

# **LIFE IN A SHADOW**

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***When he would hit me, I would scream and say: "Why are you beating me, I'm not cattle". And he would say: "What? You call this beating? Well, you obviously don't know what real beating is".***

***The other women must not make the same mistake and wait for any change to happen over time; on the contrary, they should change their lives themselves there and then because whenever they hush up the real situation, with their first "not now" or "I'll do something tomorrow or next time" they are already losing invaluable time.***

***I recommend that to every person and I know that there are many such persons in Macedonia. They keep many things to themselves, I know they are afraid. They must not be afraid any more.***

**A.B.** 59-year-old woman, a domestic violence victim and a client of the ESE Legal Aid Center.

## **Instead of a Preface,**

Only about ten years ago, domestic violence in our country was considered to be a private affair that occurred behind the closed doors of many homes. Nobody expressed any interest whatsoever, nor attempted to tackle the problems of the beaten, despised, those without any right to a voice and choice, the thousands of women for whom entering their homes meant entering the gates of hell – the vicious circle of domestic violence.

By developing this study, that is, conducting the second survey on domestic violence in the country and the first comprehensive analysis of the institutional response to domestic violence, ESE has completed a decade-long successful and constructive work in the area of fight against domestic violence.

Thanks to the public information we initiated back in 1997, when we conducted the first campaign against domestic violence – “Whisper”, today most citizens are able to recognize the domestic violence issue. In our last conducted survey, we received these answers: “*A torture by a man over a woman; or by a woman over a man; by children over their parents. That is domestic violence.*” “*The stronger terrorizes the weaker*”.

At the close of last decade, we started lobbying for legal regulation of domestic violence. In that period, in addition to the intensive work on the legal regulation of domestic violence, we also started to work on establishing the frequency and types of domestic violence. The outcome of this work was the first survey “*The Dark Figure of Domestic Violence in the Republic of Macedonia*”. We have a real reason to be proud of the fact that our persistent work had contributed (in 2004) to placing the issue of domestic violence on the agenda of the Assembly of the Republic of Macedonia, when amendments were made first in the Criminal Code and then in the Law on Family, defining and regulating thus for the first time domestic violence in our country, encompassing all its types – psychological, physical and sexual violence.

Over all these years, we have worked concurrently in several areas. Through campaigns and meetings, workshops and educational sessions, we have tried to provide information on the issue of domestic violence and familiarize the public with the relevant legislation once it is adopted. On the other hand, we have also invested intensive work with the expert public. Hence, in 2004 we organized a panel entitled: “*The Violence on Women – An Obstacle for Achieving a Real Equality: Ten Years after Vienna (1993 – 2003)*” in order to reaffirm and promote the concept of

women human rights. In this period, we also expanded our campaign with activities undertaken in the framework of the World campaign for prevention of violence of the World Health Organization. It was for the first time to present domestic violence as a public health issue; in addition, the Summary and the segment on domestic violence by the intimate partner of the WHO World Report on Violence and Health was published.

The low living standard, that is, the economic dependency, and the unfamiliarity with the relevant legislation are the two factors that cause difficulties to the victims of domestic violence in seeking legal aid and force them to stay in the violent environment. Hence, as of 2003, our Centers for Legal Aid in Skopje, Tetovo and Shtip offer free legal aid and psycho-sociological assistance and support to domestic violence victims, as well as free legal representation in court.

In the period 2005 – 2007, in the framework of the fight against this evil, we have initiated two important processes that inevitably followed after the adoption of the legislation on domestic violence: development of protocols for action by different groups of professionals in this area and unification of the positive practices of actions undertaken in cases of domestic violence. These initiatives are being realized in cooperation with relevant institutions and citizens' associations whose scope of work is providing services to domestic violence victims.

At the close of the decade of fighting this social scourge, in addition to the evident results in a number of areas, one of the outcomes is the creation of the future policy for suppression and prevention of domestic violence in our country. In this sense, the results of this study and the identified needs will be included in the *Strategy for Prevention Against Domestic Violence*, which ESE has initiated in partnership with the Ministry for Labor and Social Policy and in cooperation with an inter-agency group of many governmental representatives and non-governmental organizations. More importantly, the study outlines the directions and possible solutions for overcoming the obstacles and shortfalls encountered by both the victims and those responsible to help them overcome their problems.

We are well aware that there are still many challenges ahead of us, but we are also aware that the fight we have initiated against this social evil needs to continue. This need is called for by the results achieved heretofore and by the knowledge we have gained in the process presented in this study.

We hope that this study, due to its comprehensive nature and abundance of available information, will be beneficial not only to those that deal with this issue as part of their daily work and with whom we are jointly building and promoting the victim protection system, but also as a source of information to the scientific and broader social public as well.

## **Excerpts from the Review**

...The study entitled "Life in a Shadow" represents a substantial and methodological follow-up of the research previously conducted in the area of crime-related domestic violence by the same research team.

...The repetition of the research is not a copy of the previous one; on the contrary, it provides new information and progress in all encompassed areas. Among other things, it explores to a great extent the identification of the phenomenological characteristics of this type of crime in the time of the research and attempts to create an insight into the etiological issues of this type of crime; moreover, the outlined protection system provides the answer to the position of society in preventing this type of crime...

...The research paves the way towards examining the distinct types of violence that occur in the family as typical and specific...

...In their general approach to the issue of domestic violence, the authors of this study regard this type of crime primarily as a civilizational problem of contemporary society, taking at the same time into consideration the degree of civilizational development our society has attained, as well as the degree of its socio-cultural development.

...The knowledge that the authors of this study have gained commits them to further build this system in formal and legal terms and develop a methodology of action and work of every individual involved in the system: the area of repressive reaction, the court, the public prosecutor and the police on the one hand, and the centers for social work that act in social frames with the people in need...

...The study is written in a clear, articulate and understandable language and the interpretation of the results is easy to understand: the conclusions and statements the authors offer can be easily and logically derived...

...I readily recommend a positive evaluation of this study and taking appropriate steps and procedures for its publication as I am convinced that it will be beneficial in the Association's future work and that it will provide information on the criminal nature of domestic violence to all dealing with this issue, to the students that study this field and the general public...

Skopje, 27 October 2007

Reviewer:

Ljupco Arnaudovski, Ph.D.

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## **Introduction**

The phenomenon of domestic violence has followed man, that is, mankind, throughout the centuries-long existence. As such, this phenomenon cannot be associated with a single nation, culture, race, religion or any other social characteristic, which attaches a universal feature to this occurrence. Yet, despite its universal nature, domestic violence is treated as a contemporary form of violent crime in the contemporary typologies of crime<sup>1</sup>.

The categorization of domestic violence as a contemporary form of violent crime is based on the assumption that this occurrence is of a recent date or that the occurrence has lately acquired characteristics that imply increased social danger to the extent of it being incriminated as a criminal offense. However, the issue of domestic violence may be linked with the very beginning of civilization and there are no data to indicate any major radical changes in its manifested forms and scope.

The very fact that domestic violence is incriminated only in the last several decades is a significant indicator of the slow progress in the legal regulation of marriage and family relations that involve violence both on national and international level.

The historic, legal, social, political and economic context of domestic violence is essential in determining the development of the individual and social action and reaction to domestic violence. Numerous changes in the above stated areas over the past several years have already led to changes in the relations in the sphere of the historic acceptance of domestic violence; the social role of men and women; the privacy and family; the issue of power, authority and legitimacy; the legislation and the legal system; the tacit cultural customs and norms of the governing male/female behavior, feelings and reactions and the influence of the media on treating this type of violence.

Prior to the 1960s, the recognition and acceptance of this type of violence was on its lowest level and considering the fact that the woman was treated as a possession of man, domestic violence was accepted as an allowed social behavior. Unfortunately, in spite of the progress and the significant steps undertaken in the past five decades, this situation is still a grave reality in many countries.

These significant steps range from recognizing, defining and understanding the causes for domestic violence, opening of the first

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<sup>1</sup> Ignjatovik, Criminology, Official Gazette, Belgrade, 2005, p. 268

shelters for women – victims of domestic violence to conducting researches of this occurrence in many countries in the late 1980s, which enabled its legal regulation.

The late 1980s is the period when many countries undertook serious actions to regulate domestic violence and the period when the issue of women human rights and their protection acquired the status of an issue that requires special attention and treatment in spite of the already existing protection instruments of the international agreements.

### **International Documents and Actions for Dealing with Domestic Violence**

In the sphere of the international regulation of domestic violence, the adoption of the **UN Convention for Elimination of All Forms of Discrimination Against Women**<sup>2</sup> is of paramount importance, as it elaborates in a comprehensive manner the key issues for elimination of discrimination against women and sets forth the goals and measures the countries need to undertake in order to overcome it. This international document constitutes the first universal instrument that envisions comprehensive measures for promotion of the principle of gender equality in the political and public life, education, employment and work rules, health care and the rights for reproductive health, the economic and social life, equality in front of the law, marriage and family relations, acquisition, change or retention of citizenship; furthermore, it attaches particular attention to the problems of women in rural areas.

However, the Convention does not implicitly regulate the issue of domestic violence. Therefore, in 1992 the Committee adopted Recommendation 19 (Violence on Women), which explicitly stipulates that the prohibition of gender discrimination also includes violence against women. It imposes an obligation on the countries to undertake all necessary measures for elimination of this type of violence, including appropriate legal solutions in the criminal and civil legislation, preventive measures (public information and educational campaigns) and protection measures (providing help and support to the victims).

The binding nature of the compliance with these provisions and the attempt to enforce the standards envisioned by the Convention are reflected in the mechanism for country accountability, as every country is to submit regular reports to the Committee for elimination of violence

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<sup>2</sup> The Convention was adopted in 1979 and enforced in 1981. By 02 November 2006, 185 countries ratified this Convention.

against women. The importance of the Convention is additionally enhanced by the Faculty Protocol<sup>3</sup>, which allows for submission and processing of complaints by individuals and groups of citizens for protection of their rights by the Committee. The inaccessible and inefficient legal system, the absence of relevant legislation and the unjustifiably long procedures for protection are the exceptions to the general rule and such complaints are submitted to the UN committees only when all solutions incorporated in national legislation have been used.

Women may seek this kind of protection from other UN bodies as well, including the Commission on the Status of Women, the Special Reporter on Violence against Women, the Human Rights Committee, the Human Rights Committee /Subcommittees and the Committee Against Torture.

The Republic of Macedonia submitted its first report related to the Convention for Elimination of All Forms of Discrimination Against Women on 25 January 2006. At this session, our country submitted and presented the combined initial, second and third periodical report, which was followed by adoption of the concluding recommendations on the report by the Committee.

Following the democratic practice of the developed civil movements, the Association for Emancipation, Solidarity and Equality of Women – ESE developed and submitted in that same period the first Shadow Report to the Convention and the Center of the Roma in the city of Skopje submitted a report on the status of Roma women in the Republic of Macedonia.

The evaluation of the Committee on the progress achieved in promoting the position of women and gender relations, reflected in the Concluding Views and Recommendations, essentially includes the recommendations and priorities to which the country needs to attach particular attention and take serious steps to overcome them. In this sense and in regard with the issue of violence against women, that is, domestic violence, the Committee recommended:

Welcoming the adopted legal measures in the fight against violence on women, including the 2004 amendments to the Law on Family, which define domestic violence as a specific criminal offense according to the Criminal Code, the Committee remains concerned and therefore

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<sup>3</sup> The Faculty Protocol was enforced in 2000 and by 02 February 2007, 85 countries ratified it.

encourages the country to prioritize the introduction of comprehensive measures against all types of violence on women, including domestic violence, defining this type of violence as discrimination and violation of the women rights set forth by the Convention. The Committee invited the country to further elaborate and enforce the legislation for violence on women in order to ensure effective prosecution and sanctioning of the offenders and appropriate protection and support to the victims.

In addition to the accountability to the Committee for Elimination of All Forms of Discrimination Against Women, and in regard with the Convention for Elimination of All Forms of Discrimination Against Women, our country submits a report to the Special Reporter on Violence Against Women, the Committee for Economic, Social and Cultural Rights and the Committee Against Torture.

Another equally important document addressing violence against women is the Declaration for Elimination of Violence Against Women<sup>4</sup>. Despite its non-binding nature, it demonstrates the consensus reached on international level that violence on women, domestic violence, constitutes violation of the women human rights and prevents and constrains their enjoyment. Furthermore, it explains that this occurrence is a result of the historical inequality between men and women, which leads in male domination and discrimination of women and prevents the promotion of women. Moreover, the Declaration underlines the importance of a consistent and concurrent fight against violence on women in both public and private life.

The Beijing Platform for Action, the 2000 Declaration of the General Assembly, the Working Program (2002 – 2006) of the Committee on the Status of Women, the Declaration of this Committee of 2005, as well as the established link between the Beijing Platform and the Millennium Development Goals – are the documents (steps) that the UN uses to confirm its continuous commitment to addressing this type of violence.

The significance of this issue and the need for its proper understanding and building strategies for addressing it are sufficiently underscored by the fact that it is incorporated in a number of international documents both on a global and regional level (the European Union and the Council of Europe). These documents include, *inter alia*: the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the European Convention for the Prevention of Torture, Recommendation 1450 (2000)

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<sup>4</sup> The Declaration was adopted in 1993 by Resolution of the UN General Assembly.

of the Council of Europe, Recommendation 1582 (2002) of the Council of Europe and Recommendation (2002)<sup>5</sup> of the Council of Europe.

The continuous commitment of the international organizations for suppression and prevention of this occurrence both in international and national frames indicate the current significance of the issue and the need for its prevention. Hence, examples of this action are the **UN International Days dedicated to the fight against violence on women and the Campaign of the Council of Europe.**

16 international days dedicated to the fight against violence on women is an international campaign that was initiated by the first Women's Leadership Institute, sponsored by the Center for Women's Leadership in 1991. This international campaign is conducted from 25 November, the International Day of the fight against violence on women to 10 December, the International Day of human rights, linking thus symbolically the violence on women with human rights. It is yet another way to underscore the fact that violence on women constitutes violation of human rights. As of 1991, approximately 1700 organizations in 130 countries celebrate these days.

In spite of the positive developments in legislation and the introduction of policies in this sphere, domestic violence is part of our reality. The CoE member countries confirm that women are most threatened by this occurrence. It is estimated that 12% - 15% of European women over 16 years of age suffer domestic violence and many of them continue to suffer physical and sexual violence by their former partners even after terminating their relationships. Many of them have not managed to survive domestic violence<sup>5</sup>. Unfortunately, the study on the results achieved by the CoE member countries does not contain any data in regard with this situation in the Republic of Macedonia, despite the considerable progress in the fight against this social evil in a period of over a decade made by the non-governmental organizations and state institutions. It seems necessary to hold the relevant persons responsible for the failure to comply with the obligation for accountability to the bodies we are members of.

In addition to the social and sociological consequences of violence, it also implies substantial economic costs. The costs related to domestic violence are estimated at 34 billion Euros<sup>6</sup>. Therefore, the Council of

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<sup>5</sup> Fight against violence on women – a study of the measures and activities undertaken by the CoE member countries, General Directorate for Human Rights, Department for Gender Equality, 2006

<sup>6</sup> Estimated by S. Walby, 2004, Great Britain

Europe organizes a campaign 2006 – 2008 designed to raise the awareness in the CoE member countries that violence on women constitutes a violation of human rights. It calls the member countries to demonstrate political will and provide adequate resources for undertaking concrete steps to put an end to this type of violence and promote the implementation of the Recommendation (2002)5 of the Council via legal measures and national programs and monitor the attained progress. What is of particular importance in this campaign is the involvement of the Parliament, the local authorities and the non-governmental organizations, in addition to the Governments of the member countries.

In terms of our country, the adoption of the Declaration for fight against violence on women, including domestic violence, by the Parliament of the Republic of Macedonia at the beginning of the Pan-European campaign of the CoE in November 2006 is very much welcomed. By adopting the Declaration, the legislative branch expressed commitment to addressing this issue for the first time, in addition to the executive branch. Unfortunately, the process of its adoption did not include the Parliament, the executive rule, the local self-government authorities and the non-governmental organizations – which are all equally important holders of activities in this field. The commitments of the Parliament in this Declaration range from being excessively general and necessary to concrete and still not precisely confirmed (far too short an implementation period and absence of analyses on certain issues).

1.

### **About Domestic Violence in Macedonia**

“He has beaten his wife for ten years”, “He stabbed his pregnant wife with a knife”, “Every second woman is maltreated”, “He broke his wife’s 12 ribs with a wooden stick”, “He beat up his unmarried wife”... these are only part of the headlines and information of cases of domestic violence that appear daily in the newspapers or are heard or seen on the

electronic medias as part of our everyday life. Moreover, they are also an indication of the major changes that have occurred over the past several years in terms of domestic violence. About 20 years ago, the term domestic violence was seldom heard and its content was not to be readily recognized. Domestic violence was first spoken of in Macedonia in 1994 by the non-governmental organizations. The major step forward in changing the attitude to domestic violence was made by the Association for Emancipation, Solidarity and Equality of the Women in Republic of Macedonia – ESE in 2000, when they conducted the first research on domestic violence based on the principles of scientific methodology. The research rendered the first relevant knowledge on the occurrence of domestic violence in our country.

In the context of the research, the following characteristics of domestic violence and its treatment were established:

- Marginalization of the issue;
- Insufficient knowledge for this occurrence;
- Absence of official information;
- Absence of empirical information;
- Insufficient legal regulation;
- Absence of an official reaction; and
- Segmented approach and absence of transparency in the work of the non-governmental organizations.

In the past six years since the conduct of the research and the determination of the characteristics of the treatment of this issue in our country, many activities have been undertaken in a number of areas related to domestic violence. These activities have resulted in a quality new situation regarding the treatment of the domestic violence issue:

- The issue of domestic violence is no longer on the margins of the social problems;
- Domestic violence was incriminated as a criminal offense in 2004;
- Empirical knowledge on this occurrence has been gained;
- A domestic violence victim protection system has been established;
- There are official statistics in place on domestic violence – statistics of reported, charged and sentenced criminal offenses;
- Statistics of the protection provided to domestic violence victims and statistics of recommended and rendered temporary protection measures;

- Numerous activities have been undertaken to reduce and prevent domestic violence;
- Different services for domestic violence victim protection have been established (the National SOS line, shelters for women and children – victims of domestic violence, Centers for legal aid etc.).

Progress is evident; yet, is it sufficient?

What has been done to date to change the situation with domestic violence is only a preparation for the next steps that need to be undertaken for developing policies for suppression and prevention of domestic violence, and especially for protection of domestic violence victims.

2.

### **Current Needs:**

#### National Strategy for Protection Against Domestic Violence

In the framework of the efforts to improve the situation in the sphere of domestic violence is the realization of the project “National Strategy for Protection Against Domestic Violence”. The project is supported by the Institute for Sustainable Communities – ISC, through funds of the US Agency for International Development and is realized by the Association for Emancipation, Solidarity and Equality of the Women in Republic of Macedonia – ESE. The project is to be finalized by developing a national program for fight against domestic violence, which is the basic goal of the project. In addition to the basic goal, the Project was to accomplish the following specific objectives:

- Identifying the situation in the country regarding domestic violence – its scope and characteristics;
- Generating an empirical and cognitive basis for development of long-term plans, annual operational plans, programs on domestic violence on the local level; and
- Identifying the priority areas and specific activities for their accomplishment.

The knowledge of this occurrence, particularly its specifics, is the basic assumption for accomplishing the general goal and the specific objectives in the manner defined by the Project. Hence, it became necessary to generate empirical material that would throw some more light on several aspects of the subject occurrence. Therefore, several

studies were conducted in the frames of the Project relating to different aspects: analysis of the normative regulation of domestic violence, determining the degree of implementation of the existing norms regulating this issue, determining the light figure of domestic violence cases, determining the degree of provided protection to domestic violence victims, determining the characteristics of domestic violence in our country and the response of our state system to the domestic violence issue.

The envisioned studies called for application of the following methods and methodological procedures:

- Content analysis;
- Statistical analysis;
- Victimology survey.

**Sources of Information:**

- Legal regulations on domestic violence: the Criminal Code, the Law on Criminal Procedure, the Law on Family and the Law on Social Welfare;
- The official statistics of the Ministry of Interior, the Public Prosecutor's Office, the Courts and the Centers for Social Work;
- The women in the Republic of Macedonia of legal age as potential victims of domestic violence;
- The employees in the Centers of Social Work.

All these specific research activities and the results they provided constitute separate thematic entities and will be presented in the study.

PART I

**RESEARCH OF DOMESTIC VIOLENCE IN THE REPUBLIC OF MACEDONIA**

**Introduction**

One of the research activities envisioned and conducted in the frames of the Project was the research of domestic violence in the country. This research was designed to establish the domestic violence related practice – the scope and characteristics of violence, the

characteristics of the victims and the offenders and the attitude of the environment and the state to domestic violence victims. The information gained in the research is to be used in the creation of part of the strategy for protection against domestic violence.

This part of the study will present the research and its outcomes.

1.

## **Theoretical Concepts of Domestic Violence**

Explaining the causes of domestic violence is an issue that is becoming increasingly discussed. It is the result of a number of theories that present this occurrence by different approaches and using different factors<sup>7</sup>. These theories can be generally systematized into two theoretical approaches to explaining domestic violence, especially violence that occurs in marriage – as an individual and as a social occurrence.

According to the first approach, violence in marriage is treated as an individual occurrence and its existence is explained by specific reasons. This approach includes the bio-psychological, the medical and the socio-psychological theories.

According to the second approach, violence in marriage is treated as a social occurrence, rooted in the social structure and determined by a large number of factors, which essentially shape the status of woman in society. The most prominent concepts of this approach are the sociological and the feminist concepts.

1.1

### **Domestic Violence as Individual Occurrence**

1.1.1. Psychological Approach

We have already said that this approach treats violence in marriage, that is, domestic violence, as an individual occurrence resulting from certain psychological and psychopathological characteristics of the offender (the assailant) and the victim (the woman). These characteristics include: poor control capability, undeveloped ego and childhood frustrations of the man (the offender) and masochism in the woman (the victim).

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<sup>7</sup> For more, see Konstatinovic - Vilik; Nikolic - Ristanovic: Criminology, Publication Center of the Law Faculty, Nish, 2003, p. 128

The more recent psychological theories include the theory of learned helplessness and the theory of survival.

The theory of learned helplessness gives the following rationale: why women become victims of violence and how the victimization process prevents them from breaking the violent relationship. The rationale lies in the absence of effects from their reaction to violence, which causes depression and fear, that is, a state of helplessness that results in a conviction that the woman cannot control her own life. This state is even more emphasized by the socialization of the woman based on the principles of patriarchal marriage and family relations, which enhances the conviction that the woman does not have a control over her own life.

The theory of survival is a result of the criticism of the theory of learned helplessness. This theory essentially claims that women actively respond to violence, seek help and express their need for social support and help. The absence of social support and help is what makes the woman passive in terms of breaking the violent relationship. The escalation of violence forces the woman to seek help. Hence, the essential issue here is not the passive attitude of the victim of violence, but the absence of support and help.

This constitutes the basic difference between these two theories.

The individual approach also includes the explanation of violence in marriage and family by the **medical theory** that addresses the influence and role of alcohol in marriage violence. The supporters of this theory have polarized two basic views: one argues that alcohol is the cause of violence in marriage, while the second states that alcohol affects, or contributes to the occurrence of violence in marriage, but it cannot be considered as its direct cause.

## 1.2.

### **Domestic Violence as a Social Occurrence**

In the framework of the second approach, violence in marriage is treated as a social occurrence that is determined by many factors. More significant theories underlying this approach are the economic theory, the sociological and the feminist concepts.

#### 1.2.1. The Economic Theory

According to the **economic theory**, the causes of violence in marriage are related to the poor material conditions: unemployment, poor material status, poor housing conditions, big number of children etc. The basic weakness of this theory is its incapacity to explain violence that occurs in good material conditions and the fact that the poor material conditions are not always linked with violence in marriage.

### 1.2.2. The Sociological Theory

The starting point of the supporters of the sociological theory is that the family is a social institution affected by numerous social factors, as any other social institution. In this framework, domestic violence as a social occurrence is a result of the influence of many social factors. According to this approach, four concepts can be used to explain domestic violence:

a) **General systemic theory** - domestic violence is treated as a product of the influence of numerous social factors, among which, the most prominent are the normative structure, the personal characteristics, the conflicts and the frustrations.

b) **The theory of resources** - the family, as all other social systems, is based on threats of force by the one that controls the resources (social, economic) and is in a position to control and order and even use force. Within the family, the man is the one that controls the family resources, which gives him the opportunity, in certain situations, to exert that control by using force.

c) **The theory of subculture** - the starting point of this theory is that the social norms and values may provoke domestic violence. It means that violence is approved, that is, covered by values that are favored by certain parts of the culture of a society.

d) **The theory of exchange and social control** - this theory is essentially a combination of two theories which treat domestic violence as an exchange of aggression based on the underlying principle of costs and rewards. This means that violence occurs when the reward (the potential benefit) from committing violence is greater for the offender than the loss (the costs).

### 1.2.3. The Theory of Evolution

The position of this theory is that the changes and the development of the social relations from simple into complex result in smaller-size families whose relations hence become more structured and multifaceted. These changes cause differences in the parental care and upbringing of

the children and there are certain families, for example, which do not allow for sufficient independence of the children and apply physical punishment for disobedience. According to this theory, obedience is a highly appreciated value that enables the existence of violence only as a result of causes outside the family and never internal family causes.

#### 1.2.4. The Feminist Approach

This approach is based on the criticism of the existing theories. The starting position of this approach is that domestic violence is a social occurrence whose appearance and existence may be explained by several basic categories: differences between gender and sex, power, control, influence and patriarchy.

Namely, this approach is founded on four postulates: 1. As a result of their dominant status, men have an easy access to the resources, which puts the woman in an inferior and subordinate position; 2. Violence between partners may be anticipated and it represents an integral part of a woman's life; 3. The woman's inferior position in all segments of social life; and, 4. The feminist perspective is dedicated to representing women's interests.

The theories outlined above, regardless of their underlying approach, cannot fully explain violence. None of them individually can answer all related questions and fully explain violence. Each of them can only explain one or several aspects of this occurrence, but not the occurrence in its entirety. This fact indicates the complexity of domestic violence and the need to explore it and build a strategy for its suppression and prevention.

This research is not based on one theory only; on the contrary, its concept takes several theoretical concepts into consideration – the feminist approach, the medical theory, the theory of resources, etc.

## 2.

### **Methodological Structure of the Research**

#### 2.1. Research Subject

Domestic violence normally implies continuous use of physical and psychological force directed from and towards family members and is manifested by bodily injuries, diminishing relations of trust and exercising control and power over the family members regardless of whether this

behavior is considered to be a criminal offense and whether the offender is reported to the prosecution authorities.

Domestic violence may be directed towards one or more family members. It is manifested through several forms: violence over the wife, which is the most common form of violence in practice (mostly as marriage violence); violence over other household members (mostly directed towards the eldest members of the household – the parents) and violence on children.

The starting position in defining the research subject was the legal definition of domestic violence stipulated in Article 122, paragraph 19 of the Criminal Code, according to which domestic violence means maltreatment, harsh insulting, endangering security, bodily injury, sexual or other physical and psychological violence that causes a feeling of insecurity, threat or intimidation in the other spouse, parents or children or other persons living in a marital and extramarital union or common household or to a former spouse or persons with whom they have a child or close personal relationship.

As it can be noted, the legal definition of domestic violence encompasses three forms of expression of violence – psychological, physical and sexual. Our goal was to encompass all three forms of violence manifested toward the woman.

They were operationalized in the following manner:

The structural elements of **psychological violence** were defined as follows:

- **Control over the woman** – control of her movement, control of her personal contacts;
- **Isolation** – prohibition to contact her family, prohibition to communicate with her friends, prohibition to work outside the home, etc.
- **Jealousy** or possessiveness;
- **Emotional suffering** – behavior that causes emotional or psychological crisis or suffering of the woman: verbal aggressive behavior (calling her names), behavior that humiliates the woman, complete obedience by the woman, etc.

**Physical violence**, as the second component of violence over the woman, was operationalized in the research by concrete forms of violent behavior (direct physical contact between the offender and the victim that

diminishes the woman's physical integrity) or by threats for such behavior:

- **Concrete forms of violent behavior:** hitting, plucking her hair, slapping, boxing, beating, strangling, hitting with objects, scalding, throwing things at the woman, etc.
- Threats for physical injuries.

The third constitutive element of violence encompassed in the research was **sexual violence**. This component was defined by concrete forms of behavior: rape, sexual intercourse without consent, humiliating sexual intercourse, forced watching of pornographic films and pimping, behavior that undermines the sexual integrity of the woman.

Hence, the research subject was violence directed towards women of legal age expressed through its three dimensions – physical, psychological and sexual – as defined above and committed by the husband/spouse, former husband/partner or another family member.

## 2.2. Research Method

In criminology, the information on crime based only on the official statistics gives an unreal dimension of its quantity. Specifically, the officially registered crime constitutes only one segment of the crime committed in real terms and it is more of an indicator of the prosecution authorities' activity than of real crime. Regardless of the activity of the prosecution authorities, it has been established that there is always a segment of crime that remains undiscovered and that represents the dark figure of crime. The size of this undiscovered segment varies and depends on the activity of the above-stated prosecution authorities and a number of other factors including: the type of the crime, the consequences it causes, the nature of the offense, the characteristics of the victim, etc.

In terms of domestic violence, there are two circumstances that make this situation specific: first, this occurrence was not incriminated in our country until 2004, and second, domestic violence in our country is still a taboo that is seldom reported since it is a "shame" to discuss publicly private issues.

It is a fact that domestic violence was first incriminated in 2004, which is a rather short period of time and this is an objective reason that prevents keeping track of the phenomenological characteristics of the occurrence based on the official data. On the other hand, criminal offenses in our country are registered through their perpetrators and not

the victims, who are extremely important to understand this type of crime. Domestic violence victims are the most relevant and appropriate source of information on the scope and characteristics of the occurrence. One of the objectives of the research is an argument in this favor – to establish the reaction of the state and the other organizations to the domestic violence victims – which can be established only in communication with the victims. The above presented circumstances imposed the method to be used in the research – a victimology survey.

The victimology survey, in addition to the self-reporting method, has been the most commonly used method to determine the dark figure of crime. We ruled out the self-reporting method<sup>8</sup> as we considered it to be less adequate – we anticipated that only few of the respondents will admit to having committed violence in their families; accordingly, we assumed that this method would provide insufficient and less quality information.

The information gained on the basis of real term experience of the citizens (victimology survey<sup>9</sup>) is far more accurate since it is based on personal experience and there is no influence by other factors. In this context, the sincerity of the respondents may be questioned, especially when it comes to a very sensitive issue, such as domestic violence. These circumstances, of course, cannot be neglected and they have their impact on the research outcome; nevertheless, this procedure is currently the most relevant research type for such occurrences with a highly expressed dark figure, as domestic violence. Hence, by selecting the victimology survey in this research we believed that:

- The victims would be more willing to cooperate, based on the fact that it is easier to admit the status of a victim rather than the status of a violence offender, regardless of the direction of the committed crime;
- More data would be available regarding the type, nature and causes of domestic violence and information about the personality of the victim and the offender.

So, the research was directed toward the potential victims – women of legal age in this country. They were asked to state whether they were victims of certain types of behavior, which according to our definition, were components of domestic violence. We thought that we would thus

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<sup>8</sup> The self-reporting method means addressing potential criminal offenders and requesting their admittance to having committed the subject crime.

<sup>9</sup> The victimology survey means addressing potential crime victims and requesting their admittance to being victims of a certain criminal offense.

gain information that would lead us to the real committed crime and its specifics and that this information would serve as the basis for building an efficient policy for suppression and prevention of domestic violence.

### 2.3. Research Sample

The research was conducted on a sample of 1,432 respondents – female persons of legal age, which is about 2 per mill of the overall female population of legal age in the country. The decision to conduct the research on such a large sample was due to the need to reduce the percentage of potential mistakes to the minimum and to encompass a sufficient number of female members of the ethnic communities in the state<sup>10</sup>.

The research covered the entire territory of the country in order to ensure the structure of the sample<sup>11</sup> to represent the population of the country based on the territorial principle. The research encompassed both urban and rural areas. Specifically, it was conducted in 21 cities and 27 villages.

The construction of the sample was developed in several stages.

First, the locations where the research was to be conducted were identified, as well as the number of respondents from each location.

In the second stage, the streets were identified and the starting point (facility) of the research. This stage also included determining the steps of realization of the research. The survey was conducted in every fifth facility on the left side of the designated street.

