercising a certain right by women victims of gender-based violence. 5 (five) of them think that the free legal assistance is the obstacle; 4 (four) of the interviewees think that the reason is the lack of staff (professionals- e.g. , social worker, lawyer, police officer), and the largest number of interviewees think that the reason lies in the capacity of shelters and accommodation as well as in the coordination among the responsible institutions / inter- institutional cooperation.

According to two interviewees, the obstacle is not having 24 hour available telephone helplines for reporting. With this question, an option "other" was given and the following things were mentioned as an obstacle: mentality, deeply embedded beliefs, economic dependence, medical procedure and provision of medical certificate which is expensive. On the question if and how many difficulties exist in providing evidence when proving occurrence of harassment at work with misuse of the position, only two of the total number of interviewees think that there are no difficulties in providing evidence for occurrence of harassment at work.

The interviewees think that affiliation to a certain sex does not affect the relations among the colleagues in the institution/ organisation they work at. Three (3) out of sixteen (16) interviewees think that affiliation to a certain sex brings about privileges in their working environment and that the privileges refer to promotion. It is not specified by three (3) of the interviewees which sex the privileges for promotion refer to.

To the question if the sex is a disadvantage or advantage in obtaining a managerial position in an institution / organisation/ working environment, the most of the interviewees think that the sex is not a disadvantage or advantage for getting managerial position in an institution / organisation/ working environment.

The interviewees were asked to give recommendations for overcoming the obstacles women face when exercising their rights. Out of six (6) possible answer options as an answer to the question, the following proposals for overcoming the obstacles were given: strengthening of inter-institutional cooperation for which half of the interviewees replied, effective implementation of the existing legislation, for which 7 (seven) of them replied, provision of sufficient financial means which was chosen by 5 (five) of the interviewees, elementary and/ or specialised training for the staff according to two and change in mentality chosen by one interviewee. Some of the interviewees gave two possible answers as an option.

In order to find out to what extent the interviewees are included in training and other kind of measures for raising awareness and identification of the special needs of women when working with them, the asked question was to what extent some training is organised in the institutions they work for, or other measures are being taken. In reference to this question the interviewees were divided in their answers, which means that at part of the institutions or for part of the professional staff training is organized or other measures are taken, whereas with part of them that is not done sufficiently.

In terms of the situation with the equal representation of women when selecting presidents of courts, as well as when selecting district public attorneys and the public prosecutor of RM, only one answered that the most often male candidates are selected for these positions. In terms of representation of women in legal companies as founders, the larger number of the interviewees who gave an answer - 7 (seven) out of 12 people, think that men are more represented as founders in legal companies.

Part of the questions referred to the harmonisation of Macedonian legislation with the international standards in the sphere of protection of the principle of gender equality (non-discrimination) and protection of women against gender-based violence.

It can be noticed from the interviewees' answers that for 13 of them the legislation of RM is compatible/ harmonised with the international acts that refer to protection of the principle of gender equality (non-discrimination) and protection of women against gender-based violence.

As a significant international instrument for protection of gender-based violence, the Convention of the Council of Europe for prevention and combatting violence against women and domestic violence (Istanbul Convention) was pointed, the one that RM has not ratified yet.

In order to investigate the interviewees' attitude and opinion for the necessity of the ratification, the question if in the shortest possible time limit RM should join the countries which have already ratified the Convention was set, and only one interviewee does not think that RM should ratify Istanbul Convention, whereas the rest of them think that it should be ratified.

To the question how much capacity does Macedonia have in case of ratification of the Istanbul Convention to implement the provisions thereof (harmonisation/ amending of the existing regulations and practical application), the largest part i.e. 8 (eight) answered this question (of total 13 interviewees answering)and they think that RM has no capacity to implement the provisions (harmonisation/ amending of the existing regulations and practical application)

From the professionals' answers to the questions for women's access to justice and their equal treatment in the society, the following conclusions can be drawn:

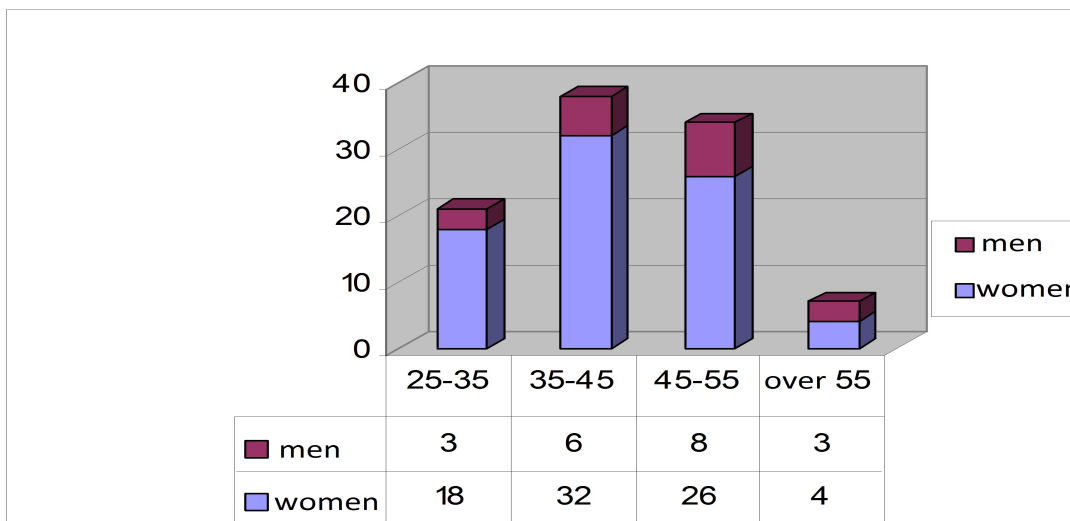
- There are a great number of regulations in RM i.e. The Statutes of RM, the international acts, the laws and the bylaws that incorporate the principle of equality and non-discrimination based on gender, including affirmative legal solutions , as well as ban to act unequally towards people based on their sex.
- It is necessary that the supplementing of regulatory rules should be directed towards gender-based violence which can be accomplished by incorporating of the Istanbul Convention attainments, given the fact that the need for its ratification is indisputable.
- The most represented gender-based violence is the physical violence against women within the domestic violence, followed by psychological violence against women. Given that it is about professionals practitioners, it is the most reported type of violence which is the most recognisable and for which there is a practice in the operations of the competent institutions. That it is often violence against women (physical and psychological) within domestic violence is also implied by the fact that according to the interviewees, women are those who report domestic violence most often.
- In general, one of the key problems that the society and the institutions face when providing protection for women , as well as equal treatment is the non-implementation of the existing regulations in RM, the lack of institutional cooperation, the coordination and operationality in practice. That is why the question for the necessity of possible amendments of the existing regulations and /or training/ educating the staff towards development of the cooperation and effective implementation of the existing regulations is set.

- The given answers indisputably show that in RM there is not enough awareness for reporting gender-based violence and understanding what gender-based violence is in general.
- Within the courts, among lawyers, public prosecutors, CSW and Mol, according to the perception of their staff, there is no discrimination based on sex. What can be noticed is that there is only a bigger representation of lawyers - founders of companies. However, given the business sphere in RM and the traditional understanding of women's role, the greater representation of men was expected.

3.3 Results of the conducted survey⁶

The survey questionnaire consisted of thirteen closed and four semi-open questions. For the survey, the demographic data of the participants such as: sex, age, employment status, education and ethnicity were respected.

Table 1: Structure of interviewees according to sex and age

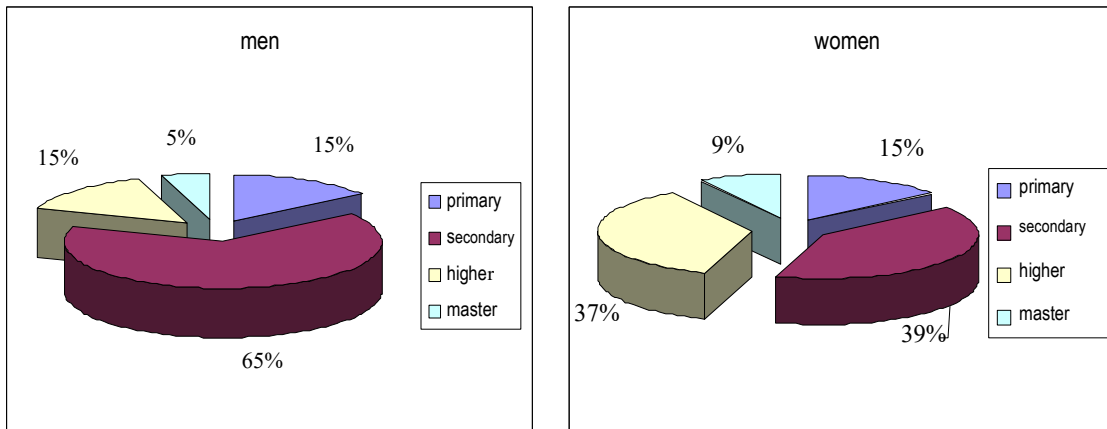


According to sex, 20% of the interviewees are men and 80% women.

The dominant age group of interviewees are women at age of 35- 45 represented with 33% of the total number of interviewees. They are followed by women at age of 45 - 55 represented with 27%, 18% of the interviewees are women at age of 25 to 35 and 4% women over the age of 55. With male interviewees the most represented age group is the one of 45 - 55 years old with 8% of the persons, 6% of them are at age of 35 – 45 and 3% both, for people at age of 25 – 35 and those older than 55.

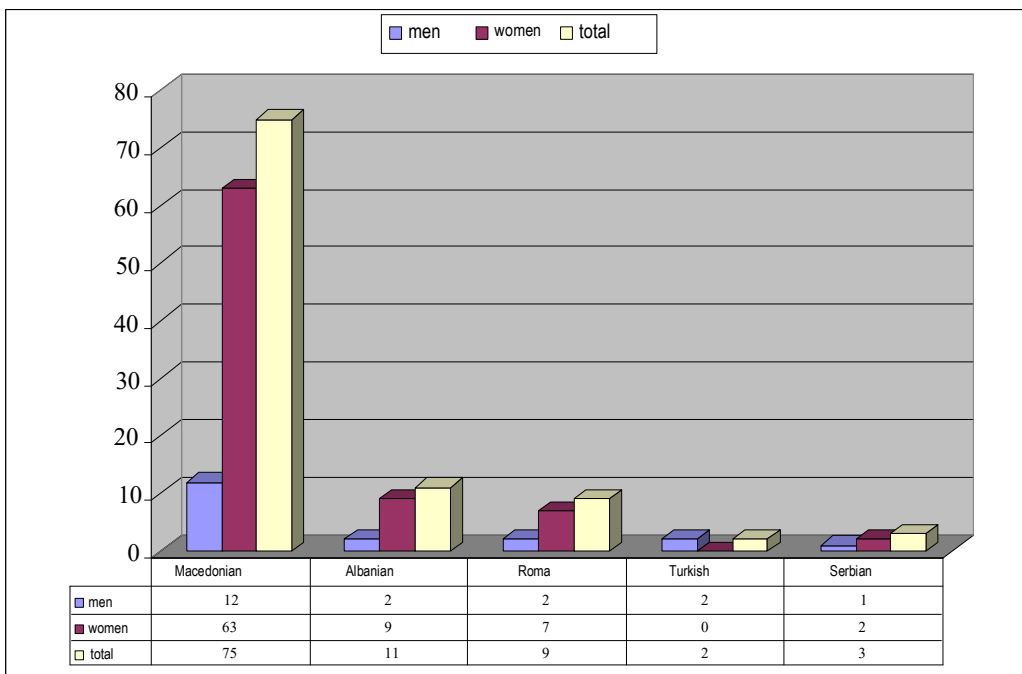
⁶ The survey was conducted with 102 citizens out of which 25% in Skopje, 20% in Bitola, 26% in Gostivar and 29% of the total number of interviewees in Shtip.

Table 2: Structure of interviewees according to sex and education



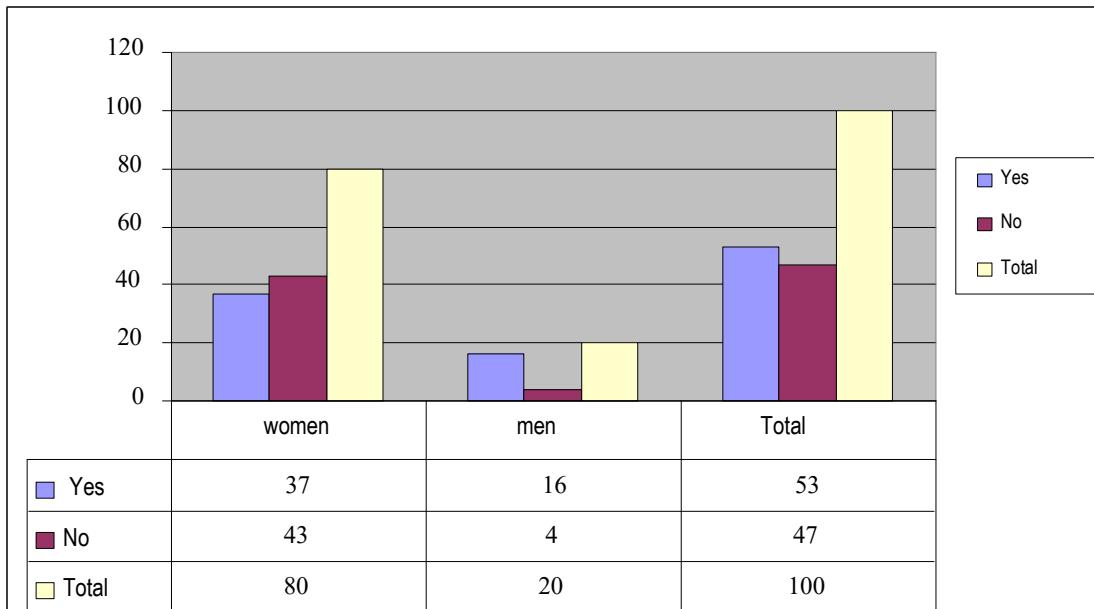
With the interviewees of this survey secondary education is dominant, especially with men - 65% of them and 39% with women, then the higher education follows with 37% with women and 19% with men interviewees, primary education is represented with 15% each- women and men, and 9% of women and 5% of men have completed post graduate studies of I degree.