The last stage was to provide the respondents, using the principle of a random choice. The manner of making this random choice was the following: in each designated household the survey was conducted on the female person aged 18 – 65 whose birthday was first to come. Hence, the research unit was a household and the source of information was a woman of legal age from the designated household.

By applying the territorial principle as the representation criterion and all the previously determined criteria for selecting the respondents,

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<sup>10</sup> The sample of the research conducted in 2000 encompassed 850 respondents since it was the first survey designed to provide initial knowledge on domestic violence. This research was expanded to provide more quality data based on which a program for suppression of domestic violence could be developed.

<sup>11</sup> The sample of the research was developed by Anica Dragovik, Ph.D. from the Institute for Sociological and Political – Legal Research

we have come up with a research sample with the following characteristics:

#### REGION

Skopje	31.30
Pelagonija	11.50
Vardar	3.70
North-eastern	8.90
South-western	10.80
South-eastern	7.80
Polog	14.20
Eastern	11.80
Total	100.00

#### PLACE OF LIVING OF THE RESPONDENT

City	62.10
Village	37.90
Total	100.00

#### SIZE OF THE PLACE

Skopje	24.70
Bigger cities	17.60
Medium cities	14.10
Smaller towns	7.70
Villages	35.90
Total	100.00

## NUMBER OF HOUSEHOLD MEMBERS

One person	2.00
Two persons	10.10
Three persons	15.20
Four persons	30.00
Five persons	18.50
Six persons	14.10
Seven persons	5.00
Eight persons	2.20
Nine persons	1.30
Ten or more persons	1.30
Unknown	0.30
Total	100.00

## NUMBER OF HOUSEHOLD MEMBERS OVER 18 YEARS OF AGE

One person	3.00
Two persons	31.60
Three persons	22.40
Four persons	29.10
Five persons	7.80
Six persons	4.60
Seven persons	0.90
Eight persons	0.40
Nine persons	
Ten or more persons	0.10

Total	100.00
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## AGE

by 20	0.60
21-25	6.40
26-30	11.90
31-35	12.40
36-40	15.80
41-45	13.60
46-50	11.80
51-55	10.50
56-60	9.30
Over 60	7.00
Refuses to answer	0.70
Total	100.00

## EDUCATION

Illiterate	1.50
No education - literate	2.30
Uncompleted primary	6.90
Primary	26.10
Secondary	43.40
College	6.20
High	13.10
Magistrate	0.30

Doctorate	0,10
Refuses to answer	0.10
Total	100.00

#### NATIONALITY

Macedonian	67.30
Albanian	21.50
Turk	1.90
Roma	6.30
Serb	1.60
Other	1.40
Total	100.00

#### RELIGION

Orthodox	70.00
Islamic	28.80
Atheist	0.60
Other	0.40
Refuses to answer	0.10
Total	100.00

#### 2.4. Instrument Applied in the Research

The victimology survey used a special instrument – a questionnaire with 148 questions. From a structural aspect, the questionnaire was divided into several problem areas. Although it was a very extensive instrument, which could be argued as a methodological flaw, it must be

noted that the respondents did not answer all questions in the questionnaire. The women who were domestic violence victims answered major part of the questionnaire. They could theoretically answer a total of 137 questions, while the women who were not domestic violence victims could answer less questions, that is, a total of 95 questions. However, neither group of women (women victims and those non-victims) answered all questions, since there were questions, or answers, that excluded answering one or a whole group of questions.

The first part of the questionnaire was designated for the assistants who filled in the objective data about the place of living of the respondents. It was followed by a part, which was also filled in by the assistants conducting the survey and it outlined the instructions for the first contact with the household, the manner of introduction and the manner of selection of the potential respondents.

From a contextual aspect, the questionnaire was divided into several thematic areas: psychological violence, physical violence, sexual violence, data for the last incident, the reaction to domestic violence by the state and non-governmental organizations, the level of information and the attitude of the citizens on domestic violence – scope, incrimination, etc.

## 2.5. Data Collection Technique

The contact with the respondents was initiated by introducing our assistants in a standardized manner. Two situations were taken into consideration and therefore two typical models of introduction were used, depending on the gender of the person with whom the first contact was made.

In cases when the first contact was made with a male person from the household, the assistant introduced herself by stating the organizer and the topic of the survey and asked to contact a female member of the household of legal age.

If the first contact was made with a female member of the household, in addition to stating the organizer of the survey – the Association for Emancipation, Solidarity and Equality of Women in the Republic of Macedonia – ESE, more detailed information was provided on the project itself, the goal of the survey, the importance of the project and a special emphasis was placed on the principle of voluntariness, confidentiality and anonymity of the answers. The women who were

hesitant and suspicious, were offered telephone numbers and names of contact persons – representatives of the organizer (ESE) who could provide more substantial and detailed information on the survey itself and confirm what the assistants had stated.

If it was established that the person with whom the first contact was established was the respondent, the conversation (survey) was continued. If, on the other hand, it was established that another female member of the household was to be surveyed, a contact with her was requested. In case the requested potential respondents could not be provided in the first attempt, the assistants were instructed to return to that household one more time in order to provide contact with the designated potential person; however, if that second attempt failed to provide that contact, the survey was continued in the next facility.

The survey was direct and conducted on the principle “person to person”.

## 2.6. The Research Team

The empirical part of the research was conducted by a team of 32 members, most of them being at the age of over 35. In terms of their education, they had high or secondary education. The assistants with secondary education and some of those with university education had extensive experience in conducting surveys, particularly with victimized population. The assistants with university education were mostly employees of the Centers for Social Work from different cities in the country, more specifically from the municipalities where the survey was to be conducted. It should be also noted that half of the assistants had already taken part in the previous research on domestic violence conducted in 2000 in organization of ESE.

For the purpose of successfully accomplishing the assignment, the assistants were specially trained for the concrete survey. Their training included group instructions and additional guidelines; furthermore, they were able to ask for any additional explanations and instructions, assistance or intervention by the project manager at any time.

## 2.7. Time of Conduct of the Research

The research was conducted in the period 02 – 30 July 2006.

## 2.8. Language of the Survey

The questionnaire was made in Macedonian and the survey was conducted in Macedonian and Albanian. In the areas with prevailing Albanian population, who were supposed to have insufficient knowledge of Macedonian, additional assistants were engaged with excellent command of both languages (Macedonian and Albanian). For the respondents that did not speak Macedonian, the questions were asked in Albanian and their answers were written down in Macedonian.

## 2.9. Gross – Net Sample

The research, that is, its realization, started on 02 July and ended on 30 July 2006. The fact that it started only three days before the Parliamentary elections that were held on 05 July had a negative reflection on its realization. In the first days of the survey, the rate of refusal to take part in the survey was fairly high in comparison with the previous survey and according to the statements of the assistants. After the elections, the situation returned to normal and the rate of refusal to talk significantly decreased. However, regardless of this situation, this year's survey indicated a much higher rate of refusal to take part in the survey. In this context, the experience of the assistants implies that some of the women that refused to talk were exposed to violence, that is, were domestic violence victims. This was confirmed by information that the assistants either already had or found out additionally. It indicates that domestic violence victims are not always prepared to talk about the violence they suffer, an aspect we emphasized in regard with the relevancy of the research data.

In terms of the gross – net sample, the conclusion states that the assistants entered 1573 households and surveyed 1432 women, which means that the gross – net ratio is 9.8%. For comparison, the gross – net ration in the research conducted in 2000 was 5.1%. One of the reasons for this situation was already explained above – the Parliamentary elections, a period when the citizens were constantly exposed to various polls on a daily basis.

## **RESEARCH RESULTS**

1.

### **Basic Findings**

When we defined the subject of the research, we underlined that according to our definition the occurrence of domestic violence on the woman consisted of physical, psychological and sexual violence. Hence, the research was designed to determine the scope of each component of this violence.

The global conclusion of the research results is the wide existence of all three types of violence on women in our country. Yet, it should be noted that each type of violence has a different degree of existence. According to the results, psychological violence has the highest reported scope – 56.4% of the respondents reported having a personal experience with some of the contents of this type of violence. A smaller number, more specifically 17.7% of the respondents, stated that they had been victims of physical violence and 10.6%, which was anticipated, stated that their sexual integrity had been impaired.

**Table 1.** Reported Violence in 2000 and 2006

Type of violence	2000 (%)	2006 (%)
Psychological	61.5	56.4
Physical	23.8	17.7
Sexual	5.0	10.6

The comparison of the basic findings with those of the research conducted in 2000 is not appropriate, since there are differences in the sample used in the last survey. However, the comparison of the results can be used as an indicator and not as precise information of the movement or other characteristics of the occurrence of domestic violence (Table 1). The comparison of the results on the scope of domestic violence in both surveys indicates the same rate of existence of the different components of domestic violence – most frequent being the psychological violence, followed by physical and at the end by sexual violence.

The information from both surveys (Table 1) lead to the conclusion that in 2006 the number of reported cases of sexual violence increased. According to the information from the 2000 survey, there was one report of sexual violence to every 4.6 reports of physical violence. In 2006, the ratio changed in favor of sexual violence. Namely, there were only 1.7 reports of physical violence to every report of sexual violence.

The rationale behind this evident increase of sexual violence probably lies in the increased public sensibility on this type of violence. In the period of six years ago, when the first survey was conducted, sexual violence was the most tabooed segment of domestic violence, it was neither spoken of, nor recognized easily. Therefore, we believe that in the last survey, the reporting rate of this type of violence was increased rather than its actual scope.

The research information on the existence of domestic violence is sufficiently indicative of the need to approach the prevention of domestic violence and the consequences it causes in a complex and systematic manner.

2.

## **Psychological Violence**

### 2.1. Scope and Contents

This part will present the research information on the scope, types, contents and other characteristics of psychological violence on the woman committed by the current or former spouse/partner or another family member and on some characteristics of the occurrence itself and the offender.

It was previously stated that the structural elements of psychological violence, according to the principles of this research, are control, isolation, jealousy and the emotional suffering of the woman – spouse or partner. These dimensions of psychological violence were encompassed, or operationalized, through twelve questions signifying the modalities (types) of violence.

All offered contents for operationalization of psychological violence were confirmed by the experience of our respondents, although with different intensity.

**Table 2.** Forms of psychological violence

Type of psychological violence	%
Forbids her to see her friends	11.3
Insulting her and making her feel bad	25.6

Tried to restrict her contacts with the family	5.5
Insists on knowing where and with whom she is at all times	36.5
Ignores her and treats her indifferently	7.2
Gets angry when she speaks with other men	23.5
Often suspects her of being unfaithful	5.7
Expects to be asked for permission to seek medical help	9.9
Scorns and humiliates her in front of other people	10.5
Does something intentionally to intimidate her	13.9
Threatens to hurt her or someone close to her	7.0
He always has the last word	28.0
Prevents her from working outside the home	12.3

The results indicated that the scope of psychological violence is much more represented (56.4%) – practically every second woman reported being a victim to some form of psychological violence. The impression is that the most common form of psychological violence in our country is the control of the movement and contacts the woman makes. It was the complaint of every third woman (36.5%). The second common form of psychological violence, which indicates the dominant position of the man and the inferior position of the woman in the family, was operationalized by the words “He must have the last word”. 28% of the women reported such practice in their families. It was followed by the situation when the woman is insulted by her husband or treated in a way to make her feel bad – every fourth woman (25.6%) complained about such behavior, the same percentage of women (23.3%) complained about the jealousy of their partners expressed by the words “He gets angry when I talk with another man”. Other forms of psychological violence with lower intensity reported by the respondents were: “He did something intentionally to intimidate her” (13.9%); “He prevents her from working outside home” (12.3%); and “Forbids her to see her friends” (11.3%); “Scorns or humiliates her in front of other people” (10.5%) and “Expects to be asked for permission to seek medical help” (9.9%).

Few of the women reported being restricted in their contacts with their families (5.5%) or being suspected of unfaithfulness (5.7%).

We already pointed out that there are certain differences in the samples of both researches in terms of the contents of the psychological violence: the change consists in the increased number of forms of psychological violence – some forms were omitted and others were included and therefore the information is not appropriate for comparison. However, it is possible to compare certain relations. For instance, if we consider only the most dominant forms of psychological violence in both surveys, some similarities are evident. In 2000, the most common forms of psychological violence suffered by the women were “He always must have the last word” (39.4%); “He insists on knowing where and with whom she is at all times” (36.2%); and, “Excessively jealous and possessive” (24.8%). In 2006, the most dominant forms of psychological violence were: “He insists on knowing where and with whom she is at all times” (36.5%); “He always has to have the last word” (28.0%); “Insults her or treats her in a way to make her feel bad” (25.6%). Hence, for the women in our country, the patriarchal model of family relations is most commonly expressed by their obedience – he always must have the last word – and the control over their lives – he insists on knowing where and with whom she is at all times.

## 2.2 Place of Living of the Victims

In our country, according to the research information, psychological violence cannot be qualified as a characteristic of only the urban or rural areas. It is almost equally present in both areas:

**Table 3.** Place of living of the victim

Victims of psychological violence	Percentage of the sample	Structure of the victims %
City	62.1	61.1
Village	37.9	38.9

The data indicate that 61.1% of the women living in the cities and 38.9% of those living in the country have reported being victims of psychological violence, which is almost identical with their representation in the survey sample<sup>12</sup>. These data deserve a little comment. Although the information does not indicate any relation between the psychological violence and the place of living, it should be emphasized that certain

<sup>12</sup> The analysis of data related separately to the cities and separately to the villages indicated that 56.4% of the city women and 56.3% of the village women reported being victims of psychological violence

circumstances may have influenced the received distribution of answers. Namely, domestic violence is still a taboo, especially for the population in the rural areas, where the patriarchal matrix of family and marriage relations is much more expressed. They are probably less willing to talk about what happens in their homes and they are less able to recognize violence. In this context, we must emphasize the fact that the village, that is, its population is far less exposed to the influence of campaigns, education courses and other forms of making women aware of this occurrence, which, in its turn, affects the level of reporting cases of psychological violence. All the above should be taken into consideration when building a strategy for prevention of domestic violence.

### 2.3. Who is the Offender?

The perpetrator of psychological violence committed on a woman is the husband / partner (current or former) in 88.7% of the reported cases. Besides the husband/partner, other household members appear to be perpetrators of this type of violence in 9.7% of cases. Among them, the dominant position is held by the father-in-law and the mother-in-law (62.0%), followed by the children of the woman – victim of psychological violence (12.0%). The brother-in-law of the victim is the perpetrator of psychological violence in 10.0% cases. This situation indicates that there are expanded families in our country and that life in such families may be complicated to the extent of suffering psychological violence by some of their members.

### 2.4. Who Does the Woman Live With?

A confirmation of the above conclusion that perpetrators of psychological violence, in addition to the husband, may be other household members, especially the father and mother-in-law, is the information regarding the people the woman lives with: whether she lives with her close family or in an expanded family community.

Considering the fact with whom the woman lives and the reporting of psychological violence, a conclusion may be drawn that the women who live only with their husbands have less reports of being victims of psychological violence (53.6%), unlike those living in community with her parents (59.3%) or with his parents (61.6%), which is the largest percentage of reported psychological violence. Thus, living in a community with the women's parents or her husband's parents is a factor that increases the risk of becoming psychological violence victims.

## 2.5. Choice of Husband/Partner and Psychological Violence

We have already concluded that the most common perpetrator of psychological violence on the woman is her husband/partner. The focus of interest in the research was to determine whether the manner of choosing the husband/partner affects the scope of psychological violence. The research results indicated a certain relation in this context.

**Table 4.** Choice of husband / partner

Choice of the current partner	Victim	Not victim
Mutual	52.1	47.9
Her family	82.4	17.6
His family	79	21
Other	76.9	23.1
Refuses to answer	66.7	33.3
TOTAL	56.4	43.6

The data imply that psychological violence is least reported by women whose choice of partner was made by themselves – mutually (52.1%), while it is much more reported when the choice was made by the family – his family (79.0%) or her family (82.4%). Hence, the women who allowed the family (her or his) to make the choice of husband/partner are at a much greater risk of becoming victims of psychological violence.

## 2.6. Do They Talk Between Each Other?

Communication and talks between the partners about everyday things that happen in their lives and about their feelings significantly affect the quality of their relationship, even in regard with psychological violence. In terms of psychological violence and the mutual partner communication, the survey results have indicated the following situation:

**Table 5.** Communication between partners and psychological violence

They talked about:	Victims %	Non victims %
Things that have happened to her	52.7	47.3
Things that have happened to him	54.1	45.9
Her feelings and concerns	54.3	45.7
His feelings and concerns	55.5	44.5
Absence of conversation	83.7	16.3
Other	58.5	41.5
Refuses to answer	48.7	51.3

The presented data imply the general conclusion that the communication between the partners may ensure a significant decrease in the risk of psychological violence. The women who reported absence of communication with their husbands/partners about their everyday lives, also reported being victims of psychological violence even in 83.7% of the cases. On the other hand, the women who reported communication with their husbands/partners about certain issues (subject of interest in the research), reported being victims of psychological violence in 52.7 – 58.5% of the cases. This information indicates that it is not the subject of discussion between the partners, but rather the communication itself is what matters greatly in terms of occurrence of psychological violence.

## 2.7. Acceptance of Patriarchal Values for Regulation of Family and Marriage Relations

In social psychology, value is defined as a disposition for a certain behavior and a goal to be accomplished by that behavior<sup>13</sup>. It means that the contents of the accepted values reflect the general behavior of the

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<sup>13</sup> N. Rot, Bases of Social Psychology, Bureau for Textbooks and Teaching Assets, Belgrade, 1989, p. 297

person. Based on this starting point, we directed our research towards values whose contents define the patriarchal regulation of the family relations, since we believed that they influence the behavior of the woman in cases of unequal relations or violence committed on her.

By exploring the relation between the acceptance of the values that constitute the basis of the patriarchal matrix of family relations by the woman and her reporting of psychological violence, the following conclusions may be drawn:

There is a certain link between certain patriarchal values and the status of victims of psychological violence. It is well evident when the acceptance of a certain norm by the general population is compared with the percentage of acceptance of that norm by the psychological violence victims.

**Table 6.** Accepted system of values and psychological violence

Accepted value	Percentage of the sample %	Victims of psychological violence %
The good wife respects her husband's opinion even when she disagrees with him	57.2	61.0
It is important that the man shows his wife her place in the home	43.8	50.8
It is the wife's duty to make love to her partner even when she does not want to	29.8	34.8
When the wife is maltreated, besides the family members all others should get	49.1	50.4
Justifies physical violence in case of discontent from:		
Uncompleted household chores	2.7	3.5
Disobedience by the wife	5.9	8.8
Refuses to make love	0.9	1.1
She asks him about another woman	1.3	1.2
He suspects her being unfaithful to him	3.2	3.5
He learns she has been unfaithful	13.4	18.8

There should not be violence under any circumstance	75.4	68.0
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The presented data indicate that the women who have accepted certain values that define the patriarchal model of marriage relations are represented in the structure of psychological violence victims to a larger extent in comparison with their representation in the research sample.

A confirmation of the above relation is the information according to which, the respondents who do not justify violence on women by men in any case are represented in the total survey population by 75.4%, while their representation in the structure of psychological violence victims is 68.0%.

Another general conclusion offered by the research results is that the women who accept the position that violence on women by men can be justified in some cases are much more often victims, or reported being psychological violence victims.

The above relations can be much better understood and the intensity of psychological violence can be more precisely determined if we analyze the data about each accepted value separately and determine the status of victim within each value:

**Table 7.** Accepted system of values and psychological violence / according to the value

Accepted value	Victim %	Non victim %
The good wife respects her husband's opinion even when she disagrees with him	59.8	40.2
It is important that the man shows his wife her place in the home	63.9	36.1
It is the wife's duty to make love to her partner even when she does not want to	65.1	34.0
When the wife is maltreated, besides the family members all others should get involved	58.5	41.5
Justifies physical violence in case of discontent from:		
Uncompleted household chores	67.6	32.4
Disobedience by the wife	83.1	16.9

Refuses to make love	72.7	27.3
She asks him about another woman	69.2	30.8
He suspects her being unfaithful to him	65.8	34.2
He learns she has been unfaithful	75.6	24.4
There should not be violence under any circumstance	51.0	49.0

The presented data indicate very clearly that those women who accept the patriarchal values report being victims of psychological violence in a much greater percentage. Moreover, it is evident that the degree of reported psychological violence depends on the content of the accepted value. ("It is the wife's duty to make love to her partner even when she does not want to" – 65.1%, "She disobeyed him" – 83.1%).

In this context, we must take into consideration the data regarding the relation between justifying physical violence in certain situations by the man and the status of a victim of psychological violence. The respondents who justify violence on women (in certain situations) report being victims of psychological violence much more often. For instance, those women who justify violence in cases when the woman has not obeyed her husband, even in 83.1% cases reported being victims of some form of psychological violence (see Table 7). The relation between accepting violence and becoming a victim of psychological violence are also confirmed by the information on those respondents who do not accept violence under any circumstances. Out of the respondents who did not accept any violence whatsoever, 51.0% reported being victims of psychological violence, which is the least percentage of reported violence.

## 2.8. Availability of Family Resources

It is beyond any doubt that the contents and quality of marriage and family relations may be significantly affected by the availability or control of the family resources, particularly the economic resources, since they provide the sustenance of the entire family and each member individually. The one that possesses the family resources practically has the power and the control over the rest of the family and may exercise this control even by use of force. According to the patriarchal system of

family relations, the man possesses the family resources, in line with the role he has, while the woman is completely excluded.

The focus of our interest was the link between the (non)-possession of certain economic resources by the woman and the manifestation of psychological violence over her. The following aspects were taken into consideration:

### 2.8.1. Possession of Property by the Woman

Does the possession of certain economic resource by the woman, expressed by owning land, a house, a company, cattle, a vehicle or jewelry make her less vulnerable in regard to psychological violence? We tried to find the answer to this question.

In terms of the connection between possessing a certain resource and the level of reported psychological violence, the following situation was stated:

**Table 8.** Victims of psychological violence in relation to certain possessions

Type of possession	Possess	Does not possess
Land	56.0	56.4
House, apartment	49.2	59.3
Shop, company	48.4	58.3
Cattle	41.2	56.8
Vehicle	44.9	57.8
Jewelry	62.7	55.7

The general conclusion from the presented information is that women are victims of psychological violence, regardless of whether they own a certain economic resource. However, the link between the scope of psychological violence and the type of property of the woman must be noted.

Land property does not affect psychological violence. Namely, 56.0% of the women who reported being victims of psychological violence owned land and 56.4% did not possess land.

It is interesting that there is a greater link between psychological violence and possession of other types of property – a house, a company, cattle or a vehicle. In all these cases, the women who own this property are more rarely victims of psychological violence. On the other hand, those women who owned jewelry reported being victims of psychological violence more often.

The explanation of this situation may be due to the fact that the property own by women who reported being victims of psychological violence to a lesser extent is property that allows for certain activities and an opportunity to work and earn. It gives them an opportunity to become independent, to feel safe and to influence the quality of the marriage and family relations.

### 2.8.2. Depriving the Woman of Her Earnings

Depriving the woman of her economic power, expressed by depriving her of her earnings, has proved to be very significant in terms of reported psychological violence. Although it is essentially a very small percentage of women who are deprived of their earnings, this relation with psychological violence is very prominent.

**Table 9.** Depriving the Woman of Her Earnings by the Husband

Depriving the woman of her earnings by the husband	Yes %	No %	TOTAL
Victim	79.3	20.7	100
Non victim	50.8	49.2	100
Refuses to answer	57.1	42.9	100

The presented data indicate a very prominent relation between depriving the woman of her earnings by the husband and reporting psychological violence. Out of those women who reported being deprived of their earnings, 79.3% also reported being victims of psychological violence. It is expected, since the act of deprivation itself is a kind of violence to which the woman has consented in a certain way.

### 2.8.3. The Husband Refuses to Give Money for the Household Needs

A relation we commented above between owning the economic resources in the family and the control and power exercised over the rest of the family. This control may be achieved even by use of some form of

violence, which was confirmed in cases when the husband/partner refuses to give money for the household needs.

**Table 10.** The husband refuses to give money for the household needs and psychological violence

The husband/partner refuses to give money for the household needs	Yes %	No %	TOTAL
Victim	87.0	13.0	100
Not victim	53.3	46.7	100
Other	90.9	9.1	100
Not in marriage/community	50	50	100
Refuses to answer	63.5	36.5	100

The data indicate a strong connection between psychological violence and the refusal of the husband to give money for the household needs. The women who stated that their husbands did not give them money for sustenance of the family, in 87.0% also reported being victims of psychological violence.

#### 2.8.4. The Woman Gave Up Her Job Because of Her Husband's Wish

The woman's giving up her job outside the home because of her husband's wish implies that she gave up in advance a sphere where there is an opportunity for self-realization and owning a financial resource (her earnings). The fact that this was her husband's wish defines the inferior position of the woman in their mutual relations. The interest of our research was to explore whether and to what extent this affects the psychological violence on the woman. The results confirmed this connection.

**Table 11.** The woman gave up her job because of her husband's wish and psychological violence

She gave up her job because her husband did not want her to work	Yes %	No %	TOTAL
Victim	85.5	14.5	100

Not victim	51.3	48.7	100
Other	88.6	11.4	100
Refuses to answer	81.6	18.4	100

The data indicate that those women who gave up their jobs because of their husbands' wish, in 85.5% also reported being victims of psychological violence.

#### 2.8.5. The Woman Owns Money for Monthly Sustenance

The surveys exploring the reasons stated by women why they stay in violent relationships and tolerate violence indicate that these reasons include the children and their financial dependency. One aspect of these reasons (indirectly) was in the focus of our research as well. We considered the connection between owning enough money to accommodate and feed the family in contingent situations and psychological violence.

**Table 12.** The woman owns enough money for the monthly sustenance needs of the family and psychological violence

Enough money for monthly accommodation and food for the family in contingencies and emergencies	Yes %	No %	TOTAL
Victim	50.6	49.4	100
Not victim	60.7	39.3	100
Other	83.3	16.7	100
Refuses to answer	67.3	32.7	100

As the presented data indicate, the women who own some financial capital report more rarely (below the average reporting level) being victims of psychological violence in comparison with women who do not own any capital. This information also points out the need to provide help to the women – victims of domestic violence.

## 2.9. Profile of the Perpetrator of Psychological Violence

This chapter will outline certain characteristics of perpetrators of psychological violence determined in the research:

### 2.9.1. Age

In terms of age, as a biological characteristic, it may be concluded that all women, regardless of the age of their husbands/partners, may be exposed to psychological violence. However, it should be also noted that those women who have younger husbands are most vulnerable to psychological violence. The women who have older husbands are somewhat less exposed to this violence and the least risk exists for women who are at the same age with their husbands.

**Table 13.** Age of the husband / partner

Psychological Violence	Older	Same age	Younger	Refuses to answer
Victim	57.1	50.2	63.6	83.3
Not victim	42.9	49.8	36.4	16.7
Total	100	100	100	100

### 2.9.2. Education

The education of the husband (offender) does not impede his inflicting psychological violence on his wife; however, the women whose husbands have higher education than theirs are most exposed to psychological violence. An average level of reported psychological violence is by women whose husbands' education is the same or lower than theirs.

**Table 14.** Education of the husband / partner

Psychological Violence	Higher than hers	Same	Lower than hers	Refuses to answer
Victim	62.4	53.4	53.5	71.4
Not victim	37.6	46.6	46.5	29.6

Total	100	100	100	100
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### 2.9.3. The Working Status of the Offender

The working status of the husband/partner has proved to be important in regard to committing psychological violence. Women whose husbands have regular employment report psychological violence below the average level. Unemployment and other forms that essentially mean unemployment of the husband/partner increase the risk of psychological violence on the wife. It is evident from the following information:

**Table 15.** Working status of the husband / partner

Psychological violence	Employed	Unemployed	Working in a private company	Worker from a bankrupt firm	Redundant	Retired / invalid
Victim	50.1	56.9	66.1	53.3	60.6	61.8
Not victim	49.9	43.1	33.9	46.7	39.4	38.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

The information indicate that the women whose husbands work without a contract in private companies (66.1%) and those who are redundancies (60.6%) are at the greatest risk.

### 2.9.4. Duration of Unemployment

The research information allows for making a connection between the duration of the husband's unemployment and the manifestation of psychological violence on his wife.

**Table 16.** The duration of the unemployment status of the husband and the psychological violence

Psychological Violence	Since last month	Up to 1 year	Over 1 year	Never worked	Refuses to answer
Yes	28.6	63.2	55.7	63.8	65
No	71.4	36.8	44.3	36.2	35

Total	100	100	100	100	100
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The women whose husbands were left without a job for a short period of time – less than a month run the lowest risk of becoming victims of psychological violence. On the contrary, the women whose husbands have never worked or were left without a job for one year run the greatest risk of being psychologically maltreated. This is easily explained by the fact that the family is left without the necessary financial means or they decrease significantly if the husband does not work. On the other hand, the place where the husband achieved self-realization is lost, the traditional roles in the family are impaired and all this contributes to the occurrence of psychological violence on the wife.

### 2.10. Profile of the Victim of Psychological Violence

The psychological violence victims are most often women at the age 31 – 35 or 56 – 60. In terms of education, most are women with lower degree of education – no education (72.4%) or uncompleted primary education (73.8%) and more rarely with college or university education (42.4%). In terms of ethnicity, most common victims of psychological violence are the Albanian women (71.8%), the Turkish women (65.2%), somewhat less the Roma women (58.5%) and the least the Macedonian women (50.1%). According to the above information, more common victims of psychological violence are the women who belong to the Moslem religion (60.9%) in comparison with the women belonging to the Orthodox religion (51.5%). Victims are also those women who have younger husbands – 63.6% (at the same age – 50.2% and those with an older husband – 57.1%). They are women with lower educational level than their husbands – 62.4% (with the same education – 53.4% and with higher education – 53.4%).

## 3.

### **Physical Violence**

#### 3.1. Scope of Physical Violence

The most visible type of domestic violence is the physical violence. In our research, physical violence was defined as a use of force or a threat to use force on the woman by her marital (current or former) or extramarital partner or another family member of legal age.

The physical violence defined in this way was operationalized through 10 components which represent serious physical threats or a behavior that means an attack on the physical integrity of the woman's personality. Each of the modalities of physical violence was formulated in a separate question and the respondents answered whether they had a personal experience with this type of behavior in their family.

The rate of reporting physical violence, according to the research information, is 17.7% - this is the percentage of women who reported having a personal experience with impaired or threatened physical integrity. In comparison with the information from the previous survey, a difference is notable in terms of its decrease - by 6% (in the previous survey the rate of physical violence was 23.9%). The lower level of reported physical violence is not indicative of anything important since the decrease is slight and cannot be considered as a decrease in the scope of physical violence, especially since we already emphasized that this is a new research with a new sample.

The forms of manifestation of physical violence which were in the focus of our research were various in their contents. We also explored their intensity and frequency.

**Table 17.** Forms of physical violence

Form of physical violence	2000	2006
Threat to use force	72.8	70.1
Throwing something that may hurt her	50.5	53.1
Grabbing, shoving	65.8	63.9
Slapping	78.7	87.5
Kicking, biting	46.5	34.0
Strangling, putting something on her mouth	16.8	23.6
Beating	64.4	41.5
Hitting with objects	39.1	32.3
Burning, scalding	4.4	2.5
Using a gun	8.4	9.9

In addition to the rather high frequency of the occurrence of physical violence, the research information indicates the fact that women are victims of several different forms of this violence. According to the reported forms of violence, each of the women – victims was exposed to several different forms of violence, 4.3% on average, which is almost an identical situation with the information from the previous survey (4.6%).

Most common forms of manifestation of physical violence are the slaps (87.5%), the threats for use of force (70.1%), grabbing and shoving (63.9%). The most severe forms of physical violence are most rarely used – burning or scalding (2.5%) and a use of a knife or a gun (9.9%). If we compare the information on the forms of physical violence from both surveys, we may conclude that the two most dominant forms of physical violence and the two most severe forms are on the same level in both surveys (see Table 17).

### 3.2. Frequency of Occurrence of Physical Violence

The severity of the physical dimension of the issue of domestic violence can also be reflected through its occurrence in individual incidents due to the fact that its quantity, in cases of its more frequent occurrence, generates a new quality and increases its individual and social danger, particularly in terms of the negative social occurrences, such as domestic violence. Therefore, the respondents were asked to specify the number of acts that impaired their physical integrity.