Table 3: Structure of interviewees according to sex and ethnic affiliation



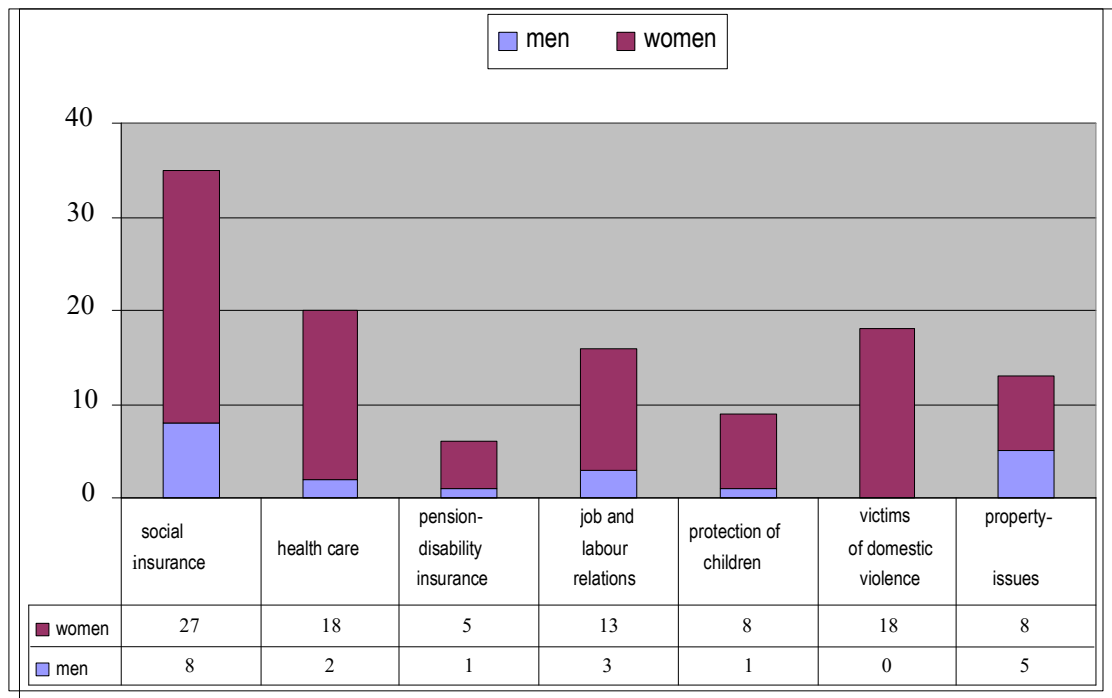
The largest number of the interviewees are women ethnic Macedonians, 63% and 12% men Macedonians or total 75% of all the interviewees. Then, there are 9% women Albanians and 2% men Albanians or 11% in total, 7% Roma women and 2% Roma men, or 9% in total, 2% of women declared themselves as Serbs and 1% of the men i.e. in total 3% of all the interviewees, 2% are Turks whereas there are no women of Turkish ethnicity.

Table 4: Structure of interviewees according to sex and employment status



The larger number of the interviewees, 53% are employed, while according to sex the number of unemployed women is higher, or 43% and 37% of women are employed. 16% of men respondents in the survey are employed, whereas 4% are unemployed.

Table 5. Structure of interviewees according to sex and spheres related to issues they had a need of access to justice for

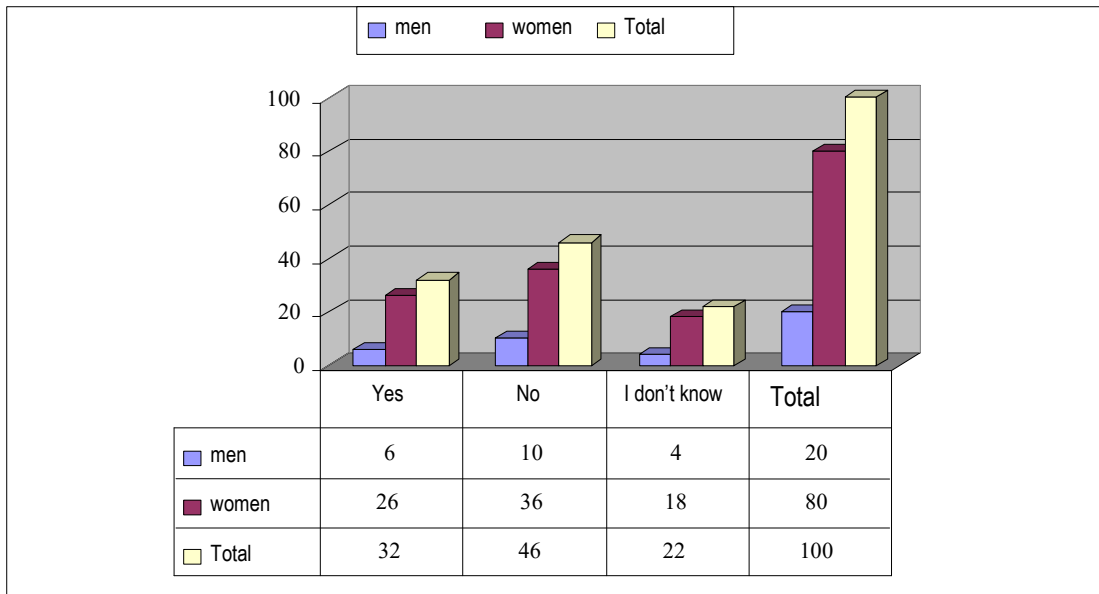


In terms of which issue or sphere the interviewees had a need for access to justice for , more answers were given i.e. part of the interviews have chosen more than one of the offered answers. One can notice that the most frequent area where the interviewees had a need for access to justice, both for women and men is related to

issues of the social security sphere. It is remarkable that women interviewees had a need to access to justice in the sphere of health and as victims of domestic violence, for which there are 18 answers, then protection of children follows and property issues with 8 answers each and the fewest, or 5 answers for pension and disability insurance.