**Table 18.** Number of times their physical integrity has been impaired

Frequency	2000	2006
Once or twice	19.8	25.4
3 to 10 times	21.8	21.5
11 to 20 times	8.9	7.0
More than 20 times	26.2	18.9
Cannot remember	13.4	18.0
Refuses to answer	9.9	9.2

Total	100.0	100.0
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The presented information leads to the conclusion that the women were victims of multiple incidents of physical violence. At most, every fourth woman reported having been physically attacked within her family. It is indicative that almost every fifth woman (18.9%) has reported occurrence of physical violence over 20 times. Considering the fact that physical violence may occur in very harsh forms (kicking, biting, scalding, etc.), it is easy to imagine the hell some women go through. On the other hand, the frequency of individual manifestations of domestic violence gives a new quality to this occurrence, making it more severe and more dangerous.

If this information is compared with the research conducted in 2000 (see Table 18), it is evident that the last research indicates a lower frequency of physical violence.

### 3.3. Time of Occurrence

In order to specify the time span when the victims have suffered violence, they were asked to locate the time of the last incident of physical violence.

**Table 19.** Time of occurrence of the last incident

Time	2000 %	2006 %
In the last 12 months	39.1	28.9
Between 1 and 5 years	31.2	32.4
Between 6 and 10 years	7.4	9.3
Between 10 and 20 years	4.9	9.3
More than 20 years	1.0	3.6
Cannot remember	6.4	7.1

Refuses to answer	9.9	9.3
Total	100.0	100.0

As presented, violence was mostly (32.4%) reported in a time span of one to five years. Every third respondent (28.9%) reported current violence incidents – within the last 12 months. All other cases involved violence of an older date.

### 3.4. Who Is the Offender?

Most often, the husband (current or former 80.9%) of the victim has the role of the offender in this region. It is interesting to note that almost the same results (81.7%) were derived from the previous research as well. Other household members much more rarely inflicted physical violence on women.

**Table 20.** Who is the offender

Offender:	2000 %	2006 %
Husband / partner	70.8	70.3
Father / mother-in-law	2.0	8.8
Brother-in-law, sister-in-law	0.5	3.1
Brothers, sisters, sisters-in-law	1.0	1.3
Son, daughter	1.5	4.0
Other relatives	11.9	6.6
Former husband	10.9	10.6
No answer	3.5	8.4

The presented research data clearly indicate that in 2006 the scope of violence inflicted by other household members has risen (24%) in comparison with the 2000 research (17%). It is related to a fourfold increase of physical violence by father/mother-in-law, brother-in-law, sister-in-law and children (see Table 20). This information implies that

violence is an integral part of life in expanded family communities. In this context, it should be noted that some of the family communities are the result of the traditional way of living, whilst some are a product of the transition process, created to facilitate the mere survival of the family. Under such conditions, especially in expanded family communities, whose members are forced to live together (due to economic reasons) rather than by their own wish, first the housing standard decreases, which coupled by the unfavorable material situation, leads to circumstances that frustrate the family members, deteriorate the family atmosphere and put the household members in conflict situations that end up in violence. This is one of the explanations of the reported violence on women living in expanded family communities and the increase of the percentage of violence in the period between the two researches is probably due to the deteriorated economic situation in the country.

### 3.5. Communication Between Partners and Physical and Sexual Violence

In the chapter on psychological violence, it was stated that the communication between partners on everyday issues and personal feelings significantly decreases the risk of this type of violence on women. This segment will explore the same relation from the aspect of physical and sexual violence.

**Table 21.** Communication between the partners and the physical and sexual violence

Talked about:	Victims %	Not victims %
Things that have happened to her	42.6	57.4
Things that have happened to him	41.6	58.4
Her feelings and concerns	21.8	78.2
His feelings and concerns	24.8	75.2
Not talking	82.9	17.1

The presented survey results allow for three general conclusions:

First, in terms of physical and sexual violence, communication between spouses/partners decreases the risk of this type of violence on women;

Second, when the communication is based on the spouses/partners' feelings, the risk of violence is at its lowest, while when it is related to everyday things, the risk of physical and sexual violence increases (see Table 21);

Third, the absence of communication whatsoever between the spouses/partners creates the highest risk of physical and sexual violence.

### 3.6. The Offender and Childhood Victimization

Suffering violence or being present in a violent incident in childhood affects the development of certain personality characteristics and the shaping and accepting of certain behavior models as a way of reacting to violence and some specific situations. Hence, the focus of the research involved certain aspects of violence related to the behavior of the offender's father, and especially to the fact whether the offender himself was a violence victim in his childhood, or more specifically, whether the spouse/partner lived in a violent community.

The data gained in the research indicate that offenders most often come from violent communities. Namely, every fourth woman (23.2%), a violence victim, reported having knowledge of her father-in-law being violent to her mother-in-law. However, the fact that even 26.3% of the women reported having no knowledge of their father-in-laws' behavior allows the assumption for a higher percentage of offenders who come from families with a violent parent. Out of the women who reported violent behavior of their father-in-laws to their mother-in-laws, even 65.7% reported that their husbands/partners had witnessed the violent outbursts. 17.8% of the women reported that their husbands were victims of violence themselves, being continuously beaten by family members, while 38.9% reported that they did not have such information.

The presented data support the theoretical assumptions that offenders often come from families where violence is present. It is very indicative, since both theory and empirical data confirm the connection between acts of violence, that is, violence results in violence. The underlying explanation is the fact that the model of behavior within the primary family is usually accepted as such, particularly since the offender is most often present when violence is inflicted on his mother.

4.

## **Sexual Violence**

### **4.1. Scope and Types of Sexual Violence**

Sexual violence constitutes the third element of domestic violence according to this research. It was defined through several specific types of behavior: rape, unwanted sexual intercourse, humiliating sexual intercourse, forced watching of pornographic films and pimping.

The research data indicate that sexual violence is the least (10.6%) represented form of domestic violence, which is actually expected. However, one of the impressive results of this research is the high percentage of reporting of sexual violence, in comparison with the results of the 2000 research, when the percentage of reporting was 5.0%. This indicates a double increase of sexual violence in six years. In this context, the following question immediately comes into mind: Has there been a significant increase of sexual violence in the country (as indicated by the data)? We believe that the evident increase is a result of the increased scope of its reporting, rather than a real increase of the actual sexual violence in the country. This is due to the increased public information and awareness on the issue of domestic violence and the support for this social problem provided by the government and non-governmental sector. It is a great encouragement for the women victims of domestic violence – hence, when they do decide to report violence, they report its sexual dimension as well. This information appears to be realistic since very often, physical and sexual violence occurs together – which was already determined in this research.

The manifestations of sexual violence that were in the focus of our research were: rape, unwanted sexual intercourse, watching of pornographic films, humiliating sexual intercourse and pimping. Their occurrence was determined by the following manner:

**Table 22.** Forms of sexual violence

Forms of sexual violence	Victims %
Rape	3.9
Unwanted sexual intercourse	85.5
Forcing to watch pornographic films	1.3

Humiliating sexual intercourse	6.6
Pimping	2.0
Other	0.6
Total	100.0

As presented, the dominant form of sexual violence is the unwanted sexual intercourse, accounting for 85.5% of the reported sexual violence. All other forms of unwanted sexual intercourse, humiliating sexual intercourse, forced watching of pornographic films and pimping are represented to a far lesser extent. The humiliating sexual intercourse was reported in 6.6% cases, whilst rape in 3.9%. The least represented forms are pimping and forced watching of pornographic films. Although these forms of domestic violence occur to a lesser extent (13.8%), they essentially constitute severe degradation of the woman's dignity.

#### 4.2. Frequency of Occurrence of Sexual Violence

Keeping track of sexual violence, that is, its frequency in individual incidents, helps create a much more realistic picture and comprehend its real severity, especially because sexual violence directly affects one of the most important dimensions of a woman's quality life – the sphere of sexuality.

Therefore, the respondents were asked to specify the number of behaviors, as individual incidents, when their sexual integrity was impaired.

**Table 23.** Number of times of impaired sexual integrity

Frequency	Victims %
Once or twice	22.2
3 to 10 times	27.8
11 to 20 times	4.2
More than 20 times	13.2

Cannot remember	21.5
Refuses to answer	11.1
Total	100.0

The presented data lead to the conclusion that women in our country have been victims of multiple acts of sexual violence. Most of them (27.8%) reported that their sexual integrity was impaired three to ten times within their families. It should be noted that 13.2% of the women reported suffering sexual violence over 20 times. In this context, specific information is that every third woman (32.6%) did not answer this question, which indicates their insufficient preparedness to talk about sexual violence.

#### 4.3. Time of Occurrence

In order to specify the period of occurrence of the sexual violence, the respondents were asked to identify the time of the last incident.

**Table 24.** Time of occurrence of the last incident

Time of occurrence	Victims %
Within the last 12 months	30.1
Between 1 and 5 years	23.1
Between 6 and 10 years	9.1
Between 10 and 20 years	5.6
More than 20 years	5.6
Cannot remember	16.8
Refuses to answer	9.8
Total	100.0

The presented data offer two general conclusions: the majority of answers reported sexual violence suffered in the most recent period and refusal to specify the time of occurrence of sexual violence. Every third woman reported sexual violence suffered in the last 12 months and every fourth woman did not specify the time frame for this type of violence (by using the statements – cannot remember – 16.8% and refuse to answer – 9.8%).

#### 4.4. Contraception

Inter alia, our interest was focused on a specific form of sexual violence related to contraception, as a form of degradation of a woman's sexual freedom correlated with her right to give birth. It is interesting to note that every third woman (32.5%) uses contraception<sup>14</sup>. Based on our interest of research, the women were asked whether their partners knew that they were protecting themselves from unwanted pregnancy. According to the survey data, even 80.4% of the partners knew about and agreed with this procedure. It is interesting that 7.8% of the women stated that their partners knew about their using contraception but did not agree. In terms of this disagreement about contraception, it was only declarative by 50% of the partners. The rest of them expressed their disagreement by anger (verbal aggression – 26.5%, while 5.9% threatened to use force and 2.9% threatened to leave or throw their wives out). The same percentage physically hurt their wives.

### **5. Last Incident**

#### 5.1. Why the Last Incident?

Starting from the basic purpose of the research – to provide an empirical basis for creation of a policy for suppression and prevention of domestic violence – it became necessary to get a deeper insight into the essence of the violence on women by determining its types, causes, circumstances, consequences, reactions of the victims etc. in the framework of the last incident. We believed that directing the respondents to the last incident would provide more comprehensive and accurate information, whose quantity, in its turn, would provide a more quality analysis basis. In this context, it should be emphasized again that the

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<sup>14</sup> Considering the fact that contraception is used by women in their fertile period only, and the sample also included older women, it may be concluded that women actually use contraception to a relatively large extent

research data refer to physical and sexual violence and not to psychological violence.

### 5.2. Form of the Violence

We already noted that this segment of the study will analyze only physical and sexual violence from the aspect of its last incident. The research data shaped up the following structure of violence, by type, that was subject to analysis:

**Table 25.** Form of the violence – last occurred incident

Form of violence	2000 %	2006 %
Sexual assault / threat	10.4	5.8
Physical assault / threat	72.3	43.5
Both	12.9	21.5
Refuses to answer	4.5	29.1
Total	100.0	100.0

Physical violence prevails in the structure of violence subject to analysis, which is both anticipated and in accordance with the previously determined empirical situation. From the aspect of comparing this research with the previous one, sexual violence has been slightly increased. The large percentage of refusals to answer, every third respondent, is present in this structure of violence as well.

### 5.3. Physical and Sexual Violence Go Together

One of the specificities indicated by this research, that is, reported by the women – violence victims, is that physical and sexual violence go together. This argument is supported by the presented data on the structure of violence analyzed here (Table 25).

**Table 25 a.** Forced sexual intercourse after a physical attack

Forced sexual intercourse after a physical attack	%
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Regularly	13.4
Occasionally	20.1
Rarely	11.2
Never	41.9
Refuses to answer	13.4
Total	100.0

According to the research data, even 43.0% of the violence victims stated that physical violence was often followed by a sexual intercourse, which was, of course, not consensual. This indicates that women are at the same time exposed both to physical and sexual violence. In terms of the intensity or frequency of the sexual intercourse following the physical violence, every third victim (30%) reported that every physical attack was followed by a sexual intercourse, the dominant majority of respondents (45%) reported that this situation happened sometimes and every fourth woman (25.4%) stated that the physical attacks were rarely followed by a sexual intercourse.

The information indicates double sequential violence inflicted on women, which additionally aggravates the acts of violence.

#### 5.4. What Preceded the Violence – Causes

Although violence on women cannot be justified in any possible way – whether it is a reaction to some event or a consequence of certain circumstances, in order to better understand this occurrence, the respondents were asked to identify the event that would typically precede the act of violence.

According to their statements, the most common cause of violence on women is alcoholism (see Table 26). Almost every third woman (28.9%) who reported having suffered violence, pointed out that the act of violence was preceded by drinking of the offender. A second common stated cause of violence preceding violence was the partner's jealousy (16.8%) and almost the same percentage was reported for money problems (15.6%). It is interesting that even 11.3% of the women who reported violence were not able to identify a preceding cause, that is, stated that there was no cause preceding the violent act. This seems to

be the most serious situation for the women because their inability to recognize a situation preceding the violent act prevents them from protecting themselves. Another cause of domestic violence is problems with the spouse’s family, which was indicated by 10.1% of the respondents. Other circumstances stated by women as causes of violence were much less common (see Table 26).

**Table 26.** Causes for violence on women

Cause	%
Drunk	28.9
Financial problems	15.6
Problems at work	3.1
Unemployed	1.6
No food at home	3.1
Problems with the spouse’s family	10.1
Jealousy	16.8
Refusal to have a sexual intercourse	3.9
Disobedience	3.5
Other	1.9
No cause	11.3
Total	100.0

### 5.5. Presence of Alcohol in Violence

The identification of the most common causes of violence indicated by women victims included alcohol (drunken state of the offender). It ranks as the first cause in 28.9% of the women’s statements. According to the answers to the question on the last suffered violent incident, in 42.0% of the cases the offender was under the influence of alcohol when committing the violent act, 1.1% of the women stated that their offender was drugged, while 2.2% reported the offender being under the influence of both alcohol and narcotics. What should be noted is that 42.1% of the

offenders were neither under the influence of alcohol nor drugs, that is, substances that affect their behavior manifested through violence.

The presence of alcohol in violence is quite evident. However, this is not a characteristic of our region solely: there is a medical theory, which was discussed in the theoretical approach, and it treats the role of alcohol in violence. According to this theory, one group of theoreticians consider alcohol as the sole cause of violence, while another group believes that it is only one of the causes of violence. Our position is that alcohol contributes to the occurrence of violence in marriage, but it cannot be considered as its basic cause, since it is a complex occurrence determined by a number of factors.

#### 5.6. Use of a Weapon in the Last Incident

The presence and use of a weapon when committing violence mean a real threat to the woman's life. Every ninth woman, victim of violence, reported that a weapon was present during the last incident she suffered.

**Table 27.** Whether the offender used a weapon

Use of a weapon	2000 %	2006 %
Yes	5.5	12.8
No	88.1	72.7
Does not know	1.0	5.6
Refuses to answer	5.5	7.8
Total	100.0	100.0

The comparison of the results of the two researches indicates that there has come to a double increase in the presence and use of weapons in the last occurred incident.

This increase may be related to the events in 2001. Namely, in criminology there is a thesis that the financial problems in many citizens and the increased possession of weapons lead to a rise in violent crime, and domestic violence belongs to this particular category. In our country, both conditions were present in the period between the two researches: the majority of citizens were facing financial problems and in 2001 there

was an increase of the illegally possessed weapons. Hence, it may be concluded that the double increase of weapons present in the last incident of violence is due to the above factors.

## 5.7. Consequences of Violence

### 5.7.1. Types of Injuries

Violence on women often ended up in their physical injuries, which indicates a high intensity of committed violence. Namely, 58% of the women victims were physically hurt during the last incident of violence they suffered. The reported injuries were manifested in the following manner:

**Table 28.** Type of injury – last incident

Type of injury	Victims %
Bruises	46.1
Cuts	14.2
Burns	1.7
Stab wounds	11.2
Eye injury	3.5
Breaking teeth	2.5
Broken bones	3.5
Losing consciousness	8.3
Total	100.0

According to the data, women suffered different types of injuries, ranging from light to severe. The most common form, or more precisely, the most common consequence of physical violence are bodily bruises – injuries reported by 46.1% of the women victims. They are followed by cuts (14.2%) and stab wounds (11.2%). On the whole, women are victims of more severe forms of violence as well.

### 5.7.2. Medical Help

Regardless of the injuries, only 23.1% of the violence victims reported asking for medical help. In this context, we should point out the statements of the victims that although they needed medical help, they did not ask for help and treated themselves because of fear from the offender or shame from their environment for the violence they suffered. Out of the women that turned for help, every third woman (34.0%) was kept for hospital treatment, which, on the other hand, indicates the severity of the suffered injuries and the gravity of domestic violence as a criminal form of degradation of the psychological, physical and sexual integrity of the woman.

The medical staff is obligated to report cases of violence if they recognize such cases in their work. Therefore, if there is any suspicion, it is necessary to request more information on the source of the injury and the possible perpetrator. It is interesting that every second woman (51.1%) gave the true cause for the requested medical help (at least, according to their statements). Only in 56% of these cases, the cause of injury was identified, although it is the obligation of the doctor and there is a special protocol in place, that is, a procedure of reporting such cases to the responsible state authorities – the police. It should be noted that only 20.5% of the women whose cause of injury was registered by the doctors were directed to a relevant institution. They were directed to the Center for Social Work, the police, the court and the Center for accommodation of women – victims of domestic violence.

The above data indicate how the possibilities for official registration of cases of domestic violence are lost. On the other hand, they accentuate very clearly the need for special education of the doctors in emergency and basic medicine that come in touch with domestic violence victims, since that would allow for official registration of this occurrence and undertaking of concrete actions for its suppression and prevention.

### 5.8. How Violence Affects the Victims

It is hardly bearable for women to live their lives in violence. It is reflected on their psychological state, and in some cases, it even causes certain psychological diseases. In this context, the answers to the question how violence influences them is very illustrative.

**Table 29.** Influence of violence

Influence	Number	%
Loss of self-confidence	46	16.7
Depression	44	16.0
Psychological troubles	33	12.0
Sleeping disorders	39	14.2
Refusal of contacts, isolation	22	8.0
Fear	63	22.9
Psychological disease	28	10.2

Fear, loss of self-confidence, depression and insomnia are the most common consequences of the violent behavior on women. The other consequences are also relatively common (see Table 29). These are conditions that affect women's security and create an unstable personality, which reduces their ability to react and stand up to the offender, entering thus in the "vicious circle of violence".

### 5.9. Facing Violence

Facing violence for a number of women would not be possible without an appropriate help, such as taking medicaments, excessive smoking or excessive eating. These special ways to face violence were manifested in the following manner:

**Table 30.** Ways of dealing with violence

Manner	Number	%
Sought medical help or have taken medicaments on their own	87	55.0
Excessive smoking	57	35.6
Excessive eating	15	9.4
Total	159	100.0

Women most often faced violence by taking medicaments, in most cases without any medical consultation. The rarest mechanism of defending from violence was overeating. Regardless of the way these women chose to face violence, it is evident that some of them experienced health problems (taking medicaments) or are facing impending health problems (excessive smoking or eating).

#### 5.10. Violence and the Victim’s Working Ability

Our research especially focused on the aspect of the influence of violence on work or the working ability of the victim.

**Table 31.** Violence and the working ability

Type of consequences	Number	%
Inability to concentrate	59	31.9
Inability to work	36	19.4
Loss of confidence in one’s own abilities	39	21.1
Work is not affected	51	27.6
Total	185	100.0

According to the research data, every fourth woman stated that violence did not influence her working ability. Most often, every third woman complained of an inability to concentrate as the result of the violence she suffered and every fifth woman stated she was incapable of working. Hence, two thirds of the women – victims indicated their working ability was impaired. It is a serious indicator of determining the severity of this type of crime, and especially the spectrum of consequences it leaves on women’s life and quality of living.

#### 5.11. Violence and Children

When violence on women is discussed or explored, especially in the context of the family, the attention is inevitably focused on the children as well. These two topics are intertwined because when there is violence in the family, the children are direct or indirect victims - without any exception. In regard to this aspect of the research, we determined the

following relations: more than half of the women – victims (58.3%) stated that their children witnessed the violent acts, although they pointed out different levels of intensity (17.9% reported that the children regularly witnessed the violence, 27.7% reported occasional and 13.3% rare presence of the children, while every third woman (32.4%) stated that their children never witnessed the violent acts). Even if the children never witness violence, they feel it in the quality of the family relations and the family atmosphere, because it is beyond any doubt that violence affects them. However, concerning information is that every fifth victim (20.7%) stated that violence was directed to the children as well. In such cases, the children are direct victims of the violence. In this context, it is interesting to note that a relatively large percentage (11.5%) of the women refused to answer, which may indicate that children were victims of domestic violence to a large extent. This knowledge should be taken into consideration when creating the policies on domestic violence, especially from the aspect of protecting all violence victims, as well as due to the fact that the victims who suffer domestic violence in their childhood later become the future offenders in their families. Hence, it is necessary to work with children victims in order to eliminate the consequences and traumas they have suffered and thus decrease the risk of their turning into future offenders.

6.

### **Physical and Sexual Violence – Characteristics of the Victim**

#### **6.1. Abuse of the Mother and Child Victimization of the Woman**

The subject of interest in this research was victimization in the primary family of the respondent or her mother. This approach was designed to determine the influence of yet another factor on domestic violence – victimization of the victim in childhood and the violence on her mother. Moreover, there is a thesis on the connection between childhood victimization and becoming a victim of that same type of violence in later life. In this context, the respondents were asked several questions if their mothers had suffered violence by their fathers and whether they were themselves victims of physical violence before turning 15. The research results presented the following situation:

**Table 32.** Childhood victimization and violence on the mother

	Total population %	Women-victims %
Violence on the mother	7.3	17.8

Physical and sexual violence in childhood	4.7	11.4
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The research results indicate that living in a violent community or suffering physical and sexual violence in childhood (prior to the age of 15) increases the risk for women of becoming victims of domestic violence in their later life (see Table 32). One of the possible explanations for this situation is the fact that living in a community where there is violence or being exposed to a certain form of violence increases the threshold of tolerance to violence, since they have seen this model of behavior in the process of their socialization, especially if the intensity of violence they are currently exposed to is lower than that their mothers suffered. However, another explanation may be the absence of help and support by the primary family in sorting out their current situation, precisely because of the previous experience and the woman-victim is in a way forced to live in such a community.

## 6.2. Characteristics of the Woman – Victim

This part of the study will present the research data related to certain characteristics of the women-victims of domestic violence that shape up the profile of the victim of domestic violence, specifically, its physical and sexual dimension.

### 6.2.1. Education

The data analysis on the education of the physical and sexual violence victims indicates that these types of violence are suffered by women with all levels of education – from the illiterate to those with university education. However, it should be noted that there is a converse proportional relation between women’s education and their being victims of physical and sexual violence. The research knowledge may be presented by the following data:

**Table 33.** Education of victims of psychical and sexual violence

Education	Sample %	Victims %
Illiterate	1.5	2.7
Without education - literate	2.3	5.0
Uncompleted primary education	6.8	10.7

Completed primary education	26.1	29.9
Secondary education	43.5	39.6
College and university education	19.2	12.1
Total	100.0	100.0

The data indicate that there is much higher percentage of women – victims of physical and sexual violence in the categories up to, and including, completed primary education in comparison with their percentage in the research sample. The categories of women with higher education are represented to a lesser extent. On the other hand, a reverse proportional relation is evident: the higher the women’s education, the lower their representation in the category of victims of physical and sexual violence becomes. In this context, it should be pointed out that the woman’s education does not eliminate violence; it occurs even on women with highest degree, but to a lesser extent.

#### 6.2.2. Nationality of the Woman – Victim

The data on the women’s nationality indicate a connection between nationality and physical and sexual violence. This is anticipated, since each ethnic community has its own system of values in terms of regulating marriage and family relations. There are communities that are of a more closed type and they prefer the patriarchal values in regulating marriage and family relations (e.g. the Albanian ethnic community). The situation with domestic violence in the country from the aspect of the woman’s ethnic belonging is as follows:

**Table 34.** Nationality of the women – victims

Nationality	Sample %	Victims %
Macedonian	67.3	56.0
Albanian	21.5	28.2
Turk	1.9	2.0

Roma	6.3	11.1
Serb	1.4	1.3
Other	1.4	1.3
Total	100.0	100.0

The data indicate that members of all ethnic communities, without any exception, reported being victims of physical and sexual violence; however, there is a difference in the intensity of the reported violence depending on the nationality of the victims. By comparing the percentage of women from different ethnic communities in the research sample and their percentage in the structure of violence victims, it may be concluded that the most threatened and most common victims of physical and sexual violence are the members of the Roma and Albanian ethnic communities. The members of the Macedonian community have a lower percentage in the research sample, while the members of the other ethnic communities have a somewhat higher percentage.

In order to specify the intensity of physical and sexual violence, the data on each ethnic community was analyzed, allowing thus to determine the level of violence in each community separately. The research results indicate the following intensity of violence on women within the ethnic communities in the country:

**Table 35.** Nationality of the women – victims

Nationality	Sample	Victims	%
Macedonian	961	167	17.4
Albanian	307	84	27.4
Turk	27	6	22.2
Roma	90	33	36.7
Serb	23	4	17.4
Other	20	4	20.0
TOTAL	1428	298	20.9

The data indicate that the most threatened by physical and sexual violence are the Roma (36.7%) and the Albanian women members (27.4%), while the least threatened are the Macedonian and Serbian members. This distribution of victims of physical and sexual violence according to the victims' nationality is due to the accepted system of values in the regulation of the marriage and family relations, the retention of the traditional relations, the economic situation, the level of education and other factors that are known to cause violence on women.

### 6.2.3. Age of Women – Victims

Whether age makes women particularly vulnerable so as to become victims of physical and sexual violence was one of the questions in the analysis of the received information. The research results offer two general conclusions: first, the women victims of physical and sexual violence belong to all age categories, and second, the women from the oldest age category suffer violence to a lesser extent:

**Table 36.** Age of the women – victims

Age	Sample	Victims	Participation %
Up to 25 years	100	24	24.0
26-30 years	170	41	24.1
31-35 years	177	36	23.3
36-40 years	226	43	19.0
41-45 years	194	41	21.1
46-50 years	168	39	23.2
51-55 years	150	37	24.7
56-60 years	132	24	18.1
Over 60 years	100	13	13.0
Refuses to answer	10	/	
TOTAL	1428	298	20.9

The research data on the age of those women who reported having been victims of physical and sexual violence indicates that no age category is particularly vulnerable in terms of age. Most often, the percentage of victims of physical and sexual violence varies from 23.3 – 24.7% in different age categories. The categories of older women have a lower percentage (women aged 56 – 60 account for 18.1%, while women over 60 account for 13.0%). The age category of women – 36 – 40 is an exception to this tendency and their percentage in the structure of victims is somewhat less – 19.0%.

### 6.3. The Accepted System of Values and the Victims of Physical and Sexual Violence

We have already discussed the role of the accepted values that can be used to anticipate a person’s behavior and the connection between the patriarchal values and the psychological violence. This part will discuss the connection between the accepted patriarchal system of values and the physical and sexual violence.

The research data indicate a certain connection between the physical and sexual violence on women and the values that exist in a patriarchal regulation of marriage and family relations:

**Table 37.** Accepted values by the women – victims

Accepted value	Sample %	Victim %
The good wife respects the opinion of her husband even when she disagrees with him	57.2	58.7
It is important that the husband shows his wife who is the head of the family	43.7	48.8
It is the wife’s duty to make love to her partner even when she does not want to	29.8	36.3
In case of maltreatment of the wife, in addition to the family members, all others should get involved	49.1	56.1

Justifies psychological violence in cases of discontent from:		
Uncompleted household chores	2.7	3.7
Disobedience by the wife	5.9	11.1
Refuses to make love	0.9	2.0
She asks him about another woman	1.3	3.0
He suspects her being unfaithful	3.0	5.0
He finds out she is unfaithful	13.4	21.5
There should not be violence in any case	75.6	61.1

The research data offer several general conclusions.

*First*, the women who accept values that characterize the patriarchal model of regulation of marriage and family relations are more often part of the structure of victims of physical and sexual violence in comparison with their percentage in the research sample.

*Second*, the women who accept values that in certain circumstances justify the physical violence committed by their spouses/partners, more often report being victims of physical and sexual violence.

*Third*, and in support of the previous conclusion are the answers, that is, the relation between the women's position that violence should never be justified and their status as victims (those women who do not justify physical punishment of women are less frequently victims of physical and sexual violence – see Table 37).

The above relations clearly indicate the ratio victim – non-victim in the category of each accepted value separately.

**Table 38.** Accepted values by the victims

Types of values	Accepted values	Victim	%
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The good wife respects the opinion of her husband even when she disagrees with him	818	175	21.4
It is important that the husband shows his wife who is the head of the family	627	145	23.1
It is the wife's duty to make love to her partner even when she does not want to	427	109	25.5
In case of maltreatment of the wife, in addition to the family members, all others should get involved	704	169	24.0
Justifies psychical violence in cases of discontent from:			
Uncompleted household chores	40	11	27.5
Wife's disobedience	84	33	39.3
Refuses to make love	13	6	46.1
She asks him about a another woman	19	9	47.4
He suspects her being unfaithful	43	15	34.9
He finds out she is unfaithful	194	64	33.0
There should not be violence in any case	1081	182	16.8

The presented data on the intensity of physical and sexual violence and their connection with the accepted patriarchal values indicate the following relations:

*First*, the accepted patriarchal values that regulate the marriage and family relations affect the intensity of physical and sexual violence;

*Second*, the intensity of violence is different depending on the contents of the accepted value;

*Third*, the values that regulate the marriage and family relations, but exclude the use of force on women exert less influence on the intensity of physical and sexual violence;

*Fourth*, the values that allow for use of force on women have the greatest impact on the intensity of physical and sexual violence;

*Fifth*, the disagreement with the use of force in the regulation of marriage and family relations affects negatively the intensity of violence the women suffer.

This knowledge calls for the need to explore separately the value system of men – offenders and the way it affects their behavior, because this research elicits the answers on violence by women only and the way their value system affects those answers. However, man is the active subject and his value system for regulation of the marriage and family relations has a more influential role in his behavior.

#### 6.4. The Possession of Economic Resources and the Women – Victims

In the previous part we arrived at the conclusion that there is a connection between the possession of certain economic resources and the women – victims of psychological violence. The possession decreases their susceptibility to psychological violence. The research data indicate that the same connection cannot be established between the possession of economic resources and the physical and sexual violence as there is between this possession and psychological violence.

**Table 39.** Possession of economic resources

Type of possession	Sample %	Victim %
Land	12.9	15.4
House, apartment	29.6	30.2
Store, company	6.0	4.4
Cattle	2.5	4.4
Vehicle	9.7	8.7
Jewelry	8.5	8.1

The presented data lead to the conclusion that the possession of a house/apartment and jewelry bear no significance in terms of physical and sexual violence. Namely, they have approximately the same percentage of representation both in the research sample and the structure of victims of physical and sexual violence. The women that possess a vehicle appear to be the victims of physical and sexual violence

to a lesser degree, while those that possess land, store / company and cattle have a higher percentage in the structure of victims of physical and sexual violence in comparison with their percentage in the research sample.

### 6.5. Profile of the Perpetrator of Physical and Sexual Violence

This part will outline the characteristics that shape up the profile of the perpetrator of physical and sexual violence.

#### 6.5.1. Age

The analysis of the connection between the man's and the woman's age has indicated that physical and sexual violence occur in all categories (regardless of whether the man is older, younger or at the same age with the woman). However, according to the research data, the women whose partners are younger are the most susceptible to physical and sexual violence:

**Table 40.** Age of offender

Age	Sample %	Offender %
Older	77.0	74.8
Same age	17.4	16.3
Younger	5.1	8.5
No response	0.5	0.4
Total	100.0	100.0

#### 6.5.2. Education

The main conclusion, as in the case with the husband's/partner's age, is that regardless of the educational level of the man and the woman, physical and sexual violence occurs in all categories.

**Table 41.** Education of offender

Education	Sample %	Offender %
Higher	32.3	37.4
Same	56.2	52.0

Lower	11.0	9.8
No response	0.5	0.8
Total	100.0	100.0

According to the information, the women whose partners have higher education are most threatened by physical and sexual violence.

### 6.5.3. Partner's Working Status

The data analysis on the potential connection between the partner's working status and physical and sexual violence has indicated a relation between these two components. It should be noted that the partner's employment status reduces the occurrence of violence and the unemployment or a similar status (redundancy etc.) increases the violence on women.

**Table 42.** Working status of partner

Working status	Sample	Offender
Employed	50.3	38.0
Unemployed	13.1	18.0
Unemployed-not registered in the Unemployment Bureau	9.0	11.8
Redundant	2.6	1.6
Worker in a bankrupt company	3.5	3.3
Season worker	4.5	8.2

The research data indicate that women are victims of physical and sexual violence regardless of their husband's/partner's working status. The employment status of the husband/partner has the most negative influence on the scope of this violence. Namely, employed men account for 50.3% in the research sample and 38.0% in the structure of women that suffer physical and sexual violence. The status of unemployed men negatively affects the physical and sexual violence on women. It is most

prominent in cases of season workers, unemployed men and unregistered workers in private companies, while no influence is established in men that are redundancies and workers in bankrupt companies (see Table 42).

#### 6.5.4. Duration of Unemployment

The husband's/partner's working status is closely correlated with the duration of the unemployment, that is, the existence of the connection between the duration of the husband's/partner's unemployment and the physical and sexual violence on women. In our country, this connection is expressed as follows:

**Table 43.** Duration of offender's unemployment status

Duration	Sample	Offender
Up to 1 month	2.1	/
Up to 1 year	5.7	5.3
Over 1 year	50.2	43.4
Never worked	18.0	26.3
No response	24.0	25.0
Total	100.0	100.0

The women whose husbands/partners have never been employed run the highest risk of being victims of physical and sexual violence, while those whose husbands/partners have been out of work for over a year are the least exposed to such a risk.

### 6.6. Treating Domestic Violence

#### 6.6.1. Whom Have They Told About the Violence?

Domestic violence is still a topic that is difficult to talk about. Even when it is discussed, it is always kept within the closest circle of the victim – her family. Almost every fifth woman (18.8%) – a violence victim stated that nobody knew about the violence she suffered. It is one of the two prevailing answers to the question whom they have told about the violence:

**Table 44.** Whom have they told about the violence?

	Number	%
Friends	22	9.6
Colleagues	8	3.5
Parents	43	18.8
Brother, sister	32	14.0
Relatives	15	6.6
Husband's family	28	12.3
Children	6	2.6
Neighbor	6	2.6
Other	6	2.6
Center, police, political parties	8	3.5
Nobody	43	18.8
Refuses to answer	11	4.6
Total	228	100.0

The data indicate that even when violence is talked about, it is always done within the family. The victim's family is the first to learn about the violence (over half cases – 53.0%), then the offender's family and the third are the friends and other people. This identification of the persons that are the first to learn about the occurrence of violence calls for a broader education of the population for dealing with domestic violence so that appropriate advice and support could be provided in such cases.

#### 6.7. Is Domestic Violence a Crime?

The traditional marriage and family relations, which give man a dominant position, including a total control over the woman and not excluding violence as a means to regulate the mutual relations, is still part of our culture which has been passed on through the process of

socialization, and unfortunately, accepted by the women. There are still women who do not actually consider the violence committed on them as crime. The research data indicate this situation.

**Table 45.** Is the incident a criminal act

Is it a crime	2000 %	2006 %
Yes	47.5	56.9
No	25.7	19.0
Does not know	17.3	19.0
Refuses to answer	9.4	5.2
Total	100.0	100.0

One of the most indicative information elicited from this research is that slightly over half of the women – violence victims (56.9%) stated that violence was crime. Every fifth woman explicitly stated that violence within the family does not constitute a criminal act. Also, every fifth woman did not explain her opinion on this question, which is, in its turn, fairly indicative as it may be interpreted as not treating violence as a criminal act. In comparison with the previous research, the results from this research lead to the conclusion that there has been a rise in the percentage of women who define violence as violent behavior. It is a result of the promotions and public campaigns launched in the framework of the fight against domestic violence. Yet, this result is not sufficient. In this context, the failure to treat violence as crime should be explored in order to locate the reason for the high dark figure of domestic violence in this region.

## 6.8. Has the Incident Been Reported to the Police?

### 6.8.1. Level of Reporting

We have previously pointed out that some of the women do not consider the violent behavior of their husbands/partners as criminal acts. In such cases, it is only realistic to expect that this part of the population will rarely choose to report such incidents to the police. Judging from the research data, it may be concluded that even those women who qualify such incidents as criminal acts have not all reported them to the police. The practice shows the following:

**Table 46.** Has the incident been reported to the police

Reported to the police	2000 %	2006 %
Yes	20.8	20.7
No	76.2	75.9
Refuses to answer	3.0	3.4
Total	100.0	100.0

This research has also confirmed the low percentage of reporting violence to the police. Every fifth woman (20.7%) stated having reported the violent act to the police. It is interesting to note that in a five-year period the percentage of reporting violence has not increased at all (according to the 2000 study, 20.8% of the women stated having reported domestic violence to the police). This data (the low reporting level) should be taken into consideration when developing the strategy for suppression and prevention of domestic violence, and especially, the relation of the police to domestic violence victims should be defined.

#### 6.8.2. Reasons for Non-Reporting an Incident

It is very important to identify the reasons why women do not report cases of domestic violence to the police because it would enable identifying the reasons for the dark figure of domestic violence cases, the position of women on this occurrence and the confidence in the responsible authorities that are supposed to protect them. Therefore, the respondents were asked to indicate the reasons for not reporting violent incidents to the police.

The reasons that the women listed for not reporting violence to the police are the following:

**Table 47.** Reasons for non-reporting to the police

Reasons	2000 %	2006 %
Fear of revenge	13.4	18.8
It is not a serious event	19.8	18.2
Shame	12.4	27.0

She wanted to solve the problem herself	8.9	11.6
The family to solve the case	6.4	9.4
The police is competent	2.5	1.1
The police is not engaged in such cases	2.5	4.4
The police cannot do anything	0.5	2.7
The police does not treat such problems seriously	0.5	3.3
The case was reported to other authorities	1.0	2.2
Other		1.1

The most dominant reason for not reporting domestic violence is the victim's shame. This immediately leads to two conclusions on domestic violence: the woman's feeling of guilt and the taboo related with this issue. The women's position on domestic violence can also be explained by their not reporting it to the police and every fifth woman stated that they did not consider this type of violence as a serious event and therefore did not report it to the police. This is correlated with the failure to recognize violence as a criminal act, with the prejudices, the shame...

Out of the women who did report the incident to the police, two thirds (68.6%) were contented by the police engagement and action. The height of this percentage implies that much progress has been achieved in the police work in the area of domestic violence over the past six years. If we compare this situation with the information gained in the previous research in 2000, the satisfaction from the police engagement was less and accounted for only 9.7%. This comparison indicates the engagement of the state, that is, the police as a state authority, in increasing its efficiency to address this issue. However, the above 20% of reporting violence to the police also indicates the important role that the police should have within the program for suppression and prevention of domestic violence. This could be primarily achieved by permanent education of the police personnel that work in this area.

The reasons for the discontent with the police engagement and reactions to domestic violence victims and their communication with the victims can imply the manner in which the police can improve its reaction to domestic violence.

Due to these reasons, the research identified the reasons for discontent with the police work.

**Table 48.** Reasons for discontent with police behavior

Reasons	Total
They did not do enough	6
They were not interested	2
They were incorrect, unkind	2
They took long time to come	2
Other reason	1

Most often, the women – violence victims were discontented with the engagement of this state authority and the treatment they received from the police personnel. This should set the path for eliminating the women’s discontent and increasing the level of professionalism of the police.

#### 6.8.3. Court Procedure of the Report

The fact that 38.9% of the reported violence ended up with a court proceeding implies the increased quality of the police work. In regard with this aspect, a difference in the percentages in the past six years may be noted. Previously, 30.2% of the cases had a court settlement, while now this percentage has increased by 9%.

Regarding the court proceeding of the reported cases of domestic violence, it is interesting that 94.1% of the women were contented with their treatment in the court proceeding, which indicates the good work of the judiciary and the trust in them by these women.

#### 6.8.4. The Center for Social Work

In accordance with our legislation (Law on Family, 2004), the Centers for Social Work have rather extensive responsibilities in cases of domestic violence. In line with the regulations, a number of different measures and types of assistance and protection are envisioned for domestic violence victims. However, according to the research results, it

appears that they are not sufficiently known to the broader public, promoted nor used.

According to the results, only 18.7% of the women who reported being victims of domestic violence stated that they had sought help, that is, turned to the Center for Social Work. 15.2% of the women stated that they were not familiar with the possibility to seek help from this Center, which indicates the insufficient affirmation of this body and calls for better information of the citizens about the possibilities this body may provide in cases of domestic violence. On the other hand, there is an extremely high level of satisfaction with the work of the Center for Social Work. This satisfaction, according to our research, is due to the different kinds of assistance the victims have received:

**Table 49.** Type of assistance requested from the Center for Social Work

Type	Number	%
Accommodation in shelters	1	2.0
Appropriate medical care	6	12.2
Appropriate psycho-social intervention and treatment	15	30.6
Visit to counseling bureaus	2	4.1
Continuation of children's education	1	2.0
Legal aid and court representation	11	22.4
Report to the police	4	8.2
Submission of a request to the court for a temporary protection measure	7	14.3
Instigating other court procedures	1	2.0
Refuses to answer	1	2.0
Total	49	100.0

In addition to the contacts with the Center for Social Work and satisfaction with its work, the research data identify the major problems faced by domestic violence victims and their needs in such cases: psycho-sociological intervention and treatment, legal aid and court

representation, submission of a request to the court for rendering temporary protection measures and medical care.

Every fourth woman that had turned to the Center expressed discontent with its work. The general conclusion is that the women's discontent arises from the fact that they had not received the help they requested or expected to receive ("I went for an informative talk and I was offered no help whatsoever", "I had to go back to the offender", "I have been staying with relatives for four years, I have not received any financial help, I am not satisfied with anyone", "I asked help for medicaments, but did not get any kind of help", "They did not fulfill their promise to accommodate me in a shelter center", "I am not satisfied with the custody proceeding outcome", "They did not do anything for me, they did not accommodate me and my five children anywhere"). The presented reasons for the discontent of the women who turned for help to the Centers for Social Work imply that there are cases when the Centers do not act in accordance with the responsibilities and possibilities they have. We are not able to say whether this is due to some objective reasons or not because we do not have sufficient available information.

#### 6.8.5. Non-Governmental Organizations

It is the non-governmental organizations that deserve the real merit in promoting the domestic violence issue, its incrimination and encouraging state reactions to cases of domestic violence. Moreover, there are NGOs that do practical work in dealing with domestic violence problems (establishment of a SOS telephone lines for women and children – victims of domestic violence) and providing some kinds of help and support to domestic violence victims<sup>15</sup>. However, according to the research results, only three women – violence victims turned to an NGO for help. It means that although there are NGOs that provide various kinds of help to domestic violence victims, they are not sufficiently promoted and their activities are not known to the public. Hence, their work and activities need to be promoted to a greater extent because it is the only way for them to get integrated into the overall system for assistance and protection of domestic violence victims.

#### 6.8.6. Why They Have not Requested Help?

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<sup>15</sup> ESE is certainly one of the NGOs that have the greatest merit for the "visibility" of domestic violence. It is also one of the organizations that provide legal aid, psycho-sociological help and support to DV victims

Domestic violence is characterized by a high dark figure. We thought that the questions to state the reasons for not turning for help to the responsible authorities will reveal more on the positions of the victims on this issue, as well as some more characteristics that are assumed to have a large influence on the high dark figure of DV cases. The women stated the following reasons for not turning for help:

**Table 50.** Reasons for not requesting help

Reasons	Number	%
Does not know	46	23.0
Fear of threat, consequences, increased violence	30	15.0
Shame	37	18.5
Fear of not being believed or of being blamed	8	4.0
Believes there is no help	19	9.5
Fear of ending the relationship	8	4.0
Losing the children	19	9.5
Negative reputation of the family	19	9.5
Other	14	7.0
Total	200	100.0

The received answers precisely define the picture of how domestic violence is considered in our country. The prevailing reason is that the women do not know they can turn for help in cases of domestic violence, which is very disappointing and means that the efforts made to inform the public about this problem and the way one should react to it are insufficient. This situation calls for increased activities to inform the broader public on all aspects of domestic violence.

Shame was the second common identified reason for not requesting help in cases of domestic violence. If we add to it the listed reason of a negative reputation of the family, it becomes quite clear that domestic violence is perceived in a negative way by the people, which is the reason for the high dark figure of domestic violence incidents.

The third listed reason – fear of a threat, the consequences and increased level of violence – indicates the feeling of helplessness and the need for encouragement of the violence victims by providing concrete help and support for these women.

Closely correlated with the previous aspect was the following question posed to the victims: whether they wanted to ask a concrete subject for help, but did not due to certain reasons. The following answers were received:

**Table 51.** Who the victims wanted to ask for help

Whom they wanted to turn for help	Number	%
Family	28	35.9
Her mother	27	34.6
His mother	12	15.4
Medical Center	5	6.4
Police	6	7.5
Total	78	100.0

These research results pointed out the problems of experiencing domestic violence. The prejudices and the misconception of this occurrence are so strong that they prevent women from speaking up about what goes on in their homes, even in the circle of their families. On the other hand, it also point out the victims’ need for help and support by the family and other bodies as well.

#### 6.8.7. Why Women Accept a Life of Violence?

Leaving the family, that is, a divorce, is a rational solution for the woman to put an end to the chain of violent events, maltreatment and humiliation she suffers in her home. This aspect was the subject of interest in our research: whether the women – victims tried to find a solution to their problem:

**Table 52.** Has she tried to leave her family

She has tried to leave the family	2000 %	2006 %

Yes, she is now living with her family	20.8	10.9
Yes, she came back	25.7	35.4
No	45.0	55.4
Refuses to answer	8.0	9.1
Total	100.0	100.0

The received answers indicate that only 10.9% of the women – victims of domestic violence had tried to leave the family and end the relationship, and they were not living with their families at the time when the research was conducted. Every fourth woman (24.8%) who reported being a violence victim stated that she had made attempts to leave her family, but kept returning back. A dominant and concerning answer is that over half of the women (55.4%) chose to be passive, agreed to suffer violence and undertake nothing to free themselves.

The comparison of the results of the two researches on domestic violence indicates that the situation seems to have worsened in the last six years. Namely, the percentage of women who have put an end to the violence by leaving the offender is lesser than the percentage of women who have returned after having left the offender; a higher percentage of women do not undertake anything to end the violent relationship (see Table 52).

The women who tried to end the violence were asked to provide information on the number of times they had tried to leave their families and returned.

**Table 53.** How many times did she try to leave her family

How many times	%
Once	30.3
2 to 4 times	33.3
5 and over 5 times	31.9
Refuses to answer	4.5
Total	100.0

The research results indicate that one third of the women tried two, three to four, five and over five times to leave the offender, but returned (see Table 53).

The women were asked to identify the reason for leaving the offender after the last incident. The aim was to elicit more information on domestic violence and determine the behavior that the women could not bear any longer and therefore decided to leave the violent community.

**Table 54.** Why did she leave the offender after the last incident

Reason	Number	%
No specific incident	1	1.3
Encouraged by friends and family	7	9.4
Could not suffer any more	42	56.7
Severe injuries, fear for life	9	12.2
Threatened to beat the children	5	6.7
Suffering of the children	4	5.4
She would get trown out of the home	3	4.0
Other	3	4.0
Total	74	100.0

The analysis of the information leads to two conclusions: first, the dominant reason for deciding to end the violent relationship was culmination of the violence that had become unbearable to the extent of jeopardizing their life, and the second is related to the children, when they become or are threatened to become victims of domestic violence (see Table 54).

The decision to end (leave) the violent community is assumed to be partially influenced by the victim’s knowledge that she has a shelter, at least at the beginning. According to the research results on the last leaving of the home, the victims most often (78.0%) find shelter at their relatives’, then friends and neighbors. This situation is expected: the woman goes where she feels sure to be accepted, and that is provided by relatives and friends. In this context, we should point out that two women were accommodated in shelters, and one was left on the street – can you

imagine the despair of this woman? This means that under exceptional circumstances, when violence takes its peak, the victim feels safer on the street than in her own home.

After leaving their home, the women returned in a relatively short time:

**Table 55.** How long was her absence

Duration	Number	%
Days- up to 15 days	29	47.5
Months – up to 4 months	10	16.4
She has not returned	17	27.8
Refuses to answer	5	8.2
Total	61	100.0

The data indicate that those women who left their husbands – offenders were absent from home for a fairly short period of time. Almost half of them returned home after 15 days and the longest period of absence was four months.

What was the reason for the woman’s short absence from home after leaving it? Was she serious and resolute in her decision to end the violent community or was it just a way to avoid the violence she was currently exposed to? The victims identified the following reasons for returning to the violent community.

**Table 56.** Reasons for her return and continuing to live in a violent community

Reasons	Number	%
For the sake of the family / children	12	17.6
She did not want to leave the children	22	32.3
Inability to support the children	2	2.9
She loves him	3	4.4
He asked her to return	8	11.8

Her family told her to go back	5	7.3
She forgave him	1	1.5
He told her he would change	5	7.3
He threatened her and the children	3	4.4
She could not stay where she had gone temporarily	2	2.9
Other	5	7.3
Total	68	100.0

The research results include the following most common reasons for continuing living with an offender: she did not want to leave the children and for the sake of the family. Essentially, both reasons may be associated with the children.

The dominant reasons stated by the women deserve to be commented upon. The most common answer to living in a violent community "she did not want to leave her children" brings up the dilemma what is actually the real reason, because in case of a divorce on the grounds of domestic violence, the children would surely not be given to the offender. So, the question is whether this implies an absence of objective conditions (financial, housing, etc.) for raising the children or fear that she would not be able to deal with her husband without causing stress and trauma for the children.

The dilemma that the women who suffer violence most often face and which makes them continue bear that violence even more is: how will the divorce affect the development of their children, reflected by the statement "for the sake of the family". If there are no other reasons (economic, emotional, moral, etc), this dilemma should not even come up, because the children cannot develop into proper and positive social personalities if raised in absence of love, harmony, positive family atmosphere and on top of everything, witnessing or suffering violence. In this context, we will reiterate the thesis that the generators of domestic violence include those families that experienced violence. Thus, this dilemma does not have a solid basis.

The hope for a spontaneous improvement of the situation (he told her he would change), especially in conditions of long-lasting violence, is unreal. It is a situation when the woman "assumes" she would not be able

to deal with certain problems and the hope for a change in the family is only a consolation for a more bearable life.

#### 6.8.8. Why Did They Stay in the Violent Community?

We have previously concluded that more than half of the women (55.4%), in spite of suffering violence, did not attempt to leave the offender. They stated the following reasons for tolerating the violence:

**Table 57.** Reasons for tolerating the violence

Reasons	Number	%
She does not want to leave the children	67	66.0
The sacredness of marriage	14	14.4
She does not want disgrace for the family	42	43.3
Inability to support the children	15	15.5
She loves him	17	17.5
She does not want to be alone	3	3.1
She forgave him	12	12.4
He told her he would change	23	23.7
He threatened her and the children	4	4.1
She does not have where to go	19	19.6
Isolation from family and friends	1	1.0
Fear from future violence	5	5.1
Other	3	3.1
Refuses to answer	20	20.6

The stated reasons practically reflect a number of aspects of the occurrence of domestic violence in our country: prejudices (does not want shame for her family), people's negative perception of domestic violence (isolation from family and friends), financial and other problems that the

women feel as obstacles for getting free from their life of violence (inability to raise the children, having no place to go), fear (threatened her and the children, fear of future violence), etc.

The reasons stated by the domestic violence victims for staying in a violent relationship at the same time identify some segments of the program for suppression and prevention of domestic violence: overcoming of certain prejudices (isolation from family and friends, wants to avoid shame of the family), provision of help and support to domestic violence victims so that they can have a choice when making a decision to end the violent community (has nowhere to go, threatened her and the children) etc.

#### 6.8.9. Necessary Help

The domestic violence victims were asked what kind of help they needed to deal with the problem. Considering their experience, they can give the most relevant information on the kind of help they need to deal with violence. The following answers were received:

**Table 58.** Type of help

Type of help	Number	%
Short-term help	39	21.70
Long-term help	75	41.70
Refuses to answer	66	36.70
Total	180	100.00

According to the received information, it is characteristic that the domestic violence victims prefer long-term help (41.7%). The short-term help was opted by half of those that stated they needed long-term help (21.7%). It should be noted that a second dominant answer was the women's refusal to state the kind of help they needed (36.7%). This means that the domestic violence victims do not even consider revealing the violence they suffer and ask for help. It seems they do not intend to change the situation.

The data indicate that the domestic violence victims are more in a need of a long-term help, which means provision of the basic living conditions after leaving the offender. The fact that every fifth victim stated a need for short-term help actually indicates her need for finding a shelter immediately after leaving the offender, because it is assumed that she can then provide for herself in the long-term. These data should also be taken into consideration when developing the Program for suppression and prevention of domestic violence.

#### 6.8.10. The Efforts Made by the NGOs and the State

The women – victims of domestic violence are those that actually feel the efforts made by the NGOs and the state to help and support them. Therefore, they were asked if the efforts made by the NGOs and the state in this area sufficient?

**Table 59.** Efforts by the NGOs and the state

	Number	%
Sufficient	33	16.70
Partial	44	22.20
Insufficient	33	16.70
Do nothing	17	8.60
Does not have an opinion	58	29.30
Refuses to answer	13	6.60
Total	198	100.00

The general assessment of the women victims of domestic violence is that they were not satisfied with the efforts made by the NGOs and the state. Almost half of the women gave such an assessment – 47.5% (22.2% were partially satisfied, 16.7% were not satisfied, while 6.6% stated that no efforts were made). Only 16.7% of the women stated that the efforts made in this sphere were sufficient. In this context, we reiterate the need for affirmation of the work and possibilities of both the government and non-governmental sector in providing help to the victims of domestic violence.

7.

## **POSITIONS OF WOMEN WHO ARE NOT VICTIMS OF PHYSICAL AND SEXUAL VIOLENCE**

### 7.1. Spread of Domestic Violence

The concept of the research assumed that given the subject, the goal and the method of the research and the selection of the respondents, only a small portion of them will be victims of domestic violence. Therefore, the women that were not victims of domestic violence were placed on the second level of the research. Hence, we asked them to provide information on the presence of violence on women, the perception of domestic violence, their opinion on this issue and other dimensions related to this sphere. The following part will outline the information received from the respondents that were not victims of domestic violence.

The women who did not report violence within their families think that this violence is well spread in the region. It was expressed as follows:

**Table 60.** Spread of domestic violence

	Number	%
Extensive	551	44.00
Partial	336	26.80
Rare	81	6.50
Cannot assess	262	20.90
Refuses to answer	22	1.80
Total	1252	100.00

The general conclusion is that domestic violence is spread in our country – this is the assessment of two thirds of the respondents. The prevailing conclusion (44.0%) is that domestic violence is extensively spread. It is interesting to note that every fifth woman (20.9%) stated that she was not able to assess to what extent this type of violence was spread.

Even though domestic violence is spread, the women think that it is not talked about. It is one of the taboos in our country which is not talked about – this is the assessment of three fourths (75%) of the women.

The women explain the silence about domestic violence as follows:

**Table 61.** Reasons for not speaking up about domestic violence

Reason	2000 %	2006 %
Fear of the offender	15.1	33.4
Shame from the close relatives	15.9	28.8
Shame from the environment	34.6	44.8
To protect the children	20.4	28.8
To preserve the family	21.1	29.2
Other	7.9	1.7
Does not know	8.2	3.7
Refuses to answer	2.8	1.4

The distribution of answers to this question confirmed the previously presented conclusions on the negative perception of domestic violence in our country.

As the presented data imply (they are shown separately in terms of the explored population since this question may be answered in several different ways), three fourths of the respondents think that the shame (shame from the environment – 44.8% and the shame from the close family – 28.8%) is the underlying reason for the silence on domestic violence. It implies the negative perception of this occurrence. Given the fact that shame incorporates in itself the category guilt, it appears that even the women themselves (regardless of whether they are domestic violence victims) think that the women – victims of domestic violence bear part of the guilt for what takes place in their homes. Moreover, it seems that this opinion is confirmed in practice as well. Experience shows that majority of the maltreated women accept the guilt or blame themselves for the behavior of their husbands, which is essentially wrong. This situation may be overcome if domestic violence is discussed on a more frequent basis and more realistically and stops being treated as a taboo. This process has been initiated in our country, but apparently it will take much more time to get completed.

The second common reason for the silence on domestic violence – to preserve the family and protect the children – was stated by about

60% of the women and it fits the patriarchal matrix of marriage and family relations, according to which, a bad marriage is better than a divorce for the sake of the children. Notwithstanding the patriarchal matrix, bad marriage reflects negatively on the children.

Every third women (33.4%) stated the fear from violence as a reason for the silence. It seems to be a realistic explanation, considering the very low rate of reporting violence. If the domestic violence victims are not prepared to report it, they are even less prepared to talk about it publicly. Hence, a serious occurrence is left out of the social focus and action.

The comparison of the results from the studies conducted in 2000 and 2006 (see Table 61), it may be concluded that in 2006 there has been an increased presence of all stated reasons. Some reasons have a double increase (fear from the offender and shame from the close relatives). Having already concluded that the above reasons reflect the negative perception the citizens have on domestic violence and having in mind the prejudices related to this occurrence, the following question arises: has there come to an increase in the number of these reasons and their intensification or have the citizens become more aware of domestic violence and recognize more readily the reasons for silence about it. Our opinion is that the campaigns and education courses conducted in the last five years have made a difference – they have raised the public awareness of domestic violence. The statements of the violence victims are conducive to the above said, as they listed the same reasons for not reporting violence and not talking about it.

## 7.2. Punishment of the Offender

In the focus of our interest was the position of the respondents on the punishment of the offender in the family. One may conclude that the majority of the respondents (91.2%) stated that the husband/partner who beats his wife/partner should be punished. It is interesting to note that the women consider the beating of the children as a less severe act. 80.4% of the women think that the parents should be punished if they beat their children.

The most tolerant attitude to violence was expressed for violence of a man on another man in a pub. Namely, 68.8% of the women stated that a man who hits another man in a pub should be punished. In terms

of the kind of punishment in cases of beating a woman or hitting another man in a pub, the following answers were given:

**Table 62.** Punishment for hitting a woman by a man

Punishment	Number	%
Lenient punishment for a man who hits his own wife/partner	64	4.50
More severe punishment	725	51.30
Same punishment	335	23.70
Cannot assess	264	18.70
Refuses to answer	26	1.80
Total	1414	100.0

The received answers indicate the already presented public attitude to domestic violence. Only half of the respondents think that a man who hits his wife should be punished more severely than the man who hits another man in a pub – and this is accepted in our legislation. Every fourth woman thinks that these two men should receive the same punishment, attaching the same level of threat to both cases – domestic violence and physical violence outside the family. Only a small portion of the women – 4.5% stated that domestic violence should be treated more leniently than the violence outside the family.

### 7.3. Changes in the Legislation

In 2004, the most important changes were introduced in the state treatment of domestic violence by incorporating them in the national legislation. By introducing amendments in the Criminal Code of the Republic of Macedonia, domestic violence has been incriminated as a criminal act. The Law on Family was amended in the same year by introducing a system of protection against domestic violence.

Are the citizens informed on the legal regulation of domestic violence and have these changes triggered any changes in the actual practice, were the questions in the focus of our research.

The legal changes (changes in the criminal legislation) are not sufficiently familiar to the women in our country:

**Table 63.** Are they informed on the incrimination of domestic violence

Are they informed	Number	%
Yes	441	35.3
They are not informed	539	43.1
Cannot assess	251	20.1
Refuses to answer	19	1.5
Total	1250	100.0

The data on the women's level of information (only those who did not report being victims of domestic violence) are very negative and indicate a very low level of information. Almost every third woman stated that she was informed of the incrimination of domestic violence. Two thirds of the women stated directly or indirectly (not informed – 43.1% and cannot assess – 20.1%) that they were not aware of the legal regulation of domestic violence.

The respondents who stated that they informed about the changes of the criminal legislation on domestic violence, were asked whether these changes have entailed any practical changes. The following situation was received:

**Table 64.** Changes attained by legal regulation

Attained changes	%
Yes	26.4
No	31.2
Cannot assess	39.2
Refuses to answer	3.2
Total	100.0

The research results indicate that every fourth woman who was informed about the legal regulation of domestic violence stated that the changes would entail positive changes in the situation with domestic violence. The positive aspect of the legal regulation of domestic violence is located in two areas: better protection of the woman from domestic violence (“the victims are legally protected”, “the women now are free to report domestic violence”, “when it is a legal obligation to protect the woman and the family – there are institutions, the Centers for Social Work should undertake appropriate actions – a woman who is ill to go for a treatment – instead of a treatment, she can go to a shelter”, “the victim builds up her self-confidence because of the help she is offered”) and decrease of the violence (because the offender will fear punishment, “if the offender is afraid of a prison sentence, violence will decrease”).

#### 7.4. Is the Engagement by the State Sufficient?

It was very important to determine the women’s assessment of the efforts made by the state for the domestic violence victims. The women who were not violence victims were asked to make such an assessment. So, the aim was to determine the perception of the state engagement because the respondents did not have any related experience. The women assessed the state engagement for the domestic violence victims as insufficient:

**Table 65.** The state engages sufficiently for the domestic violence victims

	Number	%
Yes	331	26.6
No	575	46.2
Refuses to answer	288	23.1
Does not know	55	4.1
Total	1250	100.0

Every fourth woman (26.6%) of the respondents who were not violence victims were explicit in their statement that the state does enough for the domestic violence victims. However, the negative assessment is dominant (46.2%) – the state engagement is insufficient.

8.

### **The Patriarchal System of Values – an Anticipated Risk for the Domestic Violence in the Republic of Macedonia**

#### 8.1. The Acceptance of the Patriarchal Values

This part of the study will focus on the patriarchal values for marriage and family accepted by the respondents (this question was previously considered only from the aspect of domestic violence victims). What was this approach due to? The theoretical explanation of domestic violence included the feminist concept, but also other concepts that explain violence within the family on the basis of the system of values that regulate the marriage and family relations. The results of the researches conducted to date have showed that the patriarchal values influence the marriage and family relations, even when they are characterized by violent elements. The patriarchal category may be considered as a general value<sup>16</sup>, which means that it is composed of several separate social values integrated into one whole. Our research took into consideration eight values that are specific elements of the patriarchal matrix for regulation of the marriage and family relations.

We have previously concluded that the explored values and their acceptance undoubtedly affect the psychological and physical violence and increase the risk of their occurrence. Therefore, this part of the study will explore the acceptance of these values by the population generally, since in this way we can assess the potential risk of domestic violence in the country and identify one of the goals of the Program for suppression and prevention of domestic violence.

The research results indicated the following intensity of acceptance of the patriarchal values:

**Table 66.** Acceptance of patriarchal values

Accepted value	Sample %
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<sup>16</sup> Rot, as on page 271

The good wife respects her husband's opinion even when she disagrees	57.2
It is important that the man shows who is the head of the family	43.8
It is the wife's duty to make love with her husband even when she does not want to	29.8
When the wife is maltreated, should others besides the family members intervene	49.1
She justifies physical violence in case of dissatisfaction from:	
Doing housework chores	2.7
She disobeys	5.9
She refuses to make love	0.9
She asks him about another woman	1.3
He suspects she's been unfaithful	3.2
He learns she's been unfaithful	13.4
There should not be violence under no circumstances	75.4

The acceptance of the patriarchal values, as the research data indicate, has a surprisingly high intensity. The surprising element is actually the high degree of acceptance of norms with certain contents. One of the values "the good wife accepts her husband's opinion even when she disagrees", which is accepted by 57.2% may be considered as a group norm of behavior<sup>17</sup>. However, the biggest and the most disappointing surprise is the fact that every third woman (28.3%) accepts, that is, justifies violence on women – in certain circumstances.

The intensity of acceptance of the patriarchal values, in accordance with their determined influence on domestic violence, indicates that there is a considerable risk of future existence of this occurrence - domestic violence on state level. Hence, the concept of the policy for suppression and prevention of domestic violence will have to act systemically on the elimination, or at least on the decrease of the reasons which entail

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<sup>17</sup> already cited, N. Rot: Group Psychology, Belgrade, 1986

acceptance of these values, and change the value system that regulates the marriage and family relations.

The following pages will outline certain characteristics of the women who have accepted these norms, in order to identify some elements that influence the level of acceptance.