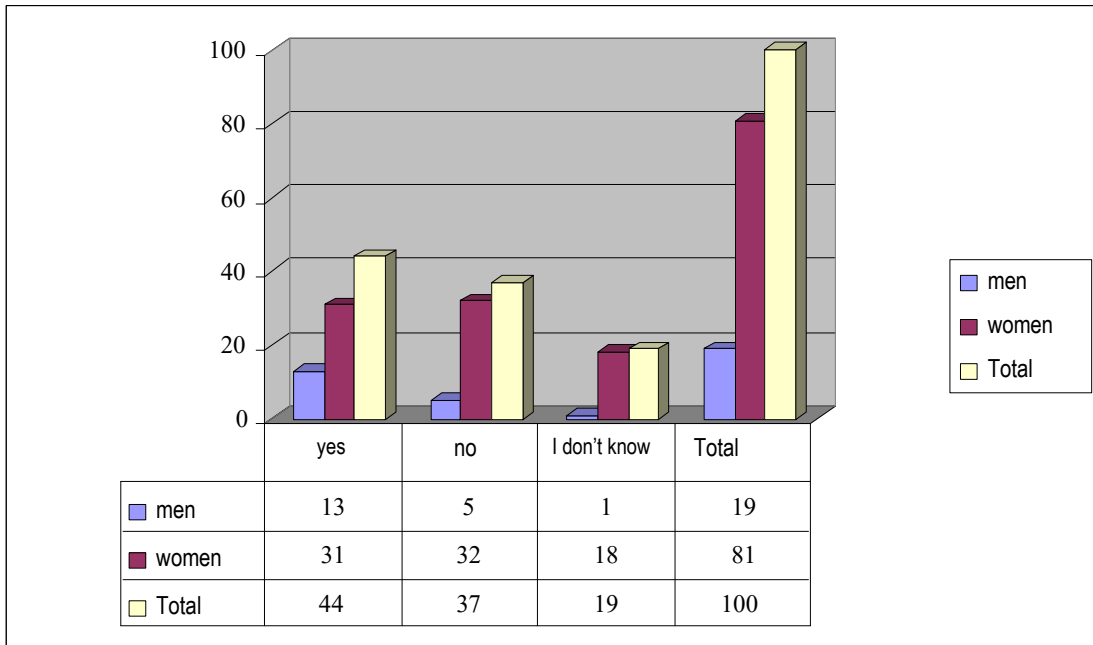
As for the men interviewees, apart from the social insurance, it is remarkable that even 5 of them had a need for access to justice in the sphere of property issues, then 3 answers for issues related to job and labour relations, 2 answers for health care sphere and one answer each for children’s protection and pension and disability insurance. What is striking is that no man had a need for access to justice as a victim of domestic violence. Also, there was no answer both by men or women interviewees regarding the need of access to justice for issues related to protection of victims against penal offence, protection of victims of trafficking in human beings, granting the right to asylum or were given an option to name some other area.

Table 6. Whether the state cares for the efficient and effective provision of women’s access to justice



To the question “Do you believe that the state cares for efficient and effective provision of women’s access to justice” the largest number of interviewees answered with no or 46% out of which 18% women and 4% men; 32% of the interviewees believe that the state cares for efficient and effective provision of women’s access to justice out of which 26% are women and 6% are men. The percentage of the interviewees who answered with “I do not know” is quite high – 22% out of which 18% are women and 4 % men.

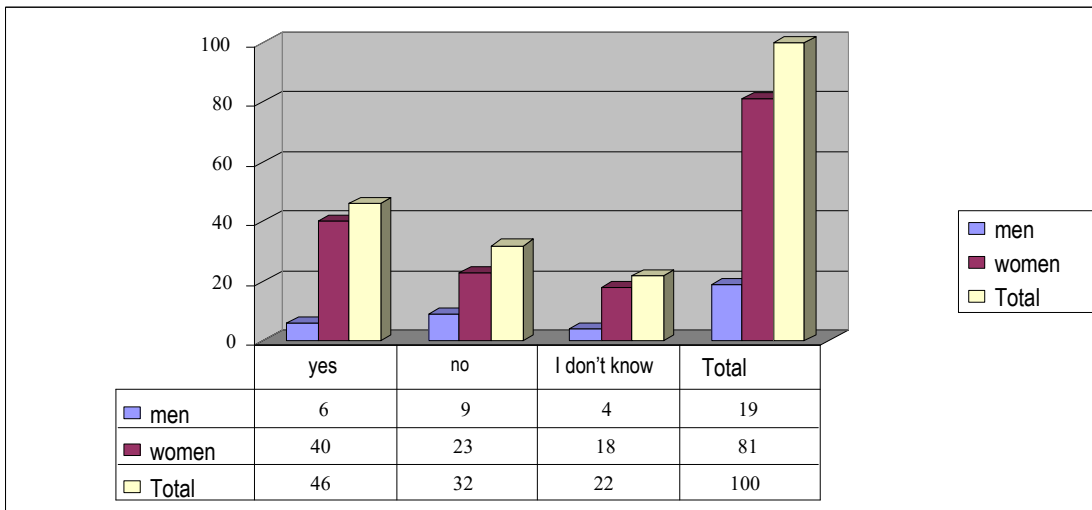
Table 7. Whether the legal system is equally accessible to women and to men



The following question of the survey refers to “Whether the legal system is equally accessible to women and to men”, - to which the largest percentage of the interviewees answered with Yes or 44% out of which 31% women and 13% men. Yet, the percentage of women who think that the legal system is not equally accessible to women as to men is larger (32%) and only 5% of men share their opinion which totals 37% of all the interviewees who gave this answer. 19% of the interviewees answered that they do not know, 18% out of which are women and only 1% men.

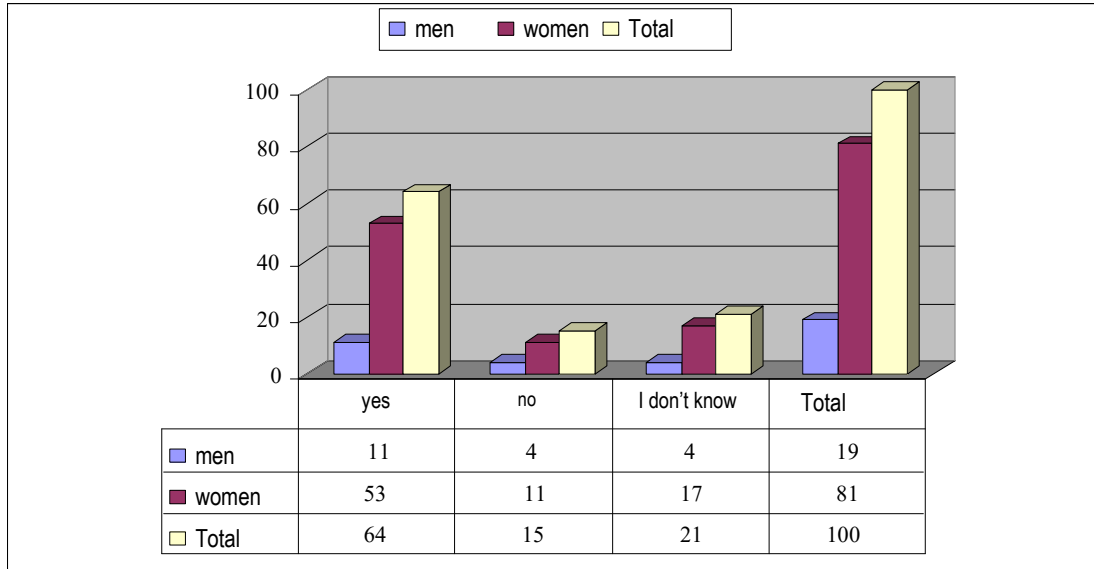
More reasons can be assumed relevant for giving such an answer, one of which is that men and women are not really familiar with the legal regulations , or that they are not aware of the specific needs women have.