### **It is important that the man shows who is the head of the family**

It is one of the traditional family values, according to which, the man is positioned at the top of the family (with acceptance of 43.8%). More specifically, it is important that the man shows to his wife who is the head of the family. The acceptance of this value by the woman essentially means acceptance of an inferior position in the family, that is, a patriarchal model of regulation of the family relations, where the man holds the dominant position.

This value points out a proportional relation with the woman's age. Hence, this value is the least accepted by the youngest generation and the most by the oldest. This distribution of answers is anticipated. However, it should be noted that it is the least accepted by the age category 36 – 40 (37.6%), which is still a very high percentage and implies tolerance and acceptance of the patriarchal values.

The women's education affects to a rather large extent the acceptance of this value, because it shows a proportional relation between the woman's education and the acceptance level. The illiterate respondents accept this value in 81.0% cases, while the women with high education accept it in 15.6% of the cases.

In addition, the women's nationality plays a role in the acceptance of the value. It is the most acceptable for the members of the Turkish ethnic community (50.3%) and the Albanian ethnic community (52.3%), and the least acceptable for the members of the Roma (32%), Macedonian (38.5%) and the Serbian (39.1%) communities respectively.

The answers for the acceptability of this value in terms of the religious belief of the respondents go in the same direction. It is less acceptable for the members of the Orthodox religion (38.8%) in comparison with those of the Moslem religion (56.0%).

It is interesting that the membership to a political party also influences the level of acceptance of this value. Namely, every fifth

member of a political party (22.3%) expressed an agreement with the statement that the man should manifest his dominance in the family, while those women who were not members of any political party accepted this value at a lower rate (45.4%).

The membership to women's organizations affects the acceptability of man's manifestation as the head of the family. These women accept this value by 24.2%, while the non-members accept it by 44.6%.

### **The Good Wife Respects Her Husband's Opinion Even When She Disagrees**

This value is most acceptable for the women in our country in comparison with all other values. It is accepted by more than half of the respondents – 57.7%.

In terms of the characteristics of the women who accept this value, it may be concluded that there is a proportional relation between this value and the women's age – the older the women are, the higher the level of acceptance of this value gets.

Education is in a reverse proportional relation with the acceptance of this value. The largest percentage (85.7%) of the illiterate respondents accept this value, while only 33.9% of those with high education accept it.

In terms of the women's ethnicity, it is most acceptable for the Turkish (81.5%) and Roma women (68.9%), whereas the Serbian women accept it the least (47.8%); the Macedonian (56.4%) and the Albanian (54.7%) women are somewhere in the middle. Nevertheless, the level of acceptability of this value is over 50% for all ethnic communities.

The women belonging to the Islamic religion (59.1%) – in comparison with the Orthodox women (56.3%) – agree to accept their husbands' opinion even when they disagree with them.

### **It Is the Wife's Duty to Make Love With Her Husband Even When She Does Not Want to**

This value regulates the relations between the partners in the sexual sphere. Again, the man has the dominant position, while the woman is inferior. The woman's inferiority in the sexual sphere is less

acceptable for the younger generation, whereas the older women accept it to a higher degree and this situation is again on a proportional basis.

The respondents' education is also in a correlation with this value. Also, most of the women with the lowest level of education, that is, without education, accept this value (illiterate – 42.9% and without education – 51.5%). The higher the educational level of the women, the lower the rate of acceptance of the inferior position in the sexual sphere (high education – 12.4%).

The consent to make love with their husbands regardless of their needs and wishes is at the highest level for the Turkish (48.1%), Roma (42%) and Albanian (35.8%) women, while it is at the lowest level for the Macedonian women (25.6%).

In terms of the religious belonging, the answers for the acceptability of this value go in the same direction. It is more acceptable for the members of the Islamic religion (40.7%) than for the members of the Orthodox religion (25.7%).

The membership of the respondents to political parties or non-governmental organizations has proved to be very influential in accepting this value from the sexual sphere. The members of these organizations accept the position "it is the wife's duty to make love to her husband even when she does not want to" to a considerably lower degree, especially in comparison with women who are not members of such organizations.

### **Does the Husband Have a Good Reason to Hit His Wife**

One of the most disappointing, and at the same time, the most surprising research results was the women's readiness (28.3%) to justify the physical violence committed by the men. They stated the following reasons that justify such behavior:

### **He Is Dissatisfied With Her Household Chores**

The justification of the physical punishment of the woman because of the man's dissatisfaction with her household chores (2.7%) is more acceptable for the women aged 46 – 60, those with lower degree of education, that is, the illiterate and those with uncompleted primary school (illiterate 9.5%, without education 12.1%, uncompleted primary

education 8%, college 2.2%, high education 1.6%); the Turkish and Roma women (Turkish women 18.5%, Roma women 7.8% - whereas the Albanian women 3.9% and Macedonian women 1.5% stated a much lower level of acceptance), the members of the Islamic religion 1.5% and the members of the Orthodox religion 1.6%).

### **She Disobeyed Him**

The woman's disobedience to the man is a sufficient reason for physical punishment according to a portion of the respondents (5.9%). The women's education does not correlate with the acceptability of this value. It may be concluded that this value is most acceptable for the youngest age category of women up to 20 (12.6%), whereas it is the least acceptable for the women belonging to the age category 56 – 60 – 3.8%. On the other hand, the educational level reflects a reverse proportional relation with this value. The lower the level of education, the higher the acceptance of the physical punishment of the wife if she does not agree with her husband is. It is acceptable for 28.6% of the illiterate women and for 0.5% of the women with high education. The highest level of acceptance of this model of behavior as a regulator of the family relations was stated by the women members of the Roma ethnic community – 22.2%, then the Turkish women 14.8% and the Albanian women with almost the exact percentage – 14.0%. This value is the least acceptable for the women members of the Macedonian ethnic community. In terms of the religious belonging, the acceptability of this value goes in the same direction. Namely, the members of the Islamic religion justify such behavior by 15.2%, while the members of the Orthodox religion by 1.9%.

### **Doubt in Wife's Infidelity**

Doubting the wife's infidelity is acceptable as a reason for her physical punishment in 9.2% of the cases. Furthermore, it is more acceptable for those women with lower level of education (without education – literate 15.2%, high education 2.2%), the Albanian and Turkish women (Albanian 7.2%, Turkish 7.4% and Macedonia 1.4%), the members of the Islamic religion (members of the Islamic religion 6.1%, members of the Orthodox religion 1.7%).

## **The Wife Has Been Unfaithful**

When the husband has a proof for his wife's infidelity, 13.4% of the women agree that it is a good reason for her to be physically punished. This model of behavior is more acceptable for the women with lower level of education (without education 27.3%, uncompleted primary school 21.4%, high education 7.5%). This value is most acceptable for the members of the Roma (31.1%) and Albanian (29.0%) ethnic communities; it is somewhat less acceptable for the Turkish women (18.5%) and the least acceptable for the Macedonian women (7.0%). The research has pointed out a connection between the acceptability of this value and the membership to a certain religious group. Hence, the members of the Islamic religion accept such behavior in 28.2% and those of the Orthodox religion in only 7.4%.

The membership to an organization plays a role in justifying physical punishment in cases of infidelity only in cases when the respondents are members of a political party, a women's non-governmental organization and the union and this model of behavior is less acceptable for them.

## **Unacceptability of the Physical Punishment of the Woman**

Every fourth woman (25.2%) stated she did not accept any situation or circumstance that can justify physical punishment of women. Education is the determining factor for this position: the higher the education, the higher the correlation with this position is. Nationality also plays a role, especially the Macedonian ethnic community (86.9%), unlike the other ethnic communities (Roma 41.1%, Albanian 50.5% and Turkish 59.3%).

Religious belonging also affects the acceptability of this value. Hence, the members of the Orthodox religion do not accept physical punishment in 85.9% of the cases, while the members of the Islamic religion in 50.7%.

In summary, it may be concluded that there is a high level of acceptance of the values that increase the risk of domestic violence. The acceptability of the values is influenced by age, education, nationality, religion, membership to political parties and non-governmental organizations.

9.

### **Overview of the Information Particularly Important for the Development of the Program for Suppression and Prevention of Domestic Violence**

This part contains an overview of the research information important for outlining the rationale behind domestic violence and determining this occurrence, as well as for creating a policy for suppression and prevention of domestic violence.

#### **a. Values with patriarchal contents**

In summary, it may be concluded that there is a high degree of acceptance of the values that increase the risk of domestic violence. Furthermore, it was concluded that the level of acceptability of this value is affected by age, education, nationality, religious belonging and membership to political parties and non-governmental organizations.

When developing the policy for suppression and prevention of domestic violence, efforts should be made to undertake activities that would entail abandoning of the patriarchal system of values regulating the marriage and family relations. It will mean:

- Increasing the level of women's education;
- Stimulating a higher degree of women's involvement in the political and non-governmental organizations;
- Introducing new contents into the educational system that will change the matrix of values regulating the marriage and family relations;
- Continuing the education on human rights, especially on women's rights;
- Promoting and intensifying the activities for education in the rural areas and within the ethnic communities of the Albanian, Roma and Turkish women.

#### **b. Low level of reporting to the police**

The level of reporting of domestic violence cases to the police is only 20.7%.

The police should, therefore, be one of the elements of the Program for suppression and prevention of domestic violence. This calls for undertaking activities to increase the level of reporting domestic violence. The activities directed towards the police only should result into:

- Increased confidence of the citizens in the police as an authority that is responsible to act in cases of domestic violence, that has a serious approach and that demonstrates sufficient engagement in such cases;
- Changes in the attitude of the police officers to domestic violence victims – demonstrate better engagement, a more polite and correct attitude, due seriousness to the act.

Hence, the Program for suppression and prevention of domestic violence should envision continuous education of the police personnel that comes in touch with this occurrence, both on the violence itself and on the treatment of the victims, since this part of the population is especially victimized.

### **c. Absence of information on the possibilities of the Center for Social Work**

There is a low level of turning for help to the Centers for Social Work (only 18.7% of the victims turned to these Centers), despite their considerable legal responsibilities and the available capacities for helping and protecting domestic violence victims.

Informing and promoting the responsibilities and possibilities of the Centers for Social Work will enable providing help and protection to a bigger number of domestic violence victims.

### **d. Low affirmation of the non-governmental organizations**

There is an extremely low level of contacting the non-governmental organizations by domestic violence victims (only 3 respondents – victims have turned to NGOs).

It is necessary to promote the work of the NGO sector in the sphere of providing help and protection of the domestic violence victims, as a complementary part of the state reaction to domestic violence.

#### **e. Insufficient level of reporting of domestic violence by the medical personnel**

The medical personnel are obligated to report cases of violence if they come across such cases in their work. There is a special protocol in place for this purpose, or a procedure of reporting the case to the responsible state authority – the police. In our country, the cause of injury in cases of domestic violence was registered in 57% of the cases, in spite of the obligation for mandatory reporting.

There is a need for special education of the medical personnel from the emergency, general and other areas of medicine that come in touch with the domestic violence victims, since it will contribute to official registration of violence and undertaking concrete steps for its suppression and prevention.

#### **f. The citizens are not sufficiently informed about the incrimination of domestic violence**

The data on the level of information of the women – victims are very negative – every third woman stated she was familiar with the fact that domestic violence had been incriminated.

The Program for suppression and prevention of domestic violence should envision actions that will ensure information of the citizens about the incrimination of domestic violence.

## PART II

### **Institutional Answer to Domestic Violence**

#### Existing Legislation, Tendencies and Challenges

The normative regulation of the relations associated with domestic violence in our country is of a recent date – 2004. A characteristic of the existing legal regulations, both in civil and criminal legislation, is their harmonization with the international standards and recommendations in this sphere, which require introduction of comprehensive legal regulations, that is, incrimination of domestic violence and introduction of temporary protection measures<sup>18</sup> of the domestic violence victims. Furthermore, it is recommended that these two regulations (civil and criminal) are connected, so that they are complementary and mutually non-exclusive.

In our country, domestic violence is incriminated within the existing criminal offenses in criminal law. This regulation is adopted in many other states<sup>19</sup> as well, which do not make a distinction of domestic violence as a separate criminal offense. The aim of this solution is to treat domestic violence as all other criminal offenses due to its seriousness. Hence, our legislation – by defining domestic violence, prescribing more severe punishments and prosecuting the offenders – has made a step forward in this regard and separated domestic violence as a specific crime. Moreover, the criminal offenses related to domestic violence in the Criminal Code are not part of the criminal offenses against marriage and family, as in some other states<sup>20</sup>. A positive characteristic of our normative regulations is the connection between the two systems – the civil and the criminal – which is in line with the international standards<sup>21</sup>. In other words, the incrimination of domestic violence does not exclude the use of the temporary protection measures and vice versa.

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<sup>18</sup> Recommendation of the Council of Europe 2005(5)

<sup>19</sup> Fight Against Violence on Women, a study on the achieved measures and activities undertaken by the states members to the Council of Europe, General Directorate for Human Rights, Section for Gender Equality, 2006, Armenia, Malta, Germany, Great Britain, Czech Republic, Greece, Latvia.

<sup>20</sup> Ibid. Poland, Lithuania, Denmark

<sup>21</sup> In addition to the international standard for connection of the criminal and civil legislation that regulates domestic violence, it is necessary that they interact with the rest of the legislation that regulates the protection of children and the rights of the immigrants. Unfortunately, this connection of the legislation and the above areas is missing in most countries.

This approach to regulating domestic violence imposes the need to place the temporary protection measures for the victims of domestic violence in the focal point of civil legislation. According to the study of the Council of Europe on the violence on women in the Council member states<sup>22</sup>, there are two such (temporary) prevailing measures ordered by the court: a prohibition for harassment by the offender and measures that impose removal of the offender from the home. In our country, according to the existing legal regulations, there are a number of other temporary measures in place in addition to the above two. They are part of the regulations incorporated in the Family Law of the Republic of Macedonia.

In terms of the normative regulation of domestic violence, a practice has been evident in recent years of adopting laws on domestic violence based on the holistic approach, whose underlying base is the multidimensional character of the occurrence. These laws entail codification of the civil and criminal material and process provisions, as well as the package of protection measures for the women victims of domestic violence. Spain is an example of such a legal solution with its law "Integrative protection measures against gender violence" adopted in 2004. The other holistic approaches to building legal solutions for this occurrence are mainly used in civil legislation<sup>23</sup>.

In addition to these approaches, some countries in the region show a tendency of adopting separate laws on domestic violence<sup>24</sup>. However, they are not based on the holistic approach. In absence of such an approach, they create a virtual picture of a better solution, unlike those countries that do not have a separate law. The main weakness of this solution is that it treats domestic violence as a breach, which is punished by a fine instead of imprisonment. Furthermore, only the temporary and protection measures are subject to regulation by the separate laws. The Republic of Macedonia avoided the possibility for inadequate regulation of this issue, and thus its minimization, by adopting the solutions contained in the existing Family Law, the Law on Social Welfare and the Criminal Code. The creation of conditions conducive to codification of the legislation on domestic violence, that is, building a holistic approach, is dependent on the factor of time and it is limited by political will and

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<sup>22</sup> Switzerland, Great Britain, Northern Ireland, Germany, Austria, Slovakia, Austria, France, Luxembourg, Belgium

<sup>23</sup> "Fight Against the Violence on Women" - a study on the achieved measures and activities undertaken by the states members to the Council of Europe, General Directorate for Human Rights, Section for Gender Equality, 2006. Germany has such a solution, as well as some other countries

<sup>24</sup> Croatia, the Federation of Bosnia and Herzegovina and the Republic Srpska

especially the very brief period of application of the current legal regulations.

### **Domestic Violence in Our Legislation**

The positive legislation of the Republic of Macedonia contains two definitions of domestic violence. The Criminal Code of the Republic of Macedonia states:

***Domestic violence*** means maltreatment, rough insult, threatening of safety, bodily injury, sexual or any other psychological or physical violence aimed to cause a feeling of insecurity, threat or fear by a spouse, parents or children or other individuals living in a marital or extramarital union or common household, or by a former spouse or persons that have a common child or are in close personal relations<sup>25</sup>.

The Family Law envisions:

***Domestic violence*** is considered to be the conduct of a family member who inflicts physical injuries by force, intimidation and threats, emotionally or sexually abuses, and materially, sexually or labor-wise takes advantage of another member of the family.

*Domestic violence involves actions committed:*

- *by one of the spouses against the other, who have lived or used to live in marriage or extra-marital union or in any kind of union as a family or if they have a common child;*
- *between siblings, and step-siblings;*
- *against children;*
- *against elderly family members;*
- *against individuals – family members having partial or full working incapacity*<sup>26</sup>.

The double approach, or the different definitions of the occurrence of domestic violence in positive laws (the Criminal Code and the Family Law) causes confusion both in terms of the constitutive elements of this occurrence and the subject of protection. Namely, while the definition and the subject of protection are clearly defined within the Criminal Code, the definition and most provisions envisioned by the Family Law create

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<sup>25</sup> Criminal Code of the Republic of Macedonia, Article 122, paragraph 19, Official Gazette No. 19/04

<sup>26</sup> Family Law, Article 99, Official Gazette No. 38/04

confusion by stating the types of violence too broadly without any additional specification. On the other hand, the extensive listing of categories of individuals that are entitled to protection over-dimensions the use of these solutions at the expense of the other also envisioned by the legislation on family, which were immediately disregarded. Thus, the protection of children and elderly family members from domestic violence was treated inappropriately and solved partially by measures that are in certain cases insufficient and inappropriate to protect the victims. Hence, in practice there are cases of domestic violence on a child, where the applied protection measure is removal of the offender from the home without depriving him of his parental right.

The regulation of domestic violence in our positive legislation has created the long-awaited basis for coordination and mutual connection of the existing systems for protection of the domestic violence victims that used to function almost exclusively in the NGO sector. In that sense, the Family Law regulates a number of other protection measures that are provided to the domestic violence victims if required.

The aim of implementing protection measures for the family and the victims of domestic violence is to prevent further violence, help the victim to overcome the consequences of the suffered violence and to create conditions for its integration in the social environment after the treatment has been completed.

In addition to the necessary protection that is mandatory to be provided to the victims and their families, two systems of legal protection of the victims of domestic violence have been introduced.

The regulation of domestic violence in the positive legislation has placed the Republic of Macedonia among the countries that, in addition to the mandatory provision of appropriate protection to the domestic violence victims, have a complementary legal protection of the victims in such cases.

The expert public has substantial merit in the fight against domestic violence. Yet, the essence and aim of these long-awaited solutions is yet to be understood in the years ahead of us, when the numerous ambiguities and confusions regarding their application will disappear and the degree of their complementary implementation with the other positive legal solutions will get increased to the highest possible level. This especially refers to the domestic violence on children and elderly family members (parents, etc.) in the role of primary victims, when in addition

to the application of measures for protection against domestic violence that provide the required protection to the victims (amelioration of the consequences and prevention of any possible future acts of violence), it is also necessary to undertake measures in the sphere of the rights and obligations arising from the parenthood rights and custodian relations.

## **Challenges**

### **1. Domestic Violence and Restorative Justice**

Restorative justice is known as the theory of the penal system based on the position that the criminal act is an offense against the individual or the community, rather than against the state. Therefore, the victim has the leading role in the probation penance of the offender, which can be in a way turned into a compensation for damages incurred by the committed criminal offense. These types of compensation may vary – from financial compensation, community service jobs, performing generally good things for a specifically determined purpose, education of the offender designed to prevent any future recidivism and/or to encourage his repentance. In broad terms, restorative justice is a growing social movement designed to institutionalize peaceful resolution of an inflicted damage, problems and violations of the legal norms and human rights. Instead of giving advantage and privilege to the legal system, the role of the professionals and the state in resolving the criminal acts/caused problems, in the practice of restorative justice, the victims, the offenders and the concerned community are equally engaged in seeking appropriate solutions that would retribute the injustice, compensate for the inflicted damage and turn things back into normal, establish harmony and rebuild the relations between the individuals and within the community<sup>27</sup>.

The interest expressed by those who study and practice the restorative justice in the area of domestic violence has become increasingly prominent in the past several years, especially on academic level. However, the results of the work done heretofore in the sphere of applying restorative justice in cases of domestic violence are scarce. Therefore, most of the practitioners in this area although fully understand the seriousness and high risk of working in this sphere, believe that they will be able to practice a restorative process in such cases only by

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<sup>27</sup> Domestic Violence and the Restorative Justice: Promotion of Dialogue, Alan Edwards and Jennifer Haslett, 2003

previously upgrading their capacities and knowledge in this area. Some of the practitioners, however, believe that it is more risky than beneficial to practice this concept in cases of domestic violence, while yet others categorically discard the possibility for any involvement of restorative justice in dealing with domestic violence.

The concept of application of restorative justice has its history in some countries, such as Canada, New Zealand and some countries in Europe. The empirical knowledge of recent date<sup>28</sup> is based on cases of partner violence, in which, naturally, the women are the victims and men are the offenders. The preconditions that are to be met in order to apply this concept are the consent and the full information of the victim of the meaning of her participation in the restorative process. In other words, she must have the wish and will to present her experience of the suffered violence and her needs and she also has the right to terminate the process at any time. The victim should feel safe both physically and psychologically in and out of the sessions and, of course, one of the requirements is that the offender demonstrates considerable responsibility for the acts he perpetrated, listens openly to the experience of the victim and the consequences domestic violence has caused.

Nonetheless, restorative justice applied in cases of domestic violence does not aim to re-establish the relations between the victim and the offender at their previous level prior to the occurrence of the violent act. Furthermore, it is applied not only when the offender commits an act which has elements of a criminal offense and a file is lodged against him and criminal charges are made, but also in all other cases. What is more, this concept does not aim to replace the penal system and should therefore not be understood as a way for the state to reduce the costs by its application. Finally, what is most important is that this concept is still not fully built and completed and thus cannot be used in all cases.

Regardless of the arguments and advantages of this concept, which are based on some empirical knowledge, we believe that a sufficiently long period of time is necessary in our country for the so-called traditional way of dealing with domestic violence (incrimination, appropriate civil legal actions and protection systems) to acquire more possibilities and time to respond to the victims' needs. In other words, the advantage of the incrimination of domestic violence and its definition as a social scourge entailed by the introduction of this concept not only in our

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<sup>28</sup> Ibid.

country, but more broadly, have set domestic violence back to the level of a private issue to be resolved by the victim and the offender, that is, the involved parties. This is especially true in light of the fact that almost four decades have elapsed between the introduction of the traditional way of dealing with domestic violence and the application of the concept of restorative justice in the comparative systems.

## 2. Costing of Domestic Violence

Domestic violence causes severe consequences both for the victims and the society on the whole. The scope of this occurrence may be followed by identifying the consequences inflicted both on the victim and the society in their entirety. The calculation of the consequences is made by taking into consideration three types of costs: costs for the services provided by the state institutions (the penal legal system, health services, social welfare, shelters, that is, the protection measures and the civil legal system); economic costs/losses due to the reduced or lost working ability of the victims and human and emotional costs/losses suffered by the victims<sup>29</sup>.

The presentation of domestic violence through the costing<sup>30</sup> of the degree of influence of domestic violence and through the calculation of the costs it incurs, enables the policy makers and the general public to understand the scope and impact of this type of violence and the broad range of consequences it causes. It also creates a realistic picture of its occurrence, scope and danger. This approach can point out very clearly that domestic violence is not a problem only of the individual and that the individual does not bear all costs incurred by the violent act, but on the contrary, the consequences are a concern of the entire society. Moreover, it also emphasizes the advantages that may arise from the decrease and suppression of this occurrence. In other words, the allocation of funds for preventive actions becomes more important at the expense of the funds required to cover the costs for the consequences of domestic violence.

No research has been conducted in the Republic of Macedonia to date to determine the domestic violence related costs. The dark figure of domestic violence was explored by a victimology survey, as in this project as well. It seems that would be beneficial to conduct such research, since it will complement the current knowledge on this occurrence and will

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<sup>29</sup> This is one of the techniques for data collection for the real committed crimes.

<sup>30</sup> Costs of Domestic Violence, September 2004, Sylvia Walby

attract the attention of the scientific, expert and general public encouraging thus their engagement in the resolution of this serious social problem.

## **Research Knowledge**

### A Methodological Overview

This part of the study will present the information gained in the several research endeavors whose aim was to determine the light figure of domestic violence according to the information of various state authorities, the activities of the authorities in addressing cases of domestic violence, the response of the state institutions in such cases, etc. This part is based on official data (statistics) obtained from the Centers for Social Work, the Ministry of Interior, the Basic Public Prosecution and the Basic Courts (civil and criminal departments), data from the Centers for Legal Aid of the Association ESE and the views and positions of various professional structures on domestic violence.

The data subject to analysis refer to the time period June 2005 – June 2006, with the exception of the data obtained from the Ministry of Interior which are related to their work in the course of 2005 only.

#### **a. Known cases, that is, the light figure of domestic violence.**

Sources of information: the Ministry of Interior, the Basic Public Prosecution and basic courts (criminal departments). The data refer to the reported, charged and sentenced crimes of domestic violence.

**b. Reported cases of domestic violence to some institutions/organizations that provide protection measures to domestic violence victims.** The information was obtained from two sources: the Centers for Social Work and part of the Centers for Legal Aid of ESE (Skopje, Tetovo and Shtip). The information refers to the scope and frequency, type of violence, information on the victim and the offender, the individuals who reported the cases, the help provided to the victims, the measures undertaken in those cases, other forms of protection provided, the required time for evaluation and the required time for implementation of the protection measures upon completion of the evaluation.

**c. Rights incorporated in the civil legal system of protection and proceedings upon requests for temporary measures.** Sources of information: the Centers for Social Work and the basic courts (the appropriate section). The information refers to the proceedings of these

institutions for application of the protection measures and their role in the proceeding envisioned within the civil legal protection system (temporary protection measures).

### **A Procedure for Acquisition of Information**

Five specific data collection instruments were developed and they were distributed to the appropriate institutions, more specifically:

a. The Centers for Social Work. The instrument was distributed to 27 Centers and responses were received from 26 of them;

b. The basic public prosecution. We addressed 22 basic public prosecution offices and we received responses from 18;

c. Basic courts. Out of 27 basic courts we addressed, we received responses from 18;

d. The Ministry of Interior. The response was received from the Department for Analytics and Documentation in the MoI; and

e. The Centers for Legal Aid of the Association ESE.

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### **Protection Measures**

*They should not repeat my mistake and just wait for the time to bring some change; on the contrary, they must try to change something in their lives themselves there and then, because whenever they hush up the real situation, with their first "not now" or "I'll do something tomorrow or next time" they are already losing invaluable time.*

***Statement by a domestic violence victim, documentary "Life in a Shadow", ESE, 2007***

*Every woman who's a victim of domestic violence should report the case, instead of holding back, so that she does not reach the point I*

*did. I recommend that to every person and I know that there are many in Macedonia. We hide a lot, I know they are afraid. They should not be afraid any more. We should come out and say publicly what is going on.*

***Statement by a domestic violence victim, documentary "Life in a Shadow", ESE, 2007***

### 1.1. The Contents and Nature of the Protection Measures

The basic prerequisites to be met when implementing protection measures are provision of security and protection of the victim from any future violence, that is, help to overcome the consequences of the suffered violence, and creation of the necessary conditions for her reintegration into the social environment. These measures normally imply provision of security and protection not only to the victim, but also to the other family members that are secondary victims.

The reforms in the legislation addressing family in 2004, when domestic violence was for the first time regulated in this sphere, entailed introduction of a number of individual protection measures. In this sense, the Center for Social Work and the non-governmental organizations that work on eradicating and preventing domestic violence were given a legal opportunity to build the necessary coordinative protection system. In addition to the individual measures envisioned in the law, a possibility was given to undertake all other necessary measures that will serve to provide protection to the victim.

This study considers the degree of usage of the measures for protection against domestic violence and their implementation and efficiency through the cases of domestic violence reported to the Centers for Social Work and the number of individuals that requested legal aid and court representation from the Centers for Legal Aid of the Association for Emancipation, Solidarity and Equality of Women – ESE. This analysis is designed to present the scope and type of protection in cases when the victim of domestic violence turns to one of the actors in the formal protection system, on the one hand, and to an actor in the informal system, on the other hand, but also when the victim does not articulate her need for protection and it is not defined (the Centers for Social Work) or when it is clearly defined along with legal aid and representation.

### 1.1.1. Types of Protection and Their Functionality

The range of individual measures to be undertaken by the responsible institutions (the formal protection system) and the NGO sector (the informal system) include the following:

- provision of necessary accommodation of the victim of domestic violence in duration of at least 6 months, with a possibility for its extension for additional 6 months;
- provision of appropriate medical care;
- provision of appropriate psycho-social intervention and treatment;
- referral to appropriate counseling;
- if there is a child in the family that attends regular schooling, helping the continuation of his/her regular education;
- notification of the prosecution authorities;
- provision of every type of legal aid and representation;
- instigating a court proceeding;
- if required, submission of a request to the court for rendering of temporary protection measures; and
- undertaking of other measures assessed to be necessary for solving the problem.

### 1.1.2. When and What Kind of Protection is Offered by the Protection Measures

The existing protection measures provide:

**Accommodation** – it is undertaken when it is determined that the DV victim is in a serious danger or a threat to her/his life and health due to use of physical force, threat or intimidation by another family member, and there are no resources in the family surrounding to take up the victim and her children.

**Appropriate health care** - means helping the victim to accomplish her/his right to health insurance, that is, health care, and if required, an adequate medical treatment.

**Provision of appropriate psycho-social intervention and treatment** – means provision of initial advisory assistance to the victim of domestic violence, psycho-social intervention by an expert and counseling inter-disciplinary team work.

When the domestic violence victim needs expert help and treatment, she is referred to **appropriate counseling**, upon her prior consent.

When the domestic violence victim has a child attending **regular school**, the necessary measures are undertaken to provide continued regular education of the child and the necessary working materials and meet all other related needs.

The **notification of the prosecution authorities** is carried out by submission of relevant written documentation for all cases of registered domestic violence acts by the experts from the Center for Social Work whenever such cases occur.

**Legal aid** is provided by informing the victim on the rights and legal proceedings that may be initiated for overcoming and preventing domestic violence. In addition to the advice, free representation of the victim is also envisioned.

A **procedure may be initiated before the relevant court** in accordance with the Family Law for the purpose of protecting the personality, rights and interests of the DV victim and her/his family, including the supervision over exercising the parental rights, protection of the rights and interests of a person placed under custody and adopted persons.

In order to prevent domestic violence and provide protection of the victim's health and security, as well as to prevent any circumstances that may trigger violence, a request may be submitted to the court for rendering the most appropriate temporary protection measures.

Up to date, besides the type of the measures, their names, the persons who can report cases of domestic violence and part of the institutions where some of the rendered measures may be enforced (the Law on Social Welfare for the shelters, etc.), there are no legal or supplemental legal provisions that specify in more detail the contents and manner of implementation of each measure. The need for their development is very imposing, especially considering the fact that the state and NGO sectors form and build together the system for implementation of these protection measures.

In this sense, standardization of the protection measures envisioned within the family legislation has been undertaken by the non-governmental organizations<sup>31</sup> and the Ministry of Labor and Social Policy<sup>32</sup>. This initiative will result in modifications of the Law on Social Welfare, developed standards in the form of supplemental legal provisions and clearly defined conditions and criteria to be met and complied with by the actors in the formal and informal protection systems.

In absence of such standards, the functioning of the protection systems today is based and greatly dependant on the professionalism and capacities available to the institutions/organizations. Although the main issues of the unified standards for action of both systems are not fully regulated, which would prevent double standards and avoid possible irregularities in dealing with these very sensitive cases, they give the basis for a coordinated approach that considerably decreases the possibilities for inappropriate re-referral, failure to provide information on the legal possibilities and transfer of cases from one to another responsible institution/organization.

## 1.2. Formal Protection System / Protection Measures Undertaken by the Centers for Social Work

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<sup>31</sup> Akcija Združenska and the Association for Emancipation, Solidarity and Equality of Women of the Republic of Macedonia - ESE

<sup>32</sup> Section for the Socially Excluded Persons, Department for Social Welfare

#### 1.2.1. Requested Help from the Centers for Social Work

In the period June 2005 – June 2006, 839 cases of domestic violence were reported in total. On average, 70 cases of domestic violence are reported monthly to the Centers for Social Work. The highest reporting rate, or 97 cases, occurred in June 2005, while the lowest took place in March 2006, when 48 cases were reported.

#### 1.2.2. Type of Reported Domestic Violence

In regard with the 839 cases of domestic violence, 1440 individual cases of violence were determined (physical, psychological, sexual and labor-wise exploitation), that is, every victim suffered 1.7 types of violence. The most common was physical – 52.43% (755), followed by psychological violence 44.44% (640), sexual 2.57% (37) and labor exploitation 0.56% (8).