Table 8. Whether they are familiar with the legal opportunities for women’s access to justice



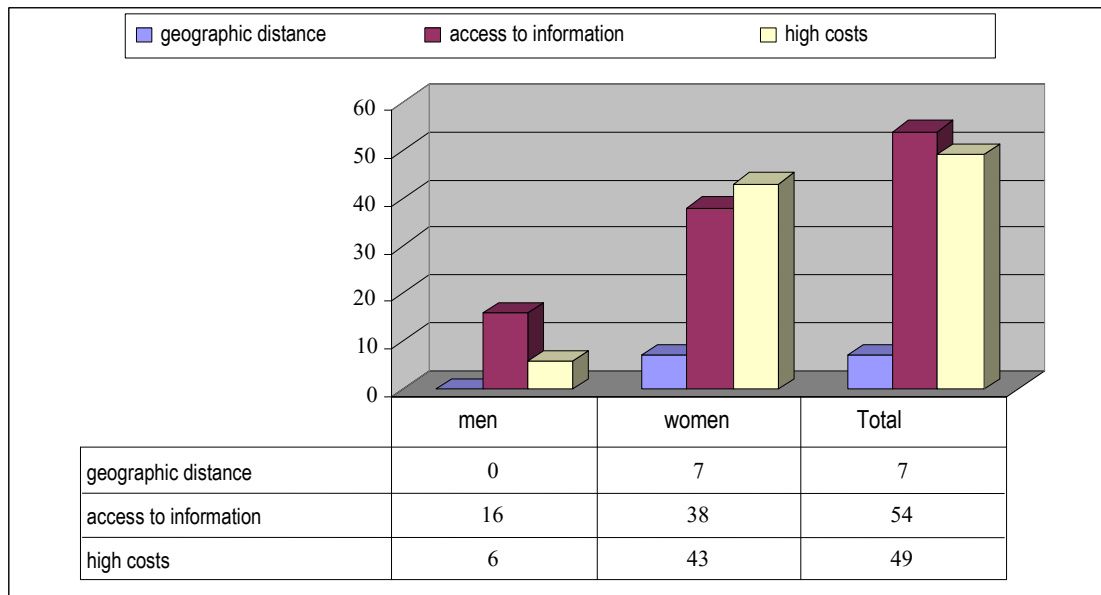
In line with this are the results of the answers to the next question which depicts the attitudes and opinions of the citizens as to what extent they are familiar with the legal opportunities for women’s access to justice. Although the largest number of the interviewees – 46% answered “yes”, 40% women and 6% men, the percentage of interviewees, both women and men who answered “no” is rather high - 32%, and 22% answered “I do not know”

Table 9 Whether they know where should a woman/ victim of gender-based violence report/ address



With reference to the question if they know where a woman victim of domestic violence should report or address, the largest number of the interviewees – 64% answered that they know, out of which 53% women and 11% men. The percentage of interviewees answering “no” is smaller (15%) and 21% with “I don’t know”, out of which 11% and 17% women and 4% men respectively.

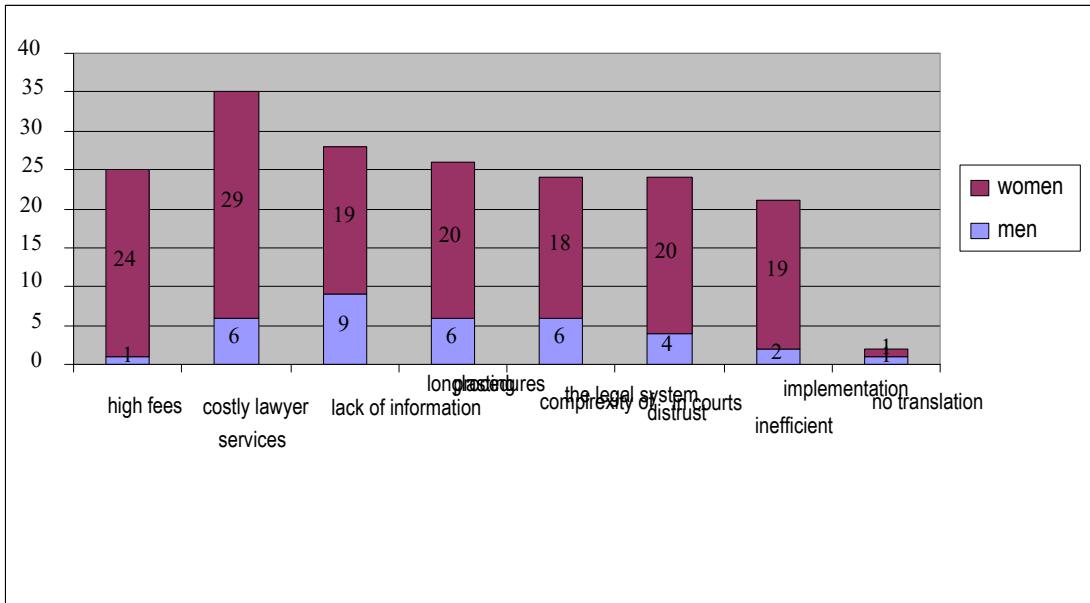
Table 10. Which factors affect women’s access to justice



WOMEN'S ACCESS TO JUSTICE - Analysis

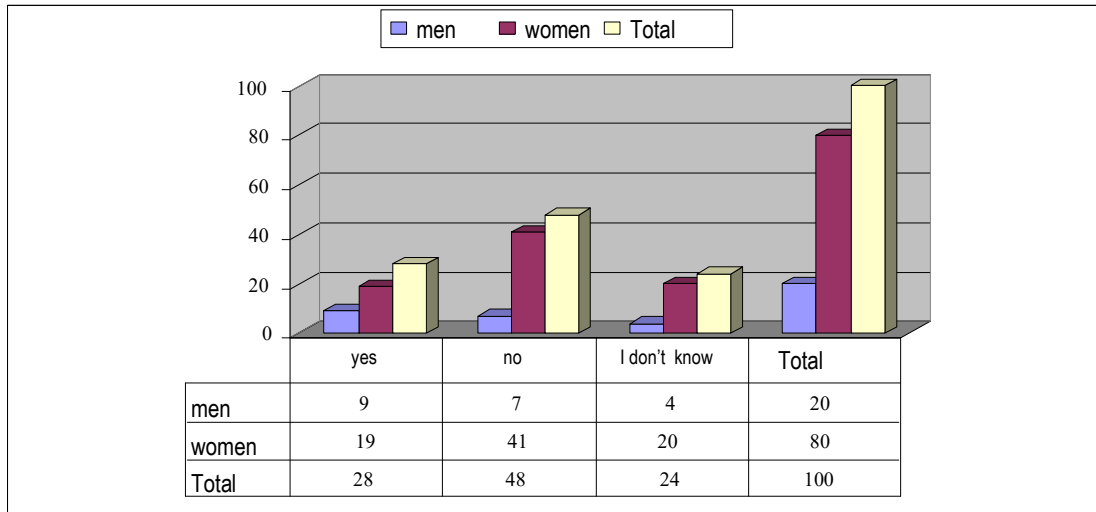
To the question “Which factors affect women’s access to justice” the interviewees were given opportunity to choose more of the offered options as well as opportunity to add certain factors they believe have an impact. From the given answers it can be concluded that the interviewees, both men and women consider that access to information has the greatest impact, followed by high costs, and only women indicated that geographic distance affects the access to justice. As their own addition, the interviewees indicated that the activities of the institutions, particularly the engagement of the police affect the access to justice.