#### 1.2.3. Victims of Domestic Violence

The most common victims of domestic violence reported to the Centers for Social Work are women. They account for 93.1% of the total number of reported victims, while men account for only 6.9%, which is yet another confirmation of the previously identified practice of the women's dominant position as domestic violence victims.

#### 1.2.4. Who Reported the Domestic Violence

In terms of the subject that reported the violent act, it may be concluded that most often – in more than half of the cases, the victims themselves do that – 58.0%. This is followed by reports submitted by the responsible institutions (official persons and legal entities who are obligated to notify the Center without any delay) with about a fourth of the reported cases – 23.8%. It appears that the family members contribute to the reporting of domestic violence to the least extent: every seventh case was reported by a family member.

**Table 67.** Who reported the violence

Who made the report	%
The victims	58.1
The responsible authorities	23.8
Family members	14.1
NGOs and other persons	4.0
Total	100.0.

A very slight percentage of the cases were reported by the non-governmental organizations (4.0%). This slight participation, or reporting, of the non-governmental organizations to the Centers for Social Work should not pose a concern if we know that the organizations that work daily with domestic violence victims, as well as those that do not work in this sphere but know where to refer the victims and the members of their families for protection, are actually part of the reports of all other categories of reporters.

#### 1.2.5. Degree/Scope and Evaluation of the Provided Protection

In regard with the reaction of the Centers for Social Work to the reports on domestic violence cases, a positive practice may be assessed. The provided help was various in type and intensity.

The evaluation methods and techniques used were an interview and observation. In all reported cases, an interview was conducted with the victim and in most of the cases (91.2%) observation was made as well (observation and monitoring of the behavior of certain individuals over a specified period of time and according to set parameters). In few cases additional mechanisms were used as well: genogram, eco-map, sociogram and tests for personality evaluation.

#### 1.2.6. Type of Provided Protection

##### **Psycho-social Intervention**

Only psycho-social intervention, out of the broad and comprehensive range of measures, was provided in all reported cases.

**Table 68.** Reported cases and provided protection

Total number of reported cases	Provided protection
839 (100%)	839 (100%)

### **Legal Aid and Representation**

The degree of provided legal aid and representation is high (625), which indicates use of the legal possibilities/resolution as the victims' means of dealing with violence.

**Table 69.** Reported cases and provided legal aid

Total number of reported cases	Provided protection
839 (100%)	625 (74.49%)

### **Notification of the Prosecution Authorities**

Every second case included elements of a punishable act, or required notification of the prosecution authorities of the reported violence. If compared with the light figure of reported violence to the police (3873), every tenth reported case was directed by the Centers for Social Work.

**Table 70.** Reported cases and notification of the police

Total number of reported cases	Provided protection
839 (100%)	405 (48.27%)

### **Medical Care**

Every third victim was provided with an appropriate medical care after all other measures deemed necessary by the Centers for resolution of the case were undertaken. Other protection measures were provided approximately to every fifth victim.

**Table 71.** Reported cases and provided medical care

Total number of reported cases	Provided protection
839 (100%)	275 (32.77%)

### **Helping the continuation of children's regular schooling**

Every eighth reported case required help for continuation of the child's/children's regular education.

**Table 72.** Reported cases and continuation of children's education

Total number of reported cases	Provided protection
839 (100%)	103 (12.27%)

### **Necessary Accommodation**

Every twelfth victim was provided with the necessary accommodation.

**Table 73.** Reported cases and provided accommodation

Total number of reported cases	Provided protection
839 (100%)	68 (8.10%)

Taking into consideration this number, including the duration of the shelter (six months up to a year) and comparing it to the capacities of the state shelters, it is apparent that half of the capacities are not being used. On the other hand, this indicates a relatively high degree of help and support the victims receive from their primary families, relatives, etc. in dealing with domestic violence, which automatically reduces the need for placing the victims in shelters (they are accommodated at their relatives' or have enough means to provide their own accommodation). However, an analysis of the data on the situation and number of victims sheltered in the period June 2005 – June 2006, received from a state shelter, that

is, the Center for domestic violence victims in Skopje points out to a different situation. Namely, the degree of exploitation of the capacities of the state shelters cannot be considered solely from the aspect of the number of victims and the duration of their accommodation since practice has shown that these are not the determining factors. The number of children that are accommodated together with the victims affects the overall exploitation of the capacities.

To illustrate this situation, we will present the information received from the above shelter in Skopje. In a year's period, the Center accommodated 33 victims. 30 of them were accommodated for a six months' period. Only 3 persons were accommodated for the maximum period of one year and even longer. If we compare this information with the real capacities of the shelter that can optimally put up 22 persons, it appears that about 73% of the capacities of this shelter are used. However, if we add up the number of the children accommodated with the victims, the picture changes. Hence, the available data for the first half of 2006 (in the second half of 2005, no records were kept for the number of accommodated children) indicates that 20 victims were accommodated along with 25 children. If we assume that in the second half of 2005, approximately the same number of children was accommodated as in the first half of 2006, we come up with the figure 16. Thus, in the course of the year, 41 children were sheltered along with the victims.

If we compare the total number of victims and children (total 74) accommodated in this shelter and its optimal capacity, we come to the conclusion that 68% of the optimal capacity was used. This is also confirmed by the employees in the shelter, who shared their experience with us.

The analysis of this data, having in mind that they refer to the Center for domestic violence victims in Skopje, which shelters victims under the territorial jurisdiction of the city of Skopje, implies that there is no need for opening new capacities – shelters. What is necessary to do in order to discuss this topic is to develop a comprehensive and detailed analysis of all accommodating capacities and their factual condition. In addition, it should be kept in mind that the issue of opening new shelter capacities depends on the progressive use of the temporary protection measures, and especially on the removal of the offender from the home, as this excludes the need for providing shelter when the circumstances allow.

***Every person has an accommodation in this Center in duration of one day up to six months, with a possibility to extend it for another six months. In the course of this period, if the person feels that she needs to leave the shelter, she is not required to ask for any permission and she can freely leave the accommodation.***

***Upon reception in the shelters, it is evident that almost all of the victims, 99%, are under stress. Most of them suffer from insomnia as a result of the fear and trauma they have gone through. The majority of them are depressed and have very low self-confidence. They are therefore given several days for adaptation in the Center and with the other accommodated women and this period is followed by intensive work on the enhancement of their personality.***

**Aneta Todorovska**, Inter-municipal Center for Social Work – Shelter, Skopje, documentary “Life in a Shadow”, ESE, 2007

### **Initiating a Court Procedure**

Every twelfth victim is provided help in instigating a court procedure.

**Table 74.** Reported cases and initiating a court procedure

Total number of reported cases	Provided protection
839 (100%)	59 (7.03%)

### **Temporary Protection Measures**

Unlike the necessary accommodation, where the degree of exploitation indicates a favorable environment for appropriate dealing with violence by the victim, the use of the temporary protection measures does not show such a positive tendency. Namely, only every fourteenth victim is protected by measures rendered by the court. This situation is due to several factors and the most important among them are the

following: insufficient recommendation of these measures by the Centers, because they are considered as a punishment for the offender, and on the other hand, their inability to support the recommendation for a temporary measure by sufficient information that would facilitate the rendering of such measures by the court.

**Table 75.** Reported cases and temporary protection measures

Total number of reported cases	Provided protection
839 (100%)	58 (6.91%)

### **Appropriate Counseling of the Victim**

The referral of the victim to counseling was the least applied protection measure as it was issued for every twenty seventh victim. This situation is due more to the absence of a clearly defined reference list of counseling bureaus for the violence victims than to the absence of the need to apply this very necessary protection measure.

**Table 76.** Reported cases and sending to counseling

Total number of reported cases	Provided protection
839 (100%)	31 (3.690%)

### **Other Forms of Protection**

In addition to the measures envisioned by the legislation on family, the victims are also provided with other protection forms<sup>33</sup>. In this context, they are most often provided with material help (40.29%) and use of services of some institutions, such as the educational and medical institutions (40.05%).

<sup>33</sup> Law on Social Welfare, Official Gazette No. 21/06

**Table 77.** Reported cases and other forms of protection

Total number of reported cases	Provided protection
839 (100%)	180 (21.45%)

### 1.2.7. Situation in Terms of the Kind of Provided Protection

Considering the types of the applied protection measures and partially their complementary nature when rendered in specific cases of violence, it appears that all victims receive the required psycho-social intervention (not including the treatment) upon reporting of the violence. However, there is confusing information regarding the provision of legal aid and representation, which can be interpreted as an irregular work of the Centers in providing protection or too fast application of this type of protection without first offering another type of measure. This results in the evidently low degree of use of the temporary protection measures. They should essentially serve as the main tool of the Centers in ensuring the victims' safety and protection.

On the whole, the situation in this sphere is a result of certain conceptual ambiguities regarding the meaning of these protection measures and the actual help that the victims receive with their application. Furthermore, the capacities and the resources of the Centers significantly influence the degree of application of some measures. On the other hand, the (non-)established cooperation of the Centers with other institutions and non-governmental organizations affects the level of provision of protection. In the bottom line, it will considerably depend on the future legal clarifications and distinction of the envisioned spectrum of protection measures. For instance, it is unclear why we have envisioned three protection measures that result in undertaking specific legal action, such as legal aid and representation, initiating a court procedure and submission of a request to the court for rendering a temporary protection measure.

### 1.2.8. (Non)Timeliness of the Provision of Protection

The timeliness and speed of the responsible authorities in their proceedings to provide the necessary protection constitute the leading principle. It is very important not only in the process of evaluating the victims' needs and the required protection, but also in the realistically offered / provided protection.

The evaluation of the protection needs was made within a week from the report of the violence in 45.53% of the cases; within two weeks in 15.02% of the cases and in a period over two weeks in 8.58% of the cases. There is an evidently high percentage of victims for whom the evaluation of their needs was made within or even over two weeks, including those cases of reported violence whose duration was not precisely specified by the Center.

An equal concern is posed by the data on the required time for real provision of the evaluated protection. 29.8% of the victims (about one third) received this protection within a week. The same percentage (28.96%) received it within 3 days. Yet, one third, or 26.22% of the victims who reported cases of violence received it in a period of up to two weeks.

We should not neglect the fact indicating that in practice, after the evaluation is made, the protection is provided even after two weeks in 0.83% of the cases and that the Centers did not clarify this point for 14.19% of the cases.

**Table 78.** Duration of the evaluation and the time required in real terms to apply the protection measures

Duration	Evaluation %	Provision of protection %
Up to 3 days	24.67	28.96
Up to a week	45.53	29.80
Up to two weeks	15.02	26.22
Over two weeks	8.58	0.83
Not sorted out	6.20	14.19

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Looking cumulatively at the information on the time required to make the evaluation and provide the protection, it may be concluded that the victims, or every third victim, normally receive the protection within a week.

Only one fourth of the victims received protection on time, or within 3 days. However, a fifth of the victims are provided with protection within two weeks and an extremely small number in a period of over two weeks. Moreover, the Centers for Social Work did not specify the time required to provide protection for every tenth victim.

The failure to provide timely protection is due to the same reasons that influence the provision of certain types of protection. It is quite evident there is a delay both in the process of evaluation of the victims' need for protection and in the actual process of providing protection. The delay in the evaluation process is beyond understanding, especially considering the fact that it is made by a trained team in the Centers and it depends solely on their own capacities. The delay in the actual provision of the protection is partially understandable because it does not depend only on the capacities of the Centers, but also on other institutions and organizations. A separate analysis of the reasons that cause this delay will significantly contribute to the elimination of the subjective obstacles and causes and it will also determine the connection between the timeliness and the type of the provided protection.

#### 1.2.9. Implementation and Monitoring of the Protection Measures

The application of the different types of protection, which in accordance with the legal regulations is under the responsibility of the Centers for Social Work, does not mean their implementation directly by the Centers themselves. Namely, considering the contents of these measures, and especially of the following: medical care, referral to an appropriate counseling, legal aid, etc., it is apparent that they can be implemented only by other institutions/organizations. Only the Centers for Social Work know how these institutions/organizations work. However, the contents and forms of protection contained in each protection measure were not subject of this study, neither were the institutions and organizations that the Centers for Social Work engaged to implement the

measures. The absence of this information only prevents us to evaluate the provision of the required protection by the Centers for Social Work.

The monitoring of the implementation of the protection measures by the responsible institutions/organizations allows for provision of timely and efficient help and support to the domestic violence victims and their families. The monitoring of the protection measures should be regularly kept in records and the results and manner of implementation of the measures are to be included in a report along with an evaluation of the effects and recommendations for any further proceedings. Today, the monitoring of the implementation of the protection measures is carried out by various established practices. For instance, the Centers for Social Work that are responsible for general monitoring of the effects of the implemented measures regularly require information from the implementing institutions and organizations, contact the domestic violence victims and other persons and undertake other action.

This situation in the segments of implementation and monitoring is partly due to the absence of prescribed proceedings and partly a result of the absence of standards for provision of different types of protection, and thus, the absence of parameters for determining the effects of the provided protection. In addition, there is also no reference list of institutions and organizations that will implement and monitor the protection measures on the basis of set rules.

### 1.3. The Informal Protection System / Legal Aid and Representation Requested by the Centers for Legal Aid – CLA of ESE

***The main problem of the victims in finding some legal solutions, or a legal remedy to domestic violence is, of course, their material situation. Therefore, we have decided to offer free legal advice and free legal aid through this Center. It means that in addition to the advice we give them in the process of overcoming their problem, we also provide financial support for court representation, but only to a certain number of women who have turned to our Centers for help. In addition to the legal advice and aid we offer, we also provide psycho-social support to the victims, since it is very necessary for the problems they are facing.***

**Jasminka Friscik**, Association for Emancipation, Solidarity and Equality of the Women of the Republic of Macedonia – ESE, documentary “Life in a Shadow”, ESE, 2007

In parallel with the established formal system for protection of domestic violence victims which is founded on the legal regulation of domestic violence, the organizations from the civil sector are active in providing help to this category of individuals in the framework of the so-called informal protection system. It should be noted that this system was functioning even prior to the adoption of the relevant legislation and the introduction of the formal response by the state. The importance and contribution of the citizens’ organizations is even more important given the fact that by 2004 these organizations were the only ones that offered support and protection to domestic violence victims. Furthermore, their work and commitment have contributed to the affirmation of this issue and its transformation from a private problem that needed to be solved within the family into a social scourge that deserves due attention and formal reaction.

Today’s provision of appropriate protection by both systems (the formal one and the civil organizations) is characterized by an increasing strive for mutual cooperation and coordination aimed at responding to the victims’ needs in an appropriate way so as to solve this issue comprehensively.

### **Type of Protection, Methodology of Work and Territorial Organization**

The Centers for Legal Aid of ESE constitute a characteristic example of providing quality protection measures to domestic violence victims. These Centers have been functioning for five years in Skopje, Tetovo and Shtip and their purpose is to provide free legal aid, psycho-social help and support throughout the territory of the Republic of Macedonia. Moreover, the Center for Legal Aid in Skopje offers the victims information and help regarding the penal legal protection in cases of domestic violence. To that end, teams of lawyers, social workers and psychologists work in this Center.

**Free legal aid** means provision of legal advice, preparation of the required legal written submissions and court representation before the

responsible courts for the cases (victims who are registered with the Bureau for Unemployment or have low income) that require such support.

**Psychological support** means provision of initial psychological help and support, active listening of the client aimed at boosting her self-confidence and enhancing the healthy personal capacities, as well as formulating and bringing the final decision for the resolution of the violence. Psychological therapeutic techniques of several approaches are used through interactive methods.

The support in the social sphere involves diagnosing the problems and in consultation with the clients, appropriate solutions to their problems are identified. In addition to informing the clients on their rights, they are also referred to the relevant institutions for realization of their rights.

In the segment of the **penal legal protection**, every woman who turns for help is provided with complete information on the meaning of the criminal act, the reporting procedure, the required evidence and the obligation of the police to react formally on the grounds of the reported criminal offense related to domestic violence. Furthermore, for those who are not familiar with the amendments and supplements to the Criminal Code, the Center provides explanation that domestic violence is a criminal offense prosecuted by law which can be reported. Some of the clients, depending on their needs, are referred to the Centers for Social Work. The victims are thus offered an access to using all legal mechanisms currently available within our penal legal system.

The Centers work four days a week, in the afternoons from 16 to 19 hours. The Centers work on the principle of making appointments with members of the expert team for the interested clients. To that end, every working day appointments are made on a separate telephone line especially designed for the needs of the Centers. The work of the Centers is based on the principles of compliance with the confidentiality right for the exposed information and non-representation of clients with conflicted interests.

Normally, the victim who asks for help first meets a psychologist or a social worker for the purpose of her own strengthening and making a decision for her problem. The next step is meeting a lawyer for getting a legal advice, preparation for concrete written submissions, and in some cases, free court representation. If a victim who has requested help from

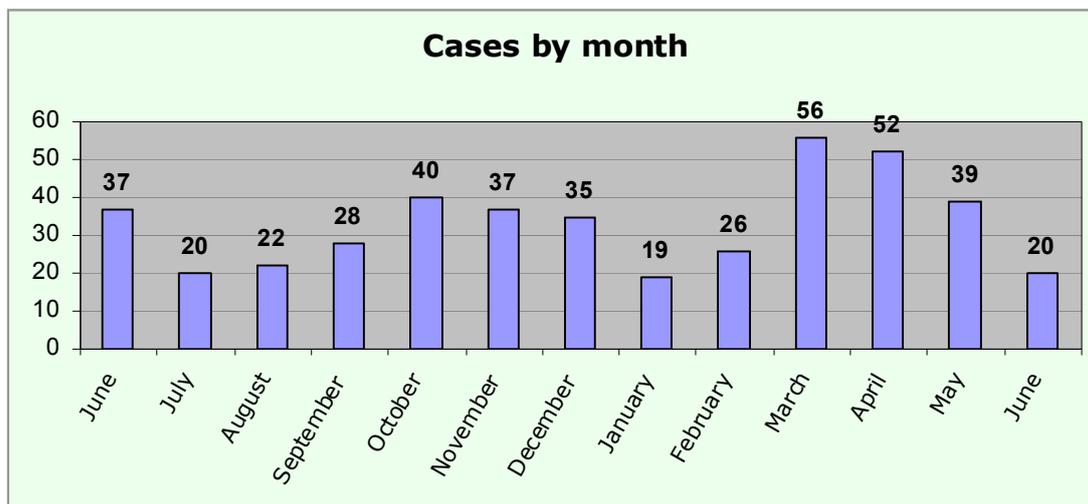
the Center makes a decision to solve her problem, legal aid is provided immediately.

### 1.3.1. Requested and Provided Legal Aid and Representation

431 victims turned to the Center for Legal Aid in Skopje in the period June 2005 – June 2006, which is 33 victims a month on the average. A total of 197 victims requested and received help and support from the two Centers for Legal Aid in Shtip and Tetovo.

*Chart 1*

#### **Review of cases of domestic violence by month in the Center for Legal Aid – Skopje in the period June 2005 – June 2006**



Out of them, 382 persons (88%) were provided with legal aid, while psycho-social support was provided to 343 persons (79%). We can draw a conclusion that in most cases, the victims need both types of help and support, which, on the other hand, fit the methodology of work of the Centers for legal aid that actually provide it. This practice has been proved in the work of the local Center for legal aid in Tetovo, unlike the Center in Shtip, where the victims requested more psycho-social help and support rather than legal aid.

### 1.3.2. Type of Reported Domestic Violence

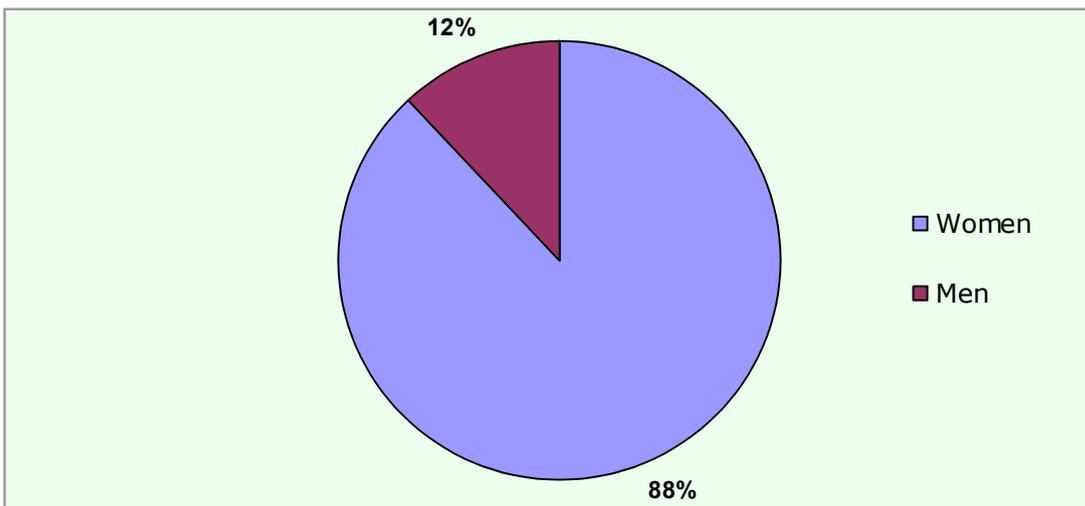
The type of violence from which the victims asked for help and support correlates with the general existence of domestic violence in the country. Thus, in most cases help was requested because of psychological violence suffered in about 59% of the cases, physical violence in 40% and sexual in 1% of the cases.

### 1.3.3. The Victims of Domestic Violence and Their Working Status

Out of the total number of reported cases of domestic violence in the Centers for legal aid, women are victims in 88% and men in 12% of the cases.

*Chart 2*

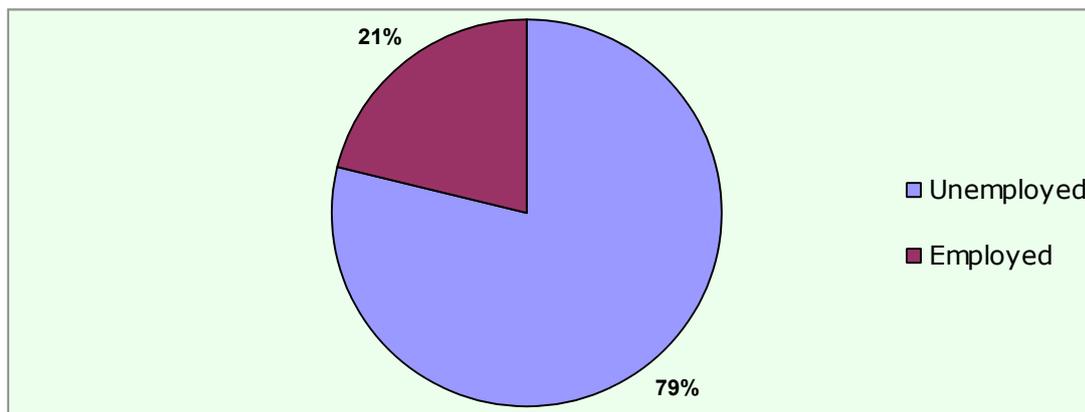
**Gender structure of the victims who requested help from the Center for legal aid in Skopje**



The violence victims are mostly in unfavorable material condition, and if such centers did not exist, they would not be able to fulfill their rights and get protection. In 79% of the cases in which the Centers were involved, the victims were unemployed and only in 21% they were employed.

*Chart 3*

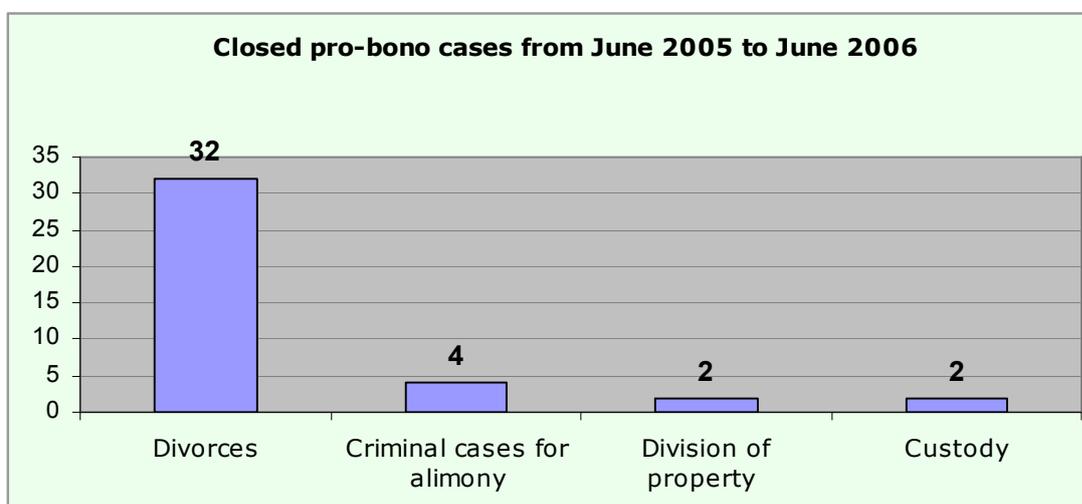
### The working status of the victims that requested help from the Center for Legal Aid



#### 1.3.4. Court Representation

In the course of a year, the Center in Skopje handled 40 cases with full court representation. Out of these, 32 cases were for marriage divorces, four were criminal cases for non-payment of alimony, two cases for division of property and two for changing child custody. This unfortunately confirms that despite the numerous possibilities envisioned within the civil and penal legal systems, the divorce is still the most common solution the victims choose to resolve the problem of domestic violence. The number of cases for which court representation was provided correlates with the number of cases in which the victims received legal aid. Hence, most cases with provided legal aid were in the area of divorce, or 49%, followed by those for alimony - 15 %, and those for property division - 5%.

*Chart 4*  
**Number and types of closed cases in the Center for Legal Aid**



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nt out one of the numerous cases initiated and completed by the Center for Legal Aid in Skopje as an **outstanding positive example** of court practice. Namely, for one of the victims to whom the Center offered free court representation in addition to the provided legal aid, two court proceedings were instigated. One was a request for a divorce, while the second was a private suit for a bodily injury. Both cases were closed and in the criminal proceeding, in addition to the rendered sentence and fine for the offender, a court decision was made, upon request by the Center for Legal Aid, for compensation for inflicted harm suffered as a result of domestic violence in the amount of 2000 Euros.

#### 1.3.5. Cooperation with Other Institutions and Citizens' Organizations

For the purpose of providing an appropriate, timely and efficient protection of the domestic violence victims, the Centers for Legal Aid have established and maintained mutual communication and coordination with the other relevant actors in this sphere. In this sense, an unavoidable part of their work is the cooperation with the Centers for Social Work, the police, the citizens' associations, etc.

Their mutual cooperation and coordination is carried out on two levels: referring the victims to the relevant institutions or organizations and coordinating the joint actions and mutual informing.

The referral of victims to the relevant institutions is part of the daily work of the Centers for Legal Aid. If the domestic violence victims have not reported the violence to the responsible state institutions, such as the police and the Centers for Social Work, they are advised to do so immediately. Also, in cases when the violence has been reported, but new circumstances have emerged requiring additional referral to the above institutions, the same advice is given. When the Center for Legal Aid and some other relevant institution act together in a case, that is, coordinate to provide protection to the victim, their actions are coordinated with the victim's needs.

The most explicit cooperation and mutual coordination exists between the Center for Legal Aid and the Centers for Social Work, given the legal mandate of this institution and its role in the provision of the victim's protection. Conducive to the above statement is the fact that 80% of the victims that turn to the Center for Legal Aid for help are referred to by the Centers for Social Work. The major part of the victims' requests for legal aid is related to divorce and alimony proceedings.

Those victims that turn to the Centers for Legal Aid seeking shelter, are provided with a facilitated access by being referred to the National SOS line, which is the entry point for accommodation of the victims in the state shelters and the Shelter Center.

The cooperation with the police includes directing the victims where, how and who to contact in cases of reporting domestic violence. On certain occasions, this cooperation also includes establishing contact with the responsible officials and providing a faster and more facilitated access.

2.

## **Legal Protection Systems**

### 2.1. Penal Legal System

#### 2.1.1. Bases and Contents of the Protection

***By defining the notion "domestic violence", the position that the Republic of Macedonia had prior to the adoption of the Criminal Code, according to which domestic violence constituted a family problem, was finally abandoned. This means that domestic violence constitutes a state problem and the state must undertake all necessary measures and parameters for successful dealing with the issue of domestic violence. There is no reason not to have faith in the authorities called upon to fight domestic violence. An argument in favor of the above said is the fact that in recent time the victims have been increasingly encouraged to report cases of domestic violence to the relevant authorities and thus receive the necessary protection in due time.***

Stojan Mihov, judge, documentary "Life in a Shadow", ESE, 2007

The amendments to the Criminal Code in March 2004 entailed introduction of a penal legal protection for the domestic violence victims. This was the first definition of domestic violence, which was followed by its incrimination by incorporating adequate solutions in the existing criminal offenses stipulated by this law.

The goal of the penal legal protection was to sanction the violent behavior within the family and to make explicit that such behavior is

impermissible and subject to appropriate sanctions. Thus, domestic violence was increased to the degree of a social scourge that deserves a formal reaction.

The main characteristic of the penal legal system is the more stringent penal policy for domestic violence. It is manifested in the prescribed severe punishments for criminal offenses perpetrated when inflicting domestic violence and the prosecution of these offenses is carried out on formal basis. Thus, domestic violence has been made distinct from the other types of crime in terms of its frequency, nature and ensuing consequences. Starting from the fact that the family constitutes the basic social cell within which the security of all its members must be guaranteed, it is more than justified to sanction more severely the behavior of those family members that inflict violence on persons who are part of their family or family union, that is, persons with whom they have close personal relations.

An exception to the more severe sanctioning of the criminal offenses committed within domestic violence is made in circumstances when the victim of domestic violence harms the offender, that is, threatens his life.

When these criminal offenses are perpetrated as a consequence of domestic violence, the perpetrators of these offenses (the domestic violence victims) are subject to a more lenient sanctioning – unlike the basic offense.

We already stated that domestic violence is not envisioned as ONE distinct criminal offense; it is sanctioned by incriminating its individual forms under the existing criminal offenses. Hence:

- physical violence is sanctioned by criminal offenses against life and body;
- psychological violence is sanctioned by criminal offenses against human freedoms and rights;
- sexual violence is sanctioned by criminal offenses against sexual freedom and sexual moral.

### **Physical Forms of Domestic Violence**

The criminal offenses against the life and body sanction: taking away a life, harming or impairing the bodily integrity, causing physical or mental diseases (bodily injury or grave bodily injury). These are the incriminated forms of physical violence.

## **Murder**

The criminal offense – murder committed when inflicting domestic violence, every act that causes loss of life, is envisioned to be severely sanctioned by a minimum of a ten-year imprisonment up to a life sentence. The legislative purpose of this radical increase of the sentence (murder is sanctioned by a minimum of a five year imprisonment) is to increase the level of the general and special prevention of the offenders and provide better protection of the individuals within the family.

### **Momentary Murder**

*The criminal offense momentary murder constitutes an exception to the normally more severe punishment of domestic violence cases, since it implies re-qualification of the criminal offense murder into the criminal offense momentary murder. In cases of domestic violence, a murder qualified as a momentary murder<sup>34</sup> does not require an immediate connection with the previous violence and the murder committed by the victim. Namely, the qualification of a momentary murder does not require perpetration in a short period of time after the suffered violence. Considering that fact that the violence was being inflicted in continuity and having in mind the ensuing consequences on the victim's psychological and physical integrity, the time period does not play a key role in qualifying this criminal offense in cases of domestic violence. What bears relevance is the fact that such murder is preceded by domestic violence inflicted by the murdered person upon the person perpetrating the murder.*

### **Bodily and Grave Bodily Injury**

The physical contact with the body of another person or any other physical or psychological influence which causes harm that requires at least a minimal treatment or care, caused by domestic violence constitutes a bodily injury. Severe impairment of one's health as a result of suffered domestic violence constitutes grave bodily injury. The punishments envisioned for persons that inflict a **bodily injury** or a

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<sup>34</sup> "A person who takes the life of another without premeditation, brought into a state of strong irritation without his own fault, by an attack or with heavy insult or as a result of domestic violence committed by the murdered person, shall be punished with imprisonment of one to five years." (Article 125)

**grave bodily injury** when committing domestic violence (qualified as criminal offenses) are also more severe<sup>35</sup>.