Table 11. Which are the most significant obstacles to women in their access to courts



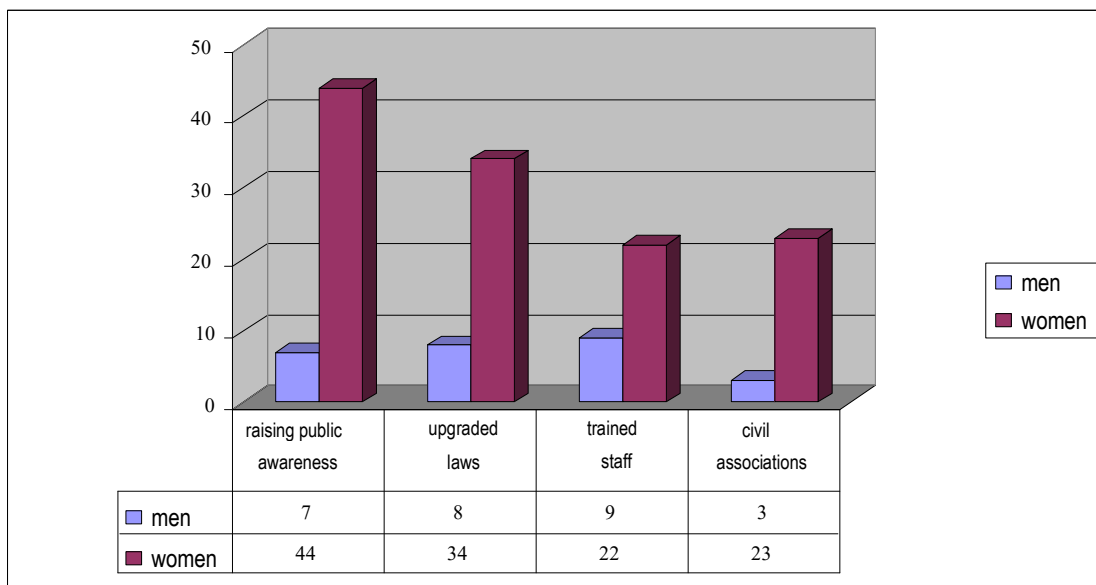
In general, the interviewees consider the costly court services to be the most significant obstacle for women’s access to courts. In relation to this question, a small difference can be noticed between the answers of men and women. Namely, there are more answers where men consider the lack of information to be the most significant obstacle to women’s access to courts. Difference can be noticed in reference with the high fees which according to women are the second significant obstacle, while according to men, they are the costly lawyer’s services and the complexity of the judicial system. There is a remarkable number of women’s answers that indicate the durability of the procedures and the lack of trust in the courts, immediately followed by the answers for failure to enforce judicial decisions and lack of information. The number of answers of women and men that refer to the absence of translation and interpretation as an obstacle to women’s access to justice is the smallest one. There is no significant difference between the answers of men and women in the answers to this question as larger number of the interviewees have chosen more answers which imply that all of the given answers have certain impact and the interviewees could not make a gradation according to the level of significance.

Table 12. Whether the courts treat men and women equally



The interviewees were asked to give their opinion if the courts have the same treatment towards women as towards men. The largest number of the interviewees i.e. 48% think that the courts do not have the same treatment towards men and women. 41% of the interviewees who think that courts do not treat men and women equally are women, whereas only 7% are men. This indicates that the perception of men and women is different when talking about the treatment of the courts towards them. The largest percentage of men interviewees 9% think that the court has the same treatment, and only 4% replied that they did not know what was the treatment of the courts towards men and women. As for women, in reference to this question, it is a high percentage of them who do not know what the treatment in courts is, and 19% replied that the courts treat men and women equally.

Table 13 Which factors improve women's access to justice

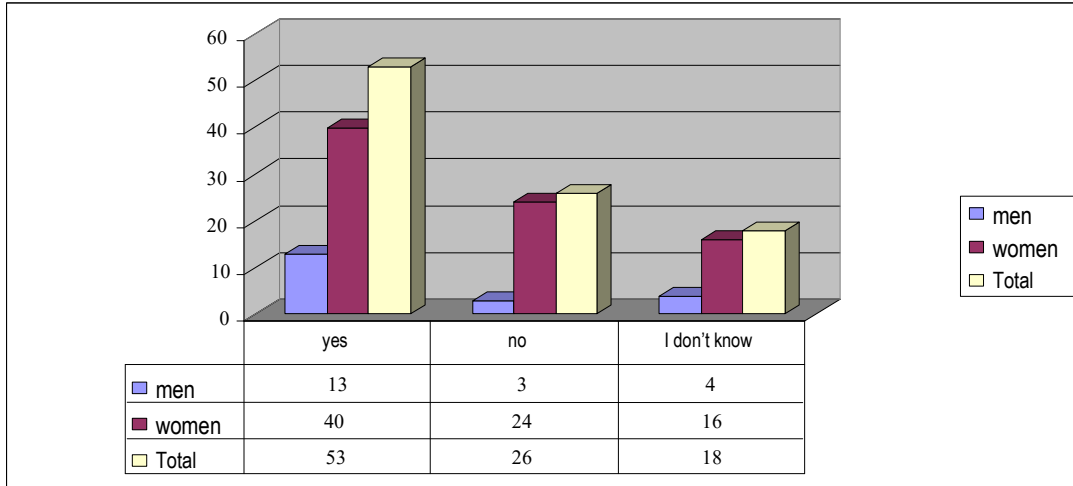


WOMEN'S ACCESS TO JUSTICE - Analysis

For the question 'Which factors improve women's access to justice' the interviewees could choose among four offered choices or to write down their attitude or opinion on it.

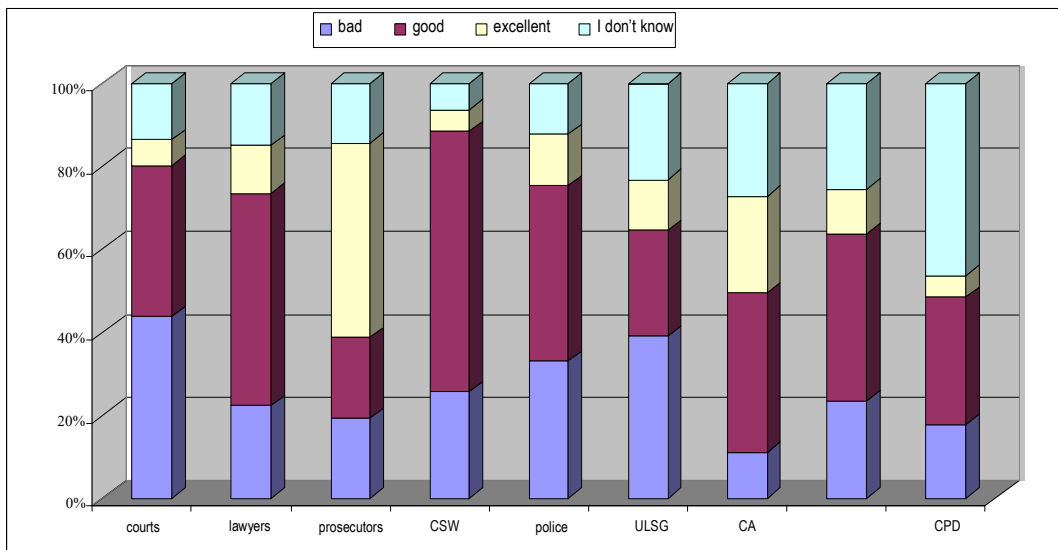
With reference to this question, also, some of the interviewees gave more than one answer as well as their own opinion. In the section left for additional answer not included in the offered choices, the interviewees answered that "shorter procedure and higher protection during the process; simplification of procedures and better promptness of the institutions " are factors which can improve women's access to justice.

Table 14 Whether there is a difference in women's access to justice between women from the urban and the rural environments



In order to determine the attitude of the interviewees towards the access to justice for women from the rural compared to the women from the urban environments, a question was set whether there is a difference in access to justice for women from the rural and the urban environments. Half of the interviewed women and more than half of the interviewed men think that there is a difference in access.

Table 15. How is the effectiveness of the activities of institutions/ organisations in providing access to justice for women assessed



The respondents were required to assess the activities of certain entities and institutions that are part of the legal system. The interviewees assessed the activities of the prosecutors, lawyers and civil associations as positive, whereas the effectiveness of the courts and the units of local self-government as negative. What is evident is the great extent of answers “I don’t know” for the activities of the Commission for Prevention and Protection against Discrimination. The most answers with average mark “good” refer to the Centres for Social Work.

Table 16. How did women assess the effectiveness of the activities of institutions/ organisations in providing access to justice for women

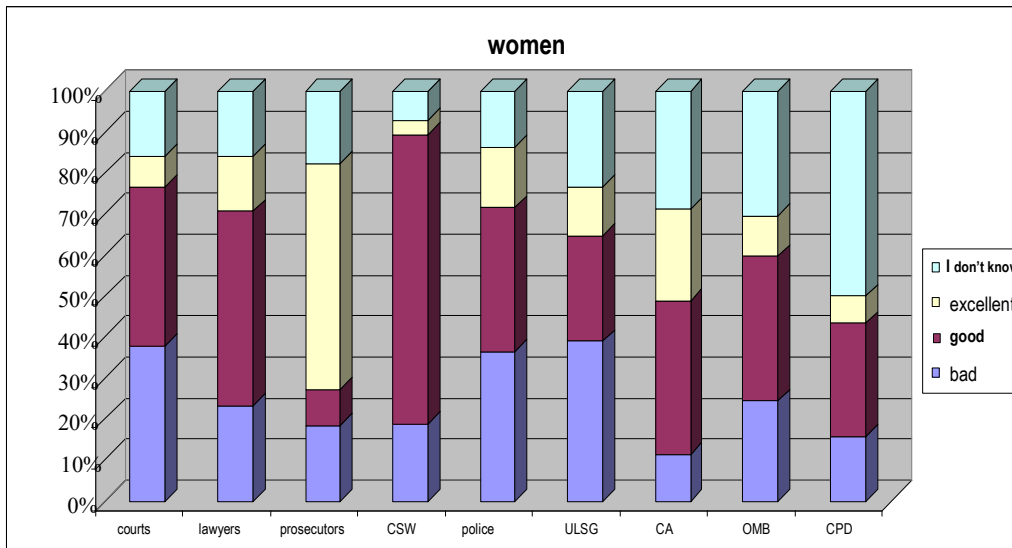
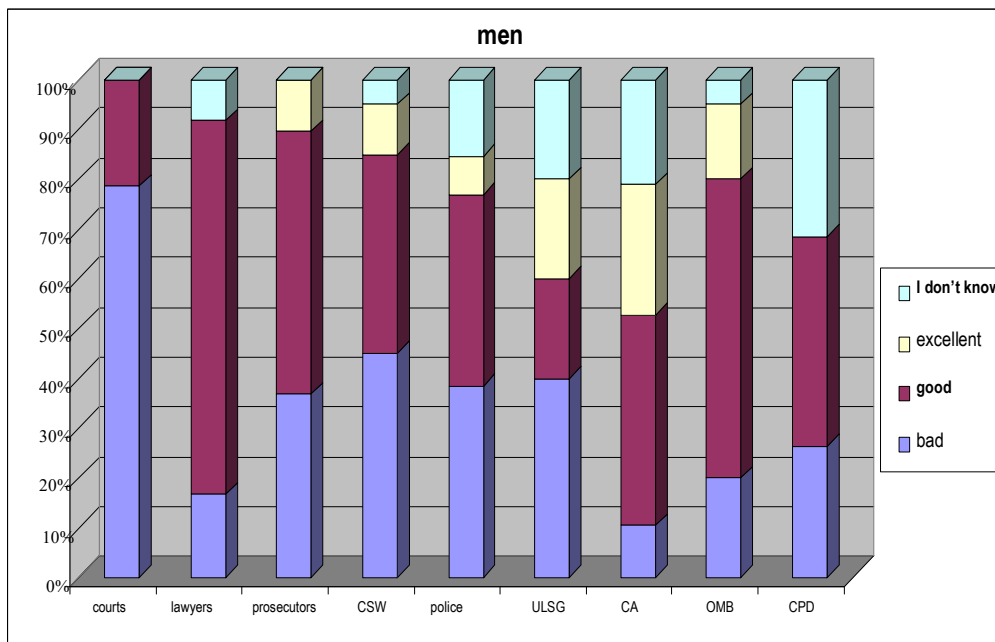


Table 17 How did men assess the effectiveness of the activities of institutions/ organisations in providing access to justice for women



WOMEN'S ACCESS TO JUSTICE - Analysis

Additionally, some differences can be noticed between the attitudes of women and men primarily in assessing the activities of courts, where men to greater extent consider their activities bad, whereas women answered in equal proportions that the effectiveness of the courts activities is good and bad. Also the difference in reference to the activities of lawyers is notable, where men to great extent think it is good and no one answered excellent, while women assessed it as good.

There is a remarkable difference in attitudes towards the activities of the prosecutors, for which women to great extent think is excellent, while men to great extent assessed it as good.

In terms of assessing the activities of the Centres for Social Work, a slight difference in attitude between men and women can be noticed with a little bit higher level of men's answers "I don't know" which can imply lack of experience or awareness of the activities of this institution.