It is important to note that the 2004 adopted amendments regulate those situations when the person – victim of domestic violence becomes the perpetrator of this criminal offense under the criminal offense “grave bodily injury”. The legislation prescribes more lenient sanctions for such situations unlike for the basic offense grave bodily injury<sup>36</sup>.

## **Psychological Forms of Domestic Violence**

The following forms of psychological violence have been incriminated:

### **Coercion**

**Coercion** in committing domestic violence is sanctioned. Coercion means imposing a decision or certain behavior on another person against his/her will, which impairs the freedom of will and the freedom of action. In a case of domestic violence, a more severe punishment is envisioned, a six months to three years imprisonment, while the punishment of the basic offense is a fine or one year of imprisonment.

### **Unlawful Arrest**

The **unlawful arrest**, keeping detained or in any other way taking away or limiting the freedom of movement of another person violates the freedom of movement and the factual possibility for movement of a person. A more severe punishment is envisioned in a case of domestic violence as well, an imprisonment of six months up to three years. The punishment for the basic form of this offense is a fine or an imprisonment of up to a year.

### **Endangering Security**

**Endangering the security** of another person by a serious threat to attack the person’s life or body, or the life and body of some person close to him/her, disturbs a person’s psychological peace, his/her peace

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<sup>35</sup> The punishment for a bodily injury is six months to three years imprisonment, while for a grave bodily injury one to five years imprisonment.

<sup>36</sup> The basic offense grave bodily injury is sanctioned by six months to five years imprisonment, while if the person who commits this offense as a consequence of domestic violence the offense is sanctioned by a fine or an imprisonment of up to three years.

being an assumption for enjoying all other freedoms. When this offense is committed as an act of domestic violence, it is qualified as a criminal offense (as all previous) and a punishment of an imprisonment of three months up to three years is envisioned for the perpetrators.

## **Forms of Sexual Violence**

### **Rape**

**Rape** is committed by use of force or a threat to the life and body of the victim or a person close to her, forcing her thus to a sexual intercourse or another sexual act.

If the rape is committed as an act of domestic violence, the procedure is instigated on a formal basis. It is a positive result of the 2004 incrimination of domestic violence, unlike the past when prosecution could be undertaken only upon filing a private suit by the victim. The punishment for the offender is one to ten years imprisonment.

### **Sexual Assault on a Weak Person**

This criminal offense regulates the situation when a person with a mental disorder is a victim of domestic violence as a result of an abuse of their inability to resist the offender's sexual assault. The procedure for this criminal offense when committed as an act of domestic violence is instigated on a formal basis, unlike the past (before 2004) when it could be prosecuted only upon a private suit.

### **Sexual Assault Upon a Child**

The criminal offense a **sexual assault upon a child** incriminates the forcing to an intercourse or any other sexual assault on a child. The perpetration of this criminal offense as an act of domestic violence is qualified as a distinct type. It is due to the reason that family members have a special role in taking care for and raising the children and they are expected not to impair their proper development. The minimal punishment for family members – perpetrators of this offense when inflicting domestic violence is a five years imprisonment.

### **Pimping in Prostitution**

The **pimping in prostitution** sanctions the recruitment, incitement, encouragement or enticement to prostitution or the participation in any other way in transferring persons to another person for prostitution purposes. A punishment of six months to five years is envisioned for the offenders. However, the person who organizes the perpetration of this offense, which is committed as an act of domestic violence shall be punished by an imprisonment of one to ten years.

#### 2.1.2. The Factual Situation

The data subject to the analysis lead to the conclusion that domestic violence is more commonly reported in the framework of the penal legal protection system in comparison with the civil legal system. This conclusion is confirmed by the data received from the police on criminal offenses, misdemeanors and complaints involving domestic violence, whose number in 2005 was 5,167 and in 2006 3,873.

The graveness and intensity of domestic violence primarily on women is implied by the police data, according to which domestic violence inflicted on women accounts for a very high percentage in the total number of crimes perpetrated on women – 61% in 2005, 63% in 2006 and 52% in the first half of 2007<sup>37</sup>. On the other hand, domestic violence inflicted on women accounts for 18% of the total number of crimes in 2005, 19% in 2006 and 26% in the first half of 2007. This rate of domestic violence in the overall crime is much higher in real terms considering the fact that the above percentages refer to registered cases of domestic violence in which women are victims.

##### 2.1.2.1. Number of Criminal Charges, Misdemeanors and Complaints

For the needs of this study, the police data refer to the period 2005/2006 considering the fact that the incrimination of this issue was introduced in 2004.

In the course of 2005, the Ministry of Interior, that is, the prosecution authorities registered 215 criminal offenses for which criminal

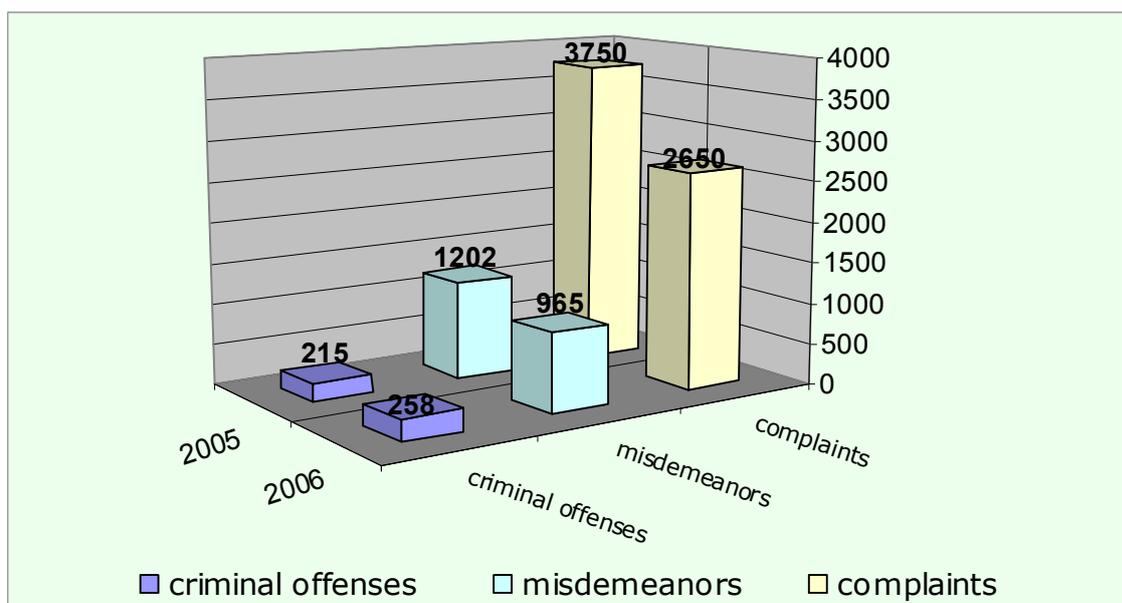
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<sup>37</sup> Source: Information of the Ministry of Interior submitted to ESE for the needs of this study "Domestic Violence and Its Connection with Small and Light Weapons" by the UNDP, that is, the Agency for Control and Decrease of SALW in South-Eastern Europe.

charges were filed, 1202 misdemeanors and 3750 complaints. In 2006, 258 criminal offenses were registered in regard with domestic violence, as well as 965 misdemeanors and 2650 complaints. The criminal offenses mark an increase by 19.5%, unlike the misdemeanors and complaints which indicate a fall by 19.7% and 29.3% respectively.

Evidently, the ratio between complaints and misdemeanors and criminal offenses is extremely high. Hence, in 2006 the number of complaints was approximately ten times larger than the number of criminal offenses and four times larger than the misdemeanors, which implies the need for a separate analysis and identifying the underlying reasons so as to avoid the minimization of the harm and danger of this social scourge.

*Chart 5*  
**Reported Criminal Offense, Misdemeanors and Complaints in 2005 and 2006**



**Source:** Information on the situation and actions undertaken in regard with domestic violence, Ministry of Interior, 2005 and 2006

It should be noted that this analysis also covered part of the information obtained from the MoI, that is, the information related to the criminal offenses that regulate domestic violence. The data referring to criminal offense which are by nature close to this type of crime indirectly indicate the need for further expansion of the legal regulation of this occurrence (new types of criminal offenses), as well as the minimization and inadequate treatment by the police (by treating the forms of

domestic violence as other types of criminal offenses instead of those types that strictly regulate domestic violence).

An illustration of this police behavior is the treatment of domestic violence as the criminal offense "Threatening by a dangerous object in a fight or an argument", although it does not strictly regulate domestic violence, instead of treating it as the criminal offense "Endangering security", which strictly sanctions domestic violence. In 2005, the police filed 23 criminal charges for this offense and in 2006 13 charges. This inadequate procedure is of particular concern if we take into consideration that the criminal offense "Threatening by a dangerous object in a fight or an argument" is sanctioned by a fine or a six months imprisonment, while the offense "Endangering security" is sanctioned by a three months to three years imprisonment.

#### 2.1.2.2. Filing Criminal Charges by the Police

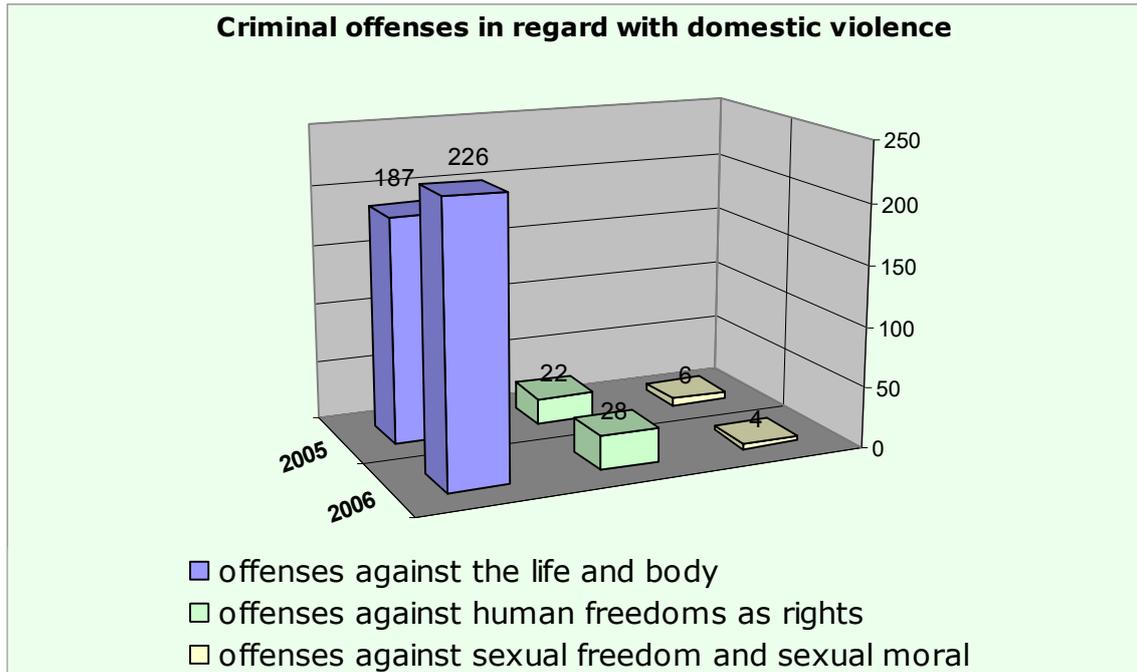
Out of the 215 criminal charges filed by the police, in 2005, 187 refer to criminal offenses against the life and body (87% physical violence), 22 refer to criminal offenses against human rights and freedoms (10.2% psychological violence) and 6 to offenses against sexual freedom and sexual moral (2.8% sexual violence).

The high frequency of criminal offenses against the life and body of another person occurred in 2006 as well, when out of the 258 criminal charges 226 were for offenses against the life and body (87.6%), 28 were for offenses against human freedoms as rights (10.8%) and 4 were for offenses against sexual freedom and sexual moral (1.6%).

The comparison of the data of these two sequential years leads to the conclusion that the ratio of the criminal offenses that regulate the different forms of domestic violence has remained the same. Namely, the victims most often reported physical violence, followed by psychological and then sexual violence.

#### *Chart 6*

#### **Types of Criminal Offenses – Domestic Violence in 2005 and 2006**



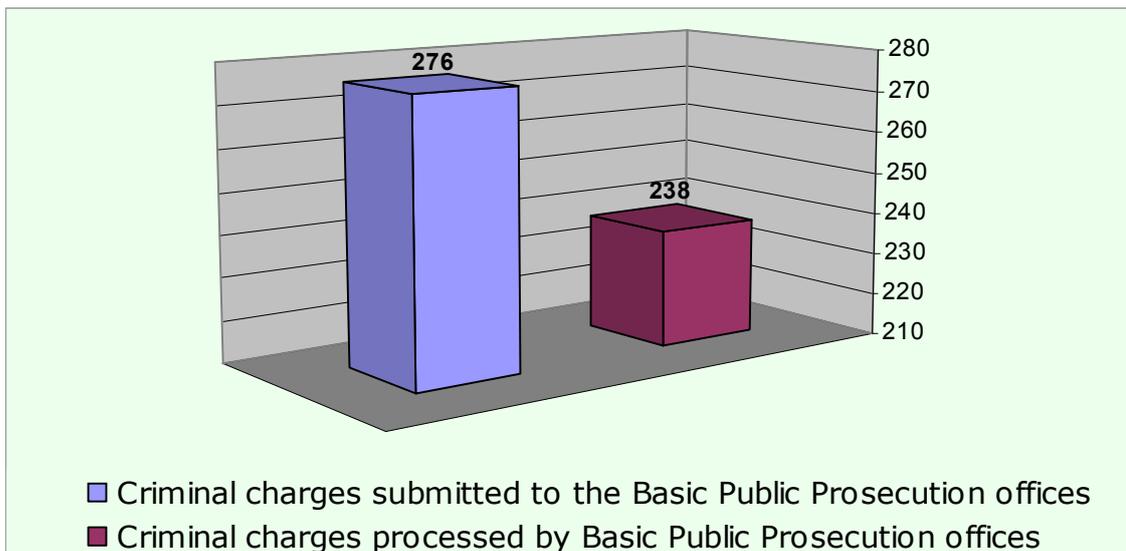
Source: Information on the situation and actions undertaken in regard with domestic violence, Ministry of Interior, 2005 and 2006

#### 2.1.2.3. Filed Criminal Charges against Criminal Acts of Domestic Violence

The Basic Public Prosecution offices registered 276 criminal charges filed to them, out of which the prosecution filed 238 charges. This means that the Basic public prosecution offices process 86% of the criminal charges submitted to the court.

*Chart 7*

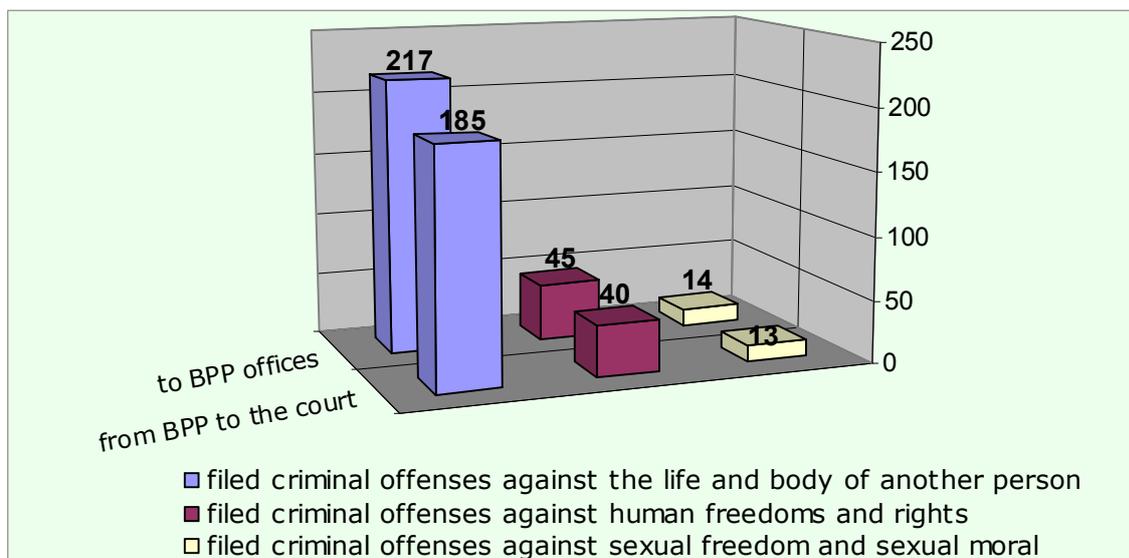
#### **Criminal charges submitted to the Basic Public Prosecution offices and criminal charges processed by them in the period June 2005 – June 2006**



The Basic Public Prosecution offices have the mandate, as in other cases, to drop the charges. On the other hand, this discrepancy between the filed charges and the prosecution acts may be due to a withdrawal of the domestic violence victims from further prosecution.

The subject of analysis was the discrepancy between different types of domestic violence (the criminal offenses that regulate domestic violence). Hence, out of 217 filed criminal charges for physical violence (criminal offenses against the life and body of another person), 185 cases were prosecuted, in regard with psychological violence (criminal offenses against human freedoms and rights), out of 45 charges, 40 were prosecuted, and in terms of sexual violence (criminal offenses against sexual freedom and sexual moral) out of 14 criminal charges, 13 cases were prosecuted.

*Chart 8*  
**Discrepancy between the filed criminal charges and the prosecution acts, June 2005 – June 2006**

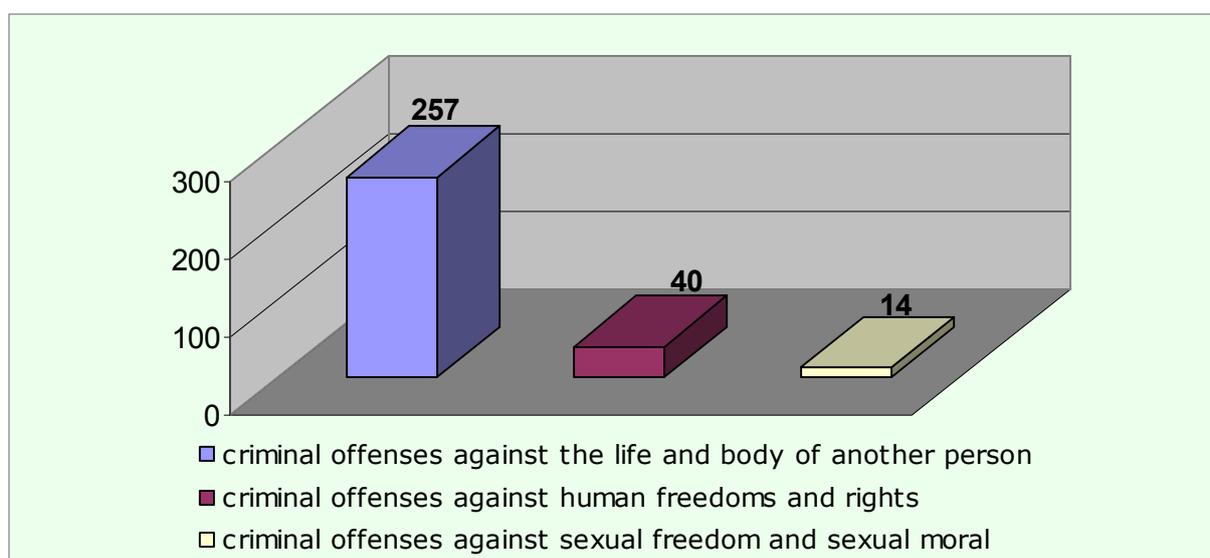


#### 2.1.2.4. Criminal Proceedings for Domestic Violence

The basic courts proceeded upon 311 criminal charges, out of which 257 were for criminal offenses against the life and body of another person (physical violence), 40 for criminal offenses against human freedoms and rights (psychological violence), and 14 for criminal offenses against sexual freedom and sexual moral (sexual violence).

Chart 9

**Review of the number of court proceedings on criminal charges and the types of violence**



2.1.2.5. Frequency of Occurrence of the Forms of Domestic Violence

The following forms of domestic violence (physical, psychological and sexual) occur most frequently: bodily injury, grave bodily injury and endangering security.

**Table 79.** Frequency of occurrence of different criminal offenses of domestic violence per institution

Criminal offense	MOI (2006)	Basic Public Prosecution	Basic Court
Murder*	7 (2.7%)	3 (1.26%)	11 (3.5%)
Momentary murder			2 (0.6%)
Bodily injury	186 (72.1%)	163 (68.5%)	190 (61.1%)
Grave bodily injury	33 (12.8%)	19 (8%)	54 (17.4%)
Coercion	2 (0.8%)	3 (1.26%)	8 (2.6%)
Unlawful arrest		1 (0.4%)	4 (1.3%)
Endangering security	26 (10%)	36 (15.1%)	28 (9%)
Rape	1 (0.4%)	9 (3.8%)	5 (1.6%)

Sexual assault on a weak person		1 (0.4%)	
Sexual assault on a child	3 (1.2%)		5 (1.6%)
Pimping		3 (1.26%)	4 (1.3%)
TOTAL:	258 (100%)	238 (100%)	311 (100%)

### **Frequency of Occurrence of the Different Forms of Physical Violence**

The submitted data by the relevant institutions in the penal legal system imply common indicators of the frequency of occurrence of the different criminal offenses, or forms of domestic violence.

The criminal offense bodily injury is distinct by its frequent occurrence, both within the criminal offenses that regulate physical violence and those that regulate psychological and sexual violence. If we compare bodily injury with the other criminal offenses that regulate physical violence, the percentage of its frequency varies between 74% – 88.1% (see Table 80). The data from all institutions indicate that bodily injury accounts for 62% – 68% of all criminal offenses regulating domestic violence (see Table 79).

Grave bodily injury is the second criminal offense in terms of the frequency of its occurrence. It occurs in 10.3% – 21% of the cases in terms of all criminal offenses regulating physical violence. In terms of all criminal offenses, the percentage of grave bodily injury accounts for 8% to 17.4%.

A third criminal offense by frequency of its occurrence is murder. In comparison with all other criminal offenses against the life and body of another person, it accounts for 1.6% – 4.3%.

The data related to the criminal offense “momentary murder”<sup>38</sup> are fairly indicative, since the courts have registered two such cases, while the basic public prosecution offices and the police have no data on proceedings related to such cases. The discrepancy in the registration of this offense between the responsible institutions is most likely due to the

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<sup>38</sup> Momentary murder regulates the situation when the victim of domestic violence takes away the life of the offender as a result of domestic violence. Unlike the basic offense murder, this criminal offense is sanctioned more leniently.

re-qualification of the criminal offense murder into momentary murder in the course of the court proceeding.

**Table 80.** Frequency of occurrence of different criminal offense of physical violence per institution

Criminal offense	MOI (2006)	Basic Public Prosecution	Basic courts
Murder	6 (2.6%)	3 (1.6%)	11 (4.3%)
Momentary murder			2 (0.7%)
Bodily injury	186 (82.7%)	163 (88.1%)	190 (74%)
Severe bodily injury	33 (14.7%)	19 (10.3%)	54 (21%)
TOTAL:	225 (100%)	185 (100%)	257 (100%)

**Source:** Information on the situation and actions undertaken in regard with domestic violence, Ministry of Interior (2006) and data from the basic prosecution offices and the basic courts (June 2005 – June 2006)

### **Frequency of Occurrence of the Different Forms of Psychological Violence**

Psychological violence is most often manifested by the criminal offense endangering security and it prevails over the other criminal offenses against human freedoms and rights. The percentage of occurrence of this offense, which is in the framework of psychological violence, varies from 68% – 92.9%. In comparison with all other criminal offenses, this type of domestic violence is third in occurrence – 9% – 15.1%.

It is followed by the criminal offense coercion, accounting for 7.1% - 21% and unlawful arrest 2.5% - 11%. These two offenses have very slight occurrence (coercion 2.6% and unlawful arrest 1.3%) in comparison with the other offenses related to physical, psychological and sexual violence.

**Table 81.** Frequency of occurrence of different criminal offense of psychological violence per institution

Criminal offense	MOI (2006)	Basic Public Prosecution	Basic courts
Coercion	2 (7.1%)	3 (7.5%)	8 (21%)
Unlawful arrest		1 (2.5%)	4 (11%)
Endangering security	26 (92.9)	36 (90%)	26 (68%)
TOTAL	28 (100%)	40 (100%)	38 (100%)

**Source:** Information on the situation and actions undertaken in regard with domestic violence, Ministry of Interior (2006) and data from the basic prosecution offices and the basic courts (June 2005 – June 2006)

### **Frequency of Occurrence of Different Forms of Sexual Violence**

The criminal offenses against sexual freedom and sexual moral occur the least frequently in practice. The most common is the sexual assault on a child – 35% - 75%. It is followed by rape – 25% - 69.3%. The pimping is third in frequency – 23% - 28.6%.

One criminal charge was filed for the criminal offense sexual assault on a weak person. The MoI and the Basic public prosecution offices do not have data on this offense.

**Table 82.** Frequency of occurrence of different criminal offense of sexual violence per institution

Criminal offense	MOI (2006)	Basic Public Prosecution	Basic Court
Rape	1 (25%)	9 (69.3%)	5 (35.7%)
Sexual assault on a weak person		1 (7.7%)	
Sexual assault on a child	3 (75%)		5 (35.7%)
Pimping		3 (23%)	4 (28.6%)
TOTAL	4 (100%)	13 (100%)	14 (100%)

**Source:** Information on the situation and actions undertaken in regard with domestic violence, Ministry of Interior (2006) and data from the basic prosecution offices and the basic courts (June 2005 – June 2006)

### 2.1.3. Specificities in the Practice of the Republic of Macedonia

#### 2.1.3.1. Registration of Acts of Domestic Violence as Complaints and Misdemeanors

##### **Complaint**

The practice of reporting acts of domestic violence as complaints is due to the non-consent of the victim to press charges against the offender. It is due to the nature and closeness of the involved parties and the victim only wishes the violence to stop and the offender to be warned against the inadmissibility of his behavior.

In such situations (when the victim does not consent), a written notice is sent to the offender to warn him in writing of the inadmissibility of his behavior and the existing legal mechanisms to be used in future. If the offender does not respond to the written notice, there are no legal mechanisms in place for the police to ensure his presence. The case is registered as a complaint and no actions whatsoever are undertaken to resolve it. The large number of complaints is concerning since the existing mechanisms for dealing with cases of complaints, described above, do not offer any guarantee for appropriate prevention of violence, unlike the sanctioning of a committed offense.

An argument in favor of the above statement is the information, according to which, out of 2,565 registered complaints in 2006, 53% are related to psychological violence and 43.5% to physical abuse. Yet, the trend of improvement of this situation is encouraging. Namely, the situation in 2006 indicates an increased number of criminal charges pressed by the police for the criminal offense bodily injury – 19.5%. On the other hand, the number of complaints in comparison with 2005 has a trend of decreasing by 29.3%.

The complaints, especially considering their number, indicate very clearly the frequency of occurrence of domestic violence, that is, its dark figure. The large number of complaints is yet another indicator of the victims' unpreparedness to truly face the offender and change her attitude to the violence she is suffering.

## **Misdemeanor**

There is an evident trend of registering the acts of domestic violence which have constitutive elements of criminal offenses as misdemeanors. This conclusion may be supported by the large number of misdemeanors related to psychological and physical violence.

965 requests for misdemeanor charges were submitted to the MoI in 2006, out of which 280 were for maltreatment and coercion, 111 for physical assault and 53 for endangering security. This situation is mostly due to the fact that when a case is reported to the police, the police officials, who do not have sufficient knowledge for this issue, nor training for working with domestic violence victims, decide whether this reported case will be registered as a criminal offense, misdemeanor or a complaint. This approach implies an inappropriate protection of the victims. It is also reflected through the victims' insufficient information on the existing legal possibilities and the actual non-use of the available solutions by the police.

In a situation when we are facing an absence of awareness of the legal regulation and low reporting level of domestic violence, it is necessary to intensify the promotion of the existing legal possibilities. One of the ways for such police action is to apply all possible solutions in a concrete case, which includes informing the victim of what the system offers for her adequate protection.

A precondition for such police action is their permanent education, focused on the legal mandate and including a more detailed description of the existing criminal offenses that regulate domestic violence, or an establishment of special expert police teams that would be specialized for working on domestic violence cases.

### **2.1.3.2. (Non-)Consent of the Victim**

The criminal offenses that regulate domestic violence are instigated and prosecuted on a formal basis, which excludes the requirement for the victim's consent, minimizing thus the possibility for changing the degree of the formal reaction to the case depending on the victim's will. An exception is the prosecution of the criminal offense bodily injury, which requires by law the victim's consent for further proceedings.

Unfortunately, despite this legal requirement, our information acquired in the course of the years-long working with this professional

structure indicate that the police require the victim's consent even in cases of grave bodily injuries.

Moreover, the victim may withdraw her consent in the course of the preparation of the criminal charges by the police before it is submitted to the Basic public prosecution offices. When this happens, the police inform the prosecution on all undertaken actions in a special report and the prosecution decides on the further proceeding. Unfortunately, there is no information on the number of submitted special reports to the prosecution, although it can help determine and overcome these negative tendencies.

The withdrawal of the consent in this type of crime is possible even in the course of the criminal proceeding. This information is again not explored sufficiently in our country.

The analysis of the missing parameters listed above may significantly contribute to identifying the ways for elimination of the possibility for the victim's withdrawal of her consent in any stage of the proceeding. One of the possible ways is simplification of the procedure, in the sense that the statement of the victim given in the pre-court procedure is valid in court so that it would not be re-investigated.

#### 2.1.3.3. More Lenient Sanctioning of Violence

A characteristic of the sanctioning of the offenders' behavior in cases of domestic violence is the rendering of more lenient sanctions, that is, use of the possibility for mitigation of the punishment<sup>39</sup>. It is illustrated by the data referring to the sentences rendered for the most common criminal offenses.

In cases of bodily injury, despite the envisioned punishment of six months to three years<sup>40</sup>, the court rendered an imprisonment sentence only in 15% of the registered sentences (11 cases). As for the remaining sentences (74), probation sentences prevail (36.5%), followed by fines (19%), probational fines (12%) and acquittals. The proceedings that dismiss the charges, terminate them or declare non-jurisdiction account for 12% of the cases.

Grave bodily injury committed in cases of domestic violence is sanctioned by an imprisonment of one to five years. Conditioned

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<sup>39</sup> Criminal Code of the Republic of Macedonia, Articles 40 and 41

<sup>40</sup> In cases when the offense is committed as an act of domestic violence

sentences (8) and imprisonment convictions (9) have approximately the same percentage in the rendered convictions.

Endangering security, which is punishable by an imprisonment of three months to three years, was sentenced by the court in only two cases (10%) out of the total of 20 registered cases. Probational imprisonment sentences or fines were rendered in 50% of the cases; 25% were fines and 15% were acquittals or dismissed cases.

The institute mitigation of punishment in the criminal legal theory is linked with established lesser guilt of the offender for the committed deed and the inflicted wrong, that is, the consequences of his/her criminal behavior. It is applied in extraordinary circumstances rather than in everyday practice.

The basic assumption for mitigation of the punishment is that the rendered sentence will achieve the goal of the punishment. The question that arises in this context is: whether, considering the nature of domestic violence and its considerable frequency of occurrence, the mitigation of the punishment of the offenders means achieving the goal of the punishment, both in terms of the special and general prevention. If the non-rendering of the legal punishment imprisonment does not influence preventively on the offender himself, we should not assume that this court practice will not influence preventively or educationally the population in general.

The mitigation of the punishment is a result of the non-sensitivity and non-familiarization of some of the judges with the nature of domestic violence, as well as of the entrenched traditional values, attitudes, prejudices and stereotypes these professionals hold.

The mitigation of the punishment in cases of domestic violence is especially concerning in conditions when the state does not have special Programs for work with offenders. The message that this situation sends is very encouraging for the offender as it says: *"in cases of domestic violence you will be punished more leniently and you will not have to correct your behavior"*. This means an absence of an appropriate formal reaction by the state. Namely, the offenders are not told that their behavior is inadmissible and that it will be sanctioned, which is essentially the basis of the overall protection system. The connection of the Programs for work with offenders with the penal legal system, that is, the non-rendering of a sentence until the offender finishes the Program, is one of the possibilities for eradicating this negative tendency. Namely, if the offender successfully finishes the Program, there will be no need for

instigating a procedure and hence, the criminal charges will be dismissed. However, if his attendance is unsuccessful, the offender must be punished for his deed by the prescribed punishment. In a way, the judges substitute the absence of a Program for offenders by the institute mitigation of the punishment.