4. GENERAL CONCLUSIONS AND RECOMMENDATIONS

4.1 CONCLUSIONS

- With the signing of the Convention of the Council of Europe or Istanbul Convention for preventing and combating violence against women including domestic violence in 2011, in RM conditions were created for taking certain specific measures for prevention, protection of victims of gender-based violence and prosecution for perpetrators of this kind of violence, including domestic violence;
- With the amendments of the Criminal Code from 2014 and the Law on Criminal Procedures from 2013, criminal legal protection against actions of domestic violence was promoted, including the violence against women as well as assistance and protection of victims and damaged parties in criminal proceeding in accordance with the international standards;
- By passing the Law on Prevention and Protection against Domestic Violence and incorporation of the standards of the Istanbul Convention, a big step is made towards improvement of the system of protection of women victims of violence, including domestic violence in the civil sphere;
- The title and the scope of persons subject to the protection should be harmonised with the Istanbul Convention. In this sense, the Law on Prevention and Protection against Domestic Violence should refer to prevention and protection of women against violence, including domestic violence;
- The Criminal regulations currently provide for the domestic violence to be qualified in terms of hatred-based criminal offences on the grounds of sex and gender- article 39 paragraph 5 of the Criminal Code;
- Violence against women as one of the most serious forms of violation of human rights is defined as gender-based violence with the Law on Prevention and Protection against Domestic Violence;
- Certain criminal offences of the Istanbul Convention such as stalking, sexual violence and rape, forced marriage and circumcision are not included and/or harmonised with the standards thereof.
- There is a wide legal framework in RM which ensures equal opportunities to women and men in different spheres of social life;
- All the Courts of first instance in RM keep gender separated statistics for establishing in how many of the criminal proceedings the damaged party is a woman or a man.
- In general, the interviewees think that there is a lack of efficient and effective provision of access to justice for women, and the state does not ensure equal access to justice for men and for women, i.e. the access to justice is not adjusted to the specific needs of women;
- Discrimination against women, based on gender-stereotypes, stigma, patriarchal norms and gender-based violence unable or complicates women's access to justice on equal basis as men;
- State institutions are not enough gender-sensitive for the specific needs of women in ensuring equal access to justice;
- Men and women equally are not informed of their rights and opportunities that the institutions in the state provide for access to justice;
- The survey shows that the most frequent sphere where citizens have a need for access, equally for men and women is related to issues of the social insurance area. With women, those are most often issues related to health care and protection against domestic violence; The most frequent requests for access to justice by men are related to property and labour relations issues.
- Greater awareness, geographic distance of the institutions, lower court costs, simplified legal procedures are some of the factors that can improve women's access to justice;
- The analysis shows that the perception of men and women of the way the courts treat them differs. Women think that the courts, when we talk about access to justice do not have the same treatment taking into

consideration the sex, i.e. the specific needs of women. Men think that this treatment is equal, although a large number of them do not know if it is equal;

- Unemployed victims of domestic violence have no personal health care insurance. Thus very often they do not get medical documentation and do not visit a doctor/ go for a check-up. The violators take advantage of this administrative impediment to blackmail and threaten the victims even after they have left their home.
- Women from rural environments face bigger impediments in obtaining their access to justice than women who live in urban environments;
- The analysis shows that the trust in the institutions which offer legal assistance and protection of citizen's rights is rather small compared to the trust people have in civil associations.
- The largest number of criminal proceedings are initiated on the criminal offence Bodily injury while performing domestic violence – article 130 paragraphs 1 and 2 of the Criminal Code and Endangering of Security while performing domestic violence – article 144 paragraphs 1 and 2. Withdrawal of the victims of domestic violence from the proceedings against the perpetrators is a frequent problem because of the practice in which in most cases the victims are referred to a civil procedure;
- The largest number of instituted criminal proceedings on specific criminal offences set forth in article 130 paragraphs 1 and 2 and article 144 paragraphs 1 and 2 of the CC, where the damaged party is a woman, are in the Court of First Instance Kumanovo, the Court of First Instance Skopje, the Court of First Instance Kochani and the Court of First Instance Kavadarci;
- There is no availability of programmes for work with perpetrators of domestic violence, particularly in terms of the existing programmes for violators on the whole territory of the Republic of Macedonia;
- The accommodation facilities for victims of domestic violence are not sufficient, i.e. the existing 4 shelters for women victims of domestic violence (Skopje, Bitola, Sv. Nikole and Kochani), that are owned by the state and 2 emergency shelters of civil associations, do not comply with the international standards and the needs for efficient protection and assistance to victims of this type of violence. Also the question of their functionality remains open.

4.2 RECOMMENDATIONS

1. To accelerate the procedure for ratification of the Convention of the Council of Europe for preventing and combating violence against women and domestic violence / Istanbul Convention;
2. To provide effective implementation of the regulations which will enable thorough gender-sensitive investigation of the cases of any kind of violence, including domestic violence and punishments for perpetrators;
3. Further harmonisation of the Criminal Code of RM with the Istanbul Convention through introduction of separate criminal offence: femicide, circumcision, stalking, violence against woman which will ensure protection against economic and psychological violence and complete re-defining of the contents of the criminal offence Rape set forth in article 186, with a purpose of its harmonisation with the Convention and the practices of the European Court of Human Rights. In cases of domestic violence, with light bodily injury, in the criminal offence: Light bodily injury set forth in article 130 paragraph 2 of the criminal Code, the prosecution to be undertaken ex officio whereat it does not depend on the consent of the victim for a legal process.
4. To provide gender-equality, i.e. equality between men and women not only de jure, but also de facto which will provide equal access to justice for women and for men through education.
5. To ensure that victims have access to effective legal remedies and means for protection, including appropriate number of functional shelters for urgent accommodation available in all parts of the country, in cooperation and public- private partnership with civil organisations and the private sector respectively;

6. Centres for Social Work to render support to the victims so that they overcome the fear and their deterrent form further prosecution;
7. The victims of domestic violence to get complete and free health care, no matter whether they have or do not have health care insurance and shall be exempt from paying participation fees;

Continuous implementation of general and specialised training on all levels for experts that treat victims or perpetrators of violence against women, including domestic violence, for prevention and identification of such violence, equality between women and men, the needs and rights of victims , as well as prevention of secondary victimization.

Particularly for:

- Police officers and civil judges for the purpose of understanding and applying of intervention measure 34 of the Law – removal of the perpetrator from his/her home and ban for approaching, and to establish a close cooperation between them,
 - Police and Public Prosecutors in applying article 39 paragraph 5 of the Criminal Code, which will facilitate the composing of police reports and the prosecuting act,
 - Mol, MLSP and the social workers with reference to the application of the new legal standards in terms of assessment of risk, bylaws and the protocol on joint action,
 - Public prosecutors with Mol for legal protection of crime victims and their mutual cooperation;
 - The professionals who practice active measures for employment , particularly when including women victims of gender-based violence, and
 - Experts in application of the provisions of the laws which regulate seizure of firearms from a person that has no licence for its possession (as a preventive measure) and when the domestic violence is committed by a person who has access to and can handle firearms;
8. To initiate amendments to the Law on Free Legal Aid in accordance with the European experiences, towards improvement of the system of free legal assistance in RM by incorporating a gender-intensive aspect on victims of domestic violence;
 9. To exclude domestic violence from the Law on establishing the form and meting out the punishment and not allowing for it to contribute to mitigation of the punishment, which will send a clear message for nil tolerance;
 10. To establish systematic monitoring of the health condition (psychological control) of police officers, on misuse of the arms and force by competent officials (the recent incidents of them killing women);
 11. To provide implementation of the legal regulation which refers to possessing and using arms, with an aim for prevention and protection of life and security of victims and children;
 12. Intensive work with perpetrators of domestic violence is necessary, particularly in terms of the existing programmes for violators. The same measure is recognized in the Criminal Code, but the problem lies in its implementation. It is necessary that the programmes are implemented throughout the whole territory of RM;
 13. To envisage gender-sensitive measures for employment in accordance to article 12 of the Law on Prevention against Domestic violence, as well as to work on raising an awareness with the employers when including women victims of domestic violence in the labour market, their support and encouraging for employment by the top management in the private sector;
 14. To provide functionality of the already established multi-sector teams in line with the new standards, which will enable the effective processing of cases of domestic violence;
 15. To strengthen the capacities of CSW and to promote the inter- institutional cooperation and the cooperation with the civil sector;
 16. To establish a fund for compensation of women victims of domestic violence pursuant to the Law on Criminal Proceedings;
 17. Passing and adopting of new Strategy on preventing and combating domestic violence in RM