The situation is additionally worsened by the fact that domestic violence has a fairly low reporting level in our country. The penal legal system cannot be appropriately promoted by sanctioning domestic violence more leniently. In a situation when the offenders are not held responsible for their behavior, the victims may get discouraged and not report the violence.

The education of the judges on this issue may significantly contribute to changing this negative practice. Overcoming the prejudices and stereotypes on the nature of domestic violence and the ensuing consequences may result in adequate punishment of the offenders.

The delegation of such cases to separate court departments that would be sufficiently specialized for handling criminal offenses triggered by domestic violence is yet another possibility for overcoming the current situation.

## **2.2. Civil Legal Protection System - Temporary Protection Measures**

### 2.2.1. The Nature and Meaning of the Temporary Protection Measures

The civil legal protection system is founded on the measures / temporary protection measures envisioned within the reforms of the 2004 family legislation.

The temporary protection measures (TPMs) are an integral part of every legislation. This state approach aims at a full and comprehensive protection of the domestic violence victims. These measures are designed to protect the victim from any future violence, and more importantly, they do not prevent the protection provided by the penal legislation. In this sense, they are treated as a concurrent, less imposing (in the sense of leaving at the victim's disposition to decide on her reaction/repercussions) and positive (having primarily preventive function to correct the offender's behavior) way of protection and provision of the victim's security.

The main aim of these TPMs is to provide direct and fast help to the victim. However, as it apparently happens, their application considerably depends on the escalation, or scope and type of violence. Thus, in a case of a serious injury or a series of incidents of high intensity, the combination of TPMs and criminal prosecution may yield the most efficient results.

The TPMs may be especially beneficial in cases when the victim wants to maintain the union with the offender and hopes that the court order for a TPM will make the offender understand that his behavior is not tolerable and that he should behave in a non-violent way.

On the other hand, the nature of the civil proceeding for rendering TPMs is another advantage that should naturally result in their optimal usage. It is undisputable that the civil proceeding itself may contribute to the offender's understanding that his future violence will entail legal repercussions. As a result, he should stop with his violent behavior.

The legal solutions envisioned within both legal protection systems (the civil and penal systems) must never be used at their mutual

expense. Their contents, and above all, design make them complementary and they should be used only in this way.

The knowledge acquired in the course of our years-long continuous work in the sphere of domestic violence indicate that a circle of certain professional structures hold an interpretation for exclusion of the legal remedies of the two legal protection systems for domestic violence. According to this interpretation, the TPMs are seen as a substitution for the punishments, which unnecessarily delays and overburdens the procedure for their recommendation. This is the reason for the extremely low rate of recommendation of these measures by the Centers for Social Work. This situation is partly due to the failure to understand the nature and goal of the legal remedies for domestic violence that the TPMs should and must be recommended along with the remedies envisioned in the penal legislation, instead of acting as its substitution. None of these legal systems have or can provide complete victim protection and therefore the international standards prescribe their interaction and non-exclusiveness.

The appropriate interaction and use of these complementary remedies (family and penal legislation) in the future should reflect a situation of increased (proper) use of the TPMs. On the other hand, it will decrease the rate of domestic violence offenses.

***The temporary protection measures should be the main mechanism for victim protection. Their meaning is to point out to the offender or the potential offenders that their behavior is illegal and punishable. The goal is not to offer immediately to every victim that shows up in the Center for Social Work the protection measure – come on to a shelter. What would be the point? In that way, we are not doing anything really, we just give way to the violence to continue. So, the goal is to put an end to violence in a situation when it is more dramatic, so that it is the offender that leaves the home and not the victim.***

**Suzana Velkovska**, Head of a Section in the Ministry for Labor and Social Policy, documentary "Life in a Shadow", ESE, 2007

It is important to note the existing indistinctiveness between domestic violence and other similar occurrences, such as disturbed family relations. This indistinctiveness results in treating domestic violence as a

solely domestic issue and thus solving it in an opposite way than envisioned by the regulations for domestic violence incorporated in family legislation. In this way, violence becomes trivial as an occurrence and a wrong message is sent out for the response of the institutions and the type of assistance and support that the victim should expect and receive in a case of domestic violence.

### **The Procedure of Ordering the TPMs**

An equally important question is who can initiate a procedure for ordering temporary protection measures. In absence of an authentic interpretation, practice shows different views on this question. Some views interpret this provision restrictively, stating that only the Centers for Social Work are authorized institutions that can submit such requests to the court. The extensive interpretations, on the hand, insist on expanding the circle of authorized subjects that can request ordering of TPMs. The latter interpretation facilitates the access and maintains the spirit and meaning of this protection (direct and prompt), without diminishing the importance of the Center as a body that can give an opinion in accordance with the measures and protection it provides for concrete violence cases.

The request to the court for ordering TPMs is submitted by the Center upon prior proposal or by its own initiative. Such proposal may be submitted to the Center by the spouse, parents, children or other persons that live in a marital or extra-marital union or a common household, a former spouse or persons that are in close personal relations and against whom domestic violence has been inflicted. The TPMs may be ordered for a period of up to a year. It remains unclear in which cases and how the Center decides on a shorter time period for the duration of the measures than the allowed maximum (one year). Practice indicates cases for which there have been requests for a shorter duration of the measures and the court grants such requests. This practice is especially concerning because of the absence of standardized procedures and mechanisms for monitoring of the enforcement of the TPMs. We cannot speak of appropriateness in dismissing, changing and maintaining the measures, without first establishing and introducing mechanisms for evaluation of the degree of their efficiency.

### **Types of Temporary Measures**

The contents of the different temporary protection measures allow for meeting the different kinds of needs for protection, regardless of

whether they are ordered individually or cumulatively. Some of them have a prohibitive character (they prohibit certain kind of behavior) and others have imperative character (order certain kind of behavior).

Temporary protection measures that may be ordered by the court are the following:

- Prohibition to threaten to commit domestic violence;
- Prohibition to harass, disturb, telephone, contact or communicate in any other way;
- A restraint order for the home, school, working place or any other designated place regularly visited by another family member;
- Removal from home, regardless of the ownership of the home until a final court decision;
- Prohibition on possession of fire arms or any other type of weapons;
- Obligation to return items necessary for meeting the everyday family needs;
- Sustenance of the family;
- Mandatory attendance to appropriate counseling;
- Mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances;
- Compensation for medical and other costs incurred by domestic violence; and
- Any other measure that the court deems necessary for securing the safety and welfare of the other family members.

### **Enforcement**

The enforcement of the TPMs is an obligation of several institutions, including the Ministry of Interior (the authorities for internal affairs) and the Ministry for Health (certain health institutions). The measures such as: obligation for the offender to return items necessary for meeting the everyday family needs; compensation for medical and other costs incurred by domestic violence, and mandatory sustenance of the family, are enforced in line with the enforcement provisions.

Unfortunately, some of the measures, despite being legally prescribed, cannot be partially or completely implemented. An instance of a complete impossibility to enforce a measure is the TPM - Mandatory attendance to appropriate counseling – due to the inexistence of such counseling.

This counseling, that is, the Program for work with offenders, which is in place in the other comparative systems for dealing with and preventing

domestic violence, is designed to call on the offender's responsibility for his violent behavior, without his being punished for his deed. There are several types of programs for offenders, including those that have psycho-educational character. One of them is the well-known Duluth model, one of the most spread programs for work with offenders in the USA. It is based on the feminist theory. There are several other alternatives to this model, such as those incorporating cognitive – behaviorist interventions, and the third type is a combination of the two previous programs, complemented by an additional evaluation of the offender's individual needs<sup>41</sup>. As of recently, other programs for offenders are also on the rise, based on the typology and profile of the perpetrators of this type of criminal offenses, but they are still in their initial stage of development and their efficiency has thus not been evaluated yet.

The programs for work with offenders do not aim at maintaining the violent union/relationship between the victim and the offender, analyze the behavior of the partners individually, treat them as equally responsible for the violence and justify the offender's behavior.

They should all be based on minimal standards in their functioning and licensed by the state. The duration of these programs varies, but duration of one year is deemed to be the minimum time necessary for the efficiency of the programs. The program is realized through weekly sessions in duration of 2-3 hours.

The grounds for directing the offender to attend different programs for offenders is regulated differently in different systems. The admission of guilt for the perpetrated offense, non-opposing the charges and the probational sentence for the criminal offense constitute the prescribed grounds for directing the offender to attend the Program for offenders. The non-attendance or unsuccessful attendance (the failure to correct their behavior) at these programs leads to a conviction and punishment on the first charge and thus withdrawal of the probational sentence and effectuating the sentence on the second charge.

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<sup>41</sup> U.S. Department of Justice, Office of Justice Programs, Batterer Intervention Programs, June 2003

In our country, the ordering of this protection measure in the manner stated in the civil legal system does not influence the course and outcome of the procedures conducted in the penal legal system. If we want a proper application of the program for work with offenders or its meaning and influence on the offenders' future behavior, it must be envisioned as one of the obligations in rendering a probational sentence with protective supervision. The analysis of court practice indicates rendering of probational sentences in cases of domestic violence, and hence not using the possibility for the offenders attending such programs will be a missed opportunity for correcting their behavior.

### **Monitoring of the Enforcement**

The Center for Social Work has the responsibility to monitor the enforcement of the TPMs. It allows for recalling or changing the previously rendered protection measure. In the first case, the Center will recommend recalling of the measure if it evaluates that the ordered measure has attained its goal, for instance, the offender has corrected his behavior and fully complied with the ordered measure (he behaved in accordance with its contents). If the Center assesses that the ordered measure has not achieved the anticipated results (its goal), it will recommend its change.

If the enforced temporary measure has not achieved its goal in the specified timeframe, there is a possibility for its extension.

### **Mandatory Character of the Temporary Protection Measures**

The mandatory character of the ordered temporary protection measures, that is, the non-compliance by those who are prohibited to behave in a certain way or ordered to behave in another, is not punishable and does not entail any kind of responsibility for the offender in the current positive regulations. Indirectly, this non-compliance of the TPMs may be punished as autocracy that is, acquiring a right by the offender which he believes he is entitled to, in accordance with the provisions incorporated in the Criminal Code.

## 2.2.2. The Factual Situation

### 2.2.2.1. Determined Need for Recommendation

The degree of use of the TPMs, as one of the legal possibilities for preventing any future violence and ensuring the victim's security and protection is extremely low. As we already stated, 839 cases of domestic violence were reported in the Centers for Social Work in the course of one year. Out of them, only in 156 cases the Centers came to the conclusion that there was a need for requesting ordering of TPMs, while in 27 other cases they received proposals for recommendation of the measures by other individuals (a proposal for such a request to the Center may be made by: the spouse, the parents, the children or other persons who live in a marital or extra-marital union or a common household, a former spouse or persons who are in close personal relations and have suffered domestic violence).

### 2.2.2.2. Submitted Requests by the Centers for Ordering Temporary Protection Measures

Out of the established cases (183) that needed enforcement of TPMs, the Center submitted 58 requests to the court, which means that every third victim was provided with this type of protection. There are two reasons for this discrepancy in the number of the established cases requiring recommendation of TPMs and the submitted requests by the Centers to the courts. The first is the necessary consent by the victim without which the Centers cannot submit a request to the court, and the second, difficulties in the formulation and documentation of the requests submitted to the court for ordering of measures, which cause this discrepancy to a considerable degree.

The greatest portion of the measures is recommended by the Center for Social Work in Skopje (16), followed by those in Kocani (11), Bitola (10) and Shtip (6). The remaining Centers have submitted one to four

requests for ordering of the measures. Yet, it is evident that over half of the Centers (14) do not employ such practice.

Those Centers that employ this practice, however, mark a general trend of a low rate of using this opportunity. The discrepancy between the established cases for which ordering of TPMs was possible and the submitted requests exists for four Centers, and it varies between 25% and 33%. In other words, these Centers submitted requests in only 25 cases (33%) despite the evident need for more.

In terms of these 58 submitted requests for ordering of a TPM, the Centers requested ordering of 188 individual temporary protection measures. Speaking of an average, three measures were recommended per request. Only two Centers are above this average – the one in Skopje with 5 recommended measures and in Shtip with 6 recommended measures per request.

#### 2.2.2.3. Type of Recommended Temporary Measures

It appears that the Centers of Social Work recommend most easily those TPMs that have a prohibitive nature and that will be ordered by the court more easily, unlike those TPMs that impose certain kind of behavior on the offender.

Thus, the most commonly recommended measures submitted to the court are those that prohibit the offender to threaten to commit domestic violence; to harass, disturb, telephone, contact or in any other way communicate with a family member, directly or indirectly; the restraint order for the home, school, working place or any other designated place regularly visited by another family member, and the obligation for mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances or has some disease (see Table 83).

These are followed by the measures for returning items necessary for meeting the everyday family needs; compensation for medical and other costs incurred by domestic violence; prohibition on possession of fire arms or any other type of weapons; removal from the home; the

order for sustenance of the family, and the mandatory attendance to appropriate counseling (see Table 83).

**Table 83.** Recommended temporary protection measures per type

1.	Prohibition to threaten to commit domestic violence
2.	Prohibition to harass, disturb, telephone, contact or communicate in any other way, directly or indirectly
3.	A restraint order for the home, school, working place or any other designated place regularly visited by another family member
4.	Mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances or has a disease
5.	Obligation to return items necessary for meeting the everyday family needs
6.	Compensation for medical and other costs incurred by domestic violence
7.	Prohibition on possession of fire arms or any other type of weapons
8.	Removal from home, regardless of the ownership of the home until a final court decision
9.	Mandatory sustenance of the family

#### 2.2.2.4. Required Time for Recommendation of the Temporary Measures

The length of the time period from the establishment of a need and the evaluation until the effectuation of the protection by submitting a request by the Centers for Social Work for ordering enforcement of TPMs indicates their unpreparedness to respond timely to the victim's needs.

Thus, in 25 cases (43.10%), they responded in a week, while in 8 cases (13.79%), their procedure took two weeks. In 6 cases (10.34%), the necessary time period was over two weeks. Only in 19 cases (32.76%), their requests for ordering TPMs were submitted within three days since the completed evaluation and establishment of the need for submitting such a request.

#### 2.2.2.5. Reasons for Delay

Provision of the required medical documentation for the victim and the offender, the shortage of financial assets for this provision, obtaining the chronology of the case from the Ministry of Interior and obtaining the victim's consent are some of the difficulties that the Centers face when completing the required documentation for submitting requests for ordering of TPMs.

In this context, it is interesting to note a statement of the Centers regarding this issue, which explains the delay of their engagement based on the model: work with the family, work with the spouses and individual work with the offender in cases of domestic violence. This statement, unfortunately, confirms the failure to understand and form an opinion in the work/procedures of these professional structures. Namely, instead of offering an appropriate protection to the victim and recommend ordering of TPMs that will prevent any future violence, they treat domestic violence as a normal spousal disagreement. Hence, the victim is obligated to take part in the process of working with her/his spouse – offender in overcoming their disagreements rather than being advised on all possibilities for making a decision for her problem.

This inappropriate treatment and procedure is partially due to the fact that the same expert team is tasked to work concurrently on both domestic violence and spousal relations and the experts find it difficult to make a distinction between their roles in these two completely different situations.

What is even more concerning is the insisting of the Centers to be engaged in the work with the offenders (the Program for work with offenders), especially considering the fact that this issue is not conceptually defined yet; moreover, it is utterly opposite to the subject of work of the Centers, which is protection of the domestic violence victims from every aspect.

#### 2.2.2.6. Received Requests by the Courts for Ordering Temporary Protection Measures

In the course of a year, the courts in Macedonia received 41 requests for ordering TPMs. On average, 5 requests were submitted to each of those courts (9) that have a practice in such proceedings, and 2 requests to each of the courts (18) that responded to the request with information on the issue. The highest rate of submitted requests has the Basic Court Skopje 2, followed by the basic courts in Bitola and Kochani, while the basic courts Delcevo and Struga have the lowest rate of submitted requests, one request per court.

The slight difference of the submitted requests among the basic courts is rather conspicuous, since according to the size of the population under their jurisdiction, the number of incidents related to domestic violence should be significantly larger. Thus, the basic courts in Bitola and Kocani have received the same number of requests (6), differently from the Basic Court Skopje 1, which has received 5 cases. This discrepancy is primarily due to the small number of submitted requests for ordering TPMs by the Centers for Social Work and the victims.

#### 2.2.2.7. Number of Recommended Temporary Protection Measures per Request

About one half of all submitted requests to the basic courts refer to ordering of only one TPM. They are followed by requests for ordering four and three measures. Only two requests require ordering of two measures. The number of requests requiring ordering of five or more measures is the lowest (see Table 84).

Out of the total 41 requests submitted to the courts, there is only one request for ordering six and eight measures per request (see Table 84).

This limited usage of the possibility to combine these measures is yet another confirmation of the unpreparedness of the Centers to use the TPMs for providing the victim's protection, which in the bottom line jeopardizes the victim's position.

**Table 84.** Number of recommended temporary protection measures per request

<b>Number of measures recommended in one request</b>	<b>Number of requests</b>
Request with 1 temporary measure	18
Request with 2 temporary measures	2
Request with 3 temporary measures	7
Request with 4 temporary measures	9
Request with 5 temporary measures	3
Request with 6 temporary measures	1
Request with 7 temporary measures	/
Request with 8 temporary measures	1
Request with 9 temporary measures	/
Request with 10 temporary measures	/

#### 2.2.2.8. The Most (Non)Recommended Measure

The most commonly recommended measures to the courts are those that prohibit the offender to threaten to commit domestic violence (22); to harass, disturb, telephone, contact or communicate in any other way, directly or indirectly (18); a restraint order for the home, school, working place or any other designated place regularly visited by another family member (17); and, mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances or has a disease (16) (see Table 85).

They are followed by the measures for compensation for medical and other costs incurred by domestic violence (9); removal from the home (8); obligation to return items necessary for meeting the everyday family needs (6); and, mandatory sustenance of the family (5). The least frequently recommended measures are those for prohibition on possession of fire arms or any other type of weapons and their seizure (2), and mandatory attendance to appropriate counseling (2). 105 measures were recommended to be ordered by the courts in total (see Table 85).

**Table 85.** Recommended Temporary Protection Measures to Courts per Type

1.	Prohibition to threaten to commit domestic violence
2.	Prohibition to harass, disturb, telephone, contact or communicate in any other way, directly or indirectly
3.	A restraint order for the home, school, working place or any other designated place regularly visited by another family member
4.	Mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances or has a disease
5.	Compensation for medical and other costs incurred by domestic violence
6.	Removal from home, regardless of the ownership of the home until a final court decision
7.	Obligation to return items necessary for meeting the everyday family needs
8.	Mandatory sustenance of the family
9.	Prohibition on possession of fire arms or any other type of weapons
10.	Mandatory attendance to appropriate counseling

#### 2.2.2.9. Ordered Temporary Measures

There is an evidently smaller number of measures ordered by the court upon considering the submitted requests. Namely, out of the total 105 recommended measures, 80 (76%) were ordered.

If we apply this comparison on the types of recommended measures, it may be concluded that the court ordered less measures than recommended for all types of measures. The highest percentage of ordering has the measure for prohibition to harass, disturb, telephone,

contact or communicate in any other way (89%) and the measure for mandatory medical treatment (87.5%). They are followed by the restraint order and the mandatory attendance to appropriate counseling. With the exception of the measures for compensation for medical and other costs (33%) and mandatory sustenance of the family (40%), which have the lowest percentage of ordering, all other measures are ordered by about 60% of the recommendations (see Table 86).

**Table 86.** Recommended versus ordered temporary protection measures by courts and the percentage of ordering

Type of TPM	Recommended	Ordered	%
Prohibition to threaten to commit domestic violence	22	18	68
Prohibition to harass, disturb, telephone, contact or communicate in any other way, directly or indirectly	18	16	89
A restraint order for the home, school, working place or any other designated place regularly visited by another family member	17	12	71
Removal from home, regardless of the ownership of the home until a final court decision	8	5	62.5
Prohibition on possession of fire arms or any other type of weapons and their seizure	6	4	67
Obligation to return items necessary for meeting the everyday family needs	6	4	67
Mandatory sustenance of the family	5	2	40
Mandatory attendance to appropriate counseling	7	5	71
Mandatory medical treatment if the offender uses alcohol or other psychotropic substances or has a disease	16	14	87.5
Compensation for medical and other costs incurred by domestic violence	9	3	33

Any other measure that the court deems necessary for securing the safety and welfare of the other family members	/	/	/
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If we compare the number of recommended and ordered measures according to the territorial jurisdiction, we come up with an interesting result. Some basic courts ordered all measures that were recommended to them. This is the case with the courts in Bitola, Delcevo, Kocani, Radovish and Sveti Nikole. The basic court in Shtip, on the other hand, ordered more measures than those recommended. Unlike these two cases, the basic courts in Skopje have a different practice and this, actually, triggers the discrepancy between the total number of recommended and the total number of ordered measures. A difference between the recommended and ordered measures is found only in these two courts: the Basic court Skopje 1 has a rate of non-ordering of measures of 7.5%, while Basic court Skopje 2 - 36.7% (see Table 87).

**Table 87.** Recommended and issued temporary protection measures per basic court

City	Recommended	Issued
Bitola	6	6
Delcevo	3	3
Kocani	6	6
Radovish	2	2
Sveti Nikole	4	4
Skopje 1	16	12
Skopje 2	49	18
Shtip	20	28

This situation is most likely due to the court's assessment of the non-justifiability or inappropriateness of the recommended measures.

The increased number of requested measures, on the one hand, and the decreased number of possibilities for non-rendering of the recommended measures, on the other hand, will significantly contribute to their greater efficiency. In this sense, both the requestors and the

courts can equally contribute to improving the process of rendering the recommended measures.

#### 2.2.2.10. (Non)Timeliness of the Ordering of Measures

Approximately one third (26.25%) of the victims who sought help by means of the TPMs, have not received it on time.

Out of the 80 rendered measures, 59 (73.75%) were ordered “within” the legal timeframes, while 21 (26.25%) were exceeded the set timeframes. This implies that there are still certain factors in practice which cause decrease of the effectiveness, or timeliness of the ordering of the TPMs. This situation calls for detailed analysis of the causes for the failure of the courts to act within the legally set timeframes. This study has not determined the longest time period, or timeline of ordering a measure. However, given the fact that only the timely ordered measure is actually effective and provides the necessary protection, it is completely irrelevant what the current inadmissible upper limit is.

Yet, there are some specificities in proving the need to order some of the measures. In terms of the connection between the type of the ordered measure and the timeframe of its ordering, having in mind the specificity of proving the need to order some of the measures, it was established that only three of them are immune to the delay in their ordering. They are the measures for prohibition on possession of fire arms or any other type of weapons and their seizure; obligation to return items necessary for meeting the everyday family needs; and mandatory sustenance of the family (see Table 88).

**Table 88.** Number of Ordered Temporary measures “within” and “out” of the legal timeframe

Type of TPM	within	out
Prohibition to threaten to commit domestic violence	9	2
Prohibition to harass, disturb, telephone, contact or communicate in any other way, directly or indirectly	6	6
A restraint order for the home, school, working place or any other designated place regularly visited by another family member	6	1
Removal from home, regardless of the ownership of the home until a final court decision	1	2
Prohibition on possession of fire arms or any other type of weapons and their seizure	4	0

Obligation to return items necessary for meeting the everyday family needs	4	0
Mandatory sustenance of the family	1	0
Mandatory attendance to appropriate counseling	4	1
Mandatory medical treatment if the offender uses alcohol or other psycho-tropic substances or has a disease	9	3
Compensation for medical and other costs incurred by domestic violence	2	1
Any other measure that the court deems necessary for securing the safety and welfare of the other family members	0	0

In terms of the rendering of the individual types of measures, it appears that all courts follow the practice of rendering most of the measures within the set timeframes, rather than out of them. This is not the case only for the measure "removal from the offender from the home", for which the number of rendered measures exceeding the legally allowed timeframes is higher than the one of measures rendered within the set timeframes. In regard with the measure "prohibition to harass, disturb, telephone, contact etc.", there is the same number of measures rendered within and beyond the legal timeframe.

In terms of the timeliness of the individual courts, four of them rendered the measures in a timely fashion, while two rendered them both within and out of the timeframes – the Basic Courts Skopje 1 and Skopje 2. One of the courts was not punctual in rendering the TPMs.

Of special interest to the procedure of rendering the TPMs by the court is the court department that works on this procedure. It was found that there was no unified procedure on this issue and every court deals with it at its own discretion. In three of the courts, the civil department works on the rendering procedure, in other three it is conducted without following the set procedure, while in three the executive department is responsible for the procedure.

There is a link between the timeliness and the department rendering the measures. Namely, only the courts that rendered the measures without following the set procedure (the courts in Bitola, Shtip and Kocani) complied with the legally set timeframe, that is, they were punctual in their work. Unlike them, the courts where the measures were rendered by the executive department (the basic courts in Radovish, Sveti

Nikole and Struga), were not punctual only in one case, when the rendering of the measure exceeded the timeframe.

On the contrary, the courts (the Basic courts Skopje 1, Skopje 2 and Delcevo), where the measures were rendered by the civil department, only one court rendered the measures in a timely fashion. This leads to the conclusion that it is necessary to unify the procedure in terms of determining which department is responsible for the rendering of the TPMs. The urgency and timeliness are the main characteristics of these measures. It seems that this could be achieved only if the measures are not ordered in the procedural departments.

#### 2.2.2.11. Disorderliness of the Requests for Temporary Measures

An odd fact is linked with the requests submitted by the Centers of Social Work to the courts and that is the number of returned requests by the courts due to their disorderliness. It was established that none of the cases, that is, requests was returned to the Centers due to their disorderliness. It may be concluded that the discrepancy between the 25 requests/recommendations for temporary measures submitted by the Centers and not ordered by the courts is due to the absence of solid grounds for the requests and not because of failure to provide the required personal information for the clients, the unclearly formulated request, the insufficiently elaborated request, the inappropriateness of the recommended measure in regard with the elaboration, the absence of evidence, etc.

In terms of the evidence used in the procedure for ordering measures, eight courts used written evidence, four courts used witnesses, other four used interrogation of the clients and three courts used experts. One of the courts did not state what kind of evidence was used in its procedures.

It is evident that the most frequently used evidence by the courts is the written evidence, followed by the interrogation of the clients, the witnesses and the experts. Unfortunately, the study does not determine which measures made use of the experts and whether it is necessary to use such evidence in a procedure that should respond to the needs of the domestic violence victim in the shortest possible time period.

#### 2.2.2.12. Enforcement of the Ordered Temporary Measures

Currently, there are no standardized procedures and ways of enforcement of the temporary measures. Practice shows that the responsible institutions model the enforcement on an individual level, in accordance with their mandate and capacities, that is, in their own view and they do not work on the basis of a set procedure or method. This issue is the subject of work of the previously mentioned project activities conducted by the citizens' organizations in partnership with the responsible Ministries<sup>42</sup>.

#### 2.2.2.13. Noncompliance with the Ordered Temporary Protection Measures

The information obtained from the Centers for Legal Aid of ESE lead to the conclusion that the noncompliance by the offender with the TPMs mostly occurs with those measures which prohibit certain behavior of the offender and which are actually the most frequently ordered measures.

Some of the measures, more specifically, those that order certain behavior, do not allow any possibility for noncompliance. For instance: the removal of the offender from the home, the obligation for returning of the items necessary for meeting the everyday needs, etc. – for these measures, the responsible institution gives the offender a set period of time to comply with the court order by his own will and if he fails to do so, they enforce the measure by force.

#### 2.2.2.14. Monitoring of the Rendered Temporary Measures

The very fact that the manner of enforcing the TPMs is not regulated affects the manner of monitoring of the enforcement as well. However, the monitoring of the enforcement is also not regulated by any supplemental laws. Hence, the results from the monitoring conducted to date cannot be considered as relevant.

The monitoring of most of the TPMs in current practice is customarily conducted by regular contacts with the victim; information obtained from the relatives, neighborhood, the victim's working place;

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<sup>42</sup> Akcija Združenska, the Association for Emancipation, Solidarity and Equality of the Women in the Republic of Macedonia – ESE, the Ministry of Labor and Social Policy and the Ministry of Interior in the period 2006 – 2008, a project entitled "Unification of the Positive Practices in Proceedings for Cases of Domestic Violence"

contacts with the authorities for internal affairs; maintaining contacts with the offender; obtaining information from the institution responsible for enforcing of the measure; requested reports on the results from the enforcement of a certain measure, etc.

The monitoring of the enforcement of the measures is evidently non-systematic and inappropriate. There is a lack of mechanisms and procedures that would ensure efficient and purposeful application of the measures by those responsible for their enforcement and monitoring. The progress of the ordered measures, that is, their change, extension or termination, affects the further proceeding in each individual case of domestic violence.

#### 2.2.2.15. Termination, Change and Extension of the Temporary Measures

The data indicate that the Centers almost do not use at all the possibility for termination, change or extension of the TPMs. They established a need for terminating or changing the ordered measure in one case only, and in three cases for its extension.

The absence of this practice is corroborated by the data for submitted requests to the courts, even when there were no apparent grounds for such requests. An exception to this practice is one case, in which it was requested to terminate the measure (allowed by the court) and another case of extension of a measure that was not legally completed in the time period subject to analysis by this study. In comparison with the total number of measures ordered by the court, one may draw the conclusion that only in 2.50% there was an actual need for terminating, changing or extending the rendered measure.

This imposes two assumptions. Namely, it is either an issue of the efficiency and completeness of the rendered measures, and hence, no need for their termination, change or extension, or the absence of mechanisms and procedures for monitoring and evaluation of the purposefulness and efficiency of the measures is the primary factor for not using these possibilities provided by the law.

#### 2.2.2.16. Manner of Documentation of the Proceedings for Rendering of the TPMs

Documentation and keeping records is a problem for some institutions, although it is considered to be part of their everyday work.

Thus, over half of the Centers for Social Work do not keep records of the domestic violence cases and consequently do not have a specific code for such cases. Only nine out of the total 27 Centers actually keep records, while two of them did not give any answer to this question. What poses a concern is the absence of separate records books for this type of cases and specific codes for their registration in most of the courts that order the TPMs, with the exception of one court (Basic Court Skopje 2).

The absence of records (a special book and a registration code) will always put under suspicion the reported rate of this violence, and especially the types of protection requested by the domestic violence victims both within the protection system and the civil legal system. The same is true for the records in the penal legal system. This will result in a failure to conduct relevant analyses and establishment of the situation and the possibilities for progress. Moreover, it is essential to introduce a certain number of unified parameters in the records kept by the institutions and organizations working with domestic violence victims, which should result in building appropriate solutions and policies in our country related to this sphere.

#### 2.2.2.17. Views of the Centers for Social Work and the Courts in Regard with the Efficiency of the TPMs

All information obtained heretofore indicate the need for self-evaluation of the efficiency and successfulness of the participants in the civil legal system and the protection system, both in terms of the individual work within the institutions and in terms of the efficiency of the inter-agency cooperation necessary for handling these cases. It appears that some of the institutions working in this sphere are willing to evaluate and assess their own objective and subjective weaknesses and thus indicate appropriate solutions for their overcoming.

In terms of their own work, the Centers for Social Work have pointed out some weaknesses in different areas that need to be promoted. Hence, some of these shortfalls are of technical nature and refer to the lack of equipment and vehicles, inappropriate working conditions for efficient work with the victims and absence of a program for

keeping records of the domestic violence cases. In the area of human resources, they indicated the following shortfalls: insufficient number of experts working on this issue and their insufficient education related to the monitoring of the enforcement of the rendered TPMs. One of the emphasized shortfalls was the insufficient capacity/number of shelters, which may be treated as an open issue – until a more comprehensive analysis of the available resources has been conducted (see 1.2. – Type of Provided Protection). A priority issue for the social workers is the financial help granted to the victims and the allocation of funds for this purpose.

The courts indicated the following possible solutions for the currently unsatisfactory assessment of their efficiency in the proceedings for domestic violence cases: absence of supplemental legal acts and active involvement of other bodies, such as the Centers for Social Work in the enforcement of the measures and introduction of sanctions for non-compliance with the measures for the offender.

On the other hand, the coordination between the institutions, the promptness of their actions and the additional education of the professional workers engaged in handling these cases were the most often indicated issues to be addressed in order to improve the inter-agency cooperation.

3.

### **Overview of the Information on the Institutional Response to Domestic Violence**

The analysis of the empirical knowledge gained on the occurrence of domestic violence to date only confirms the necessity of permanent monitoring of the effects of the implementation of the envisioned legal regulations on the decrease or suppression of domestic violence.

Summarizing the considerations related to the institutional response (the protection system, the civil and criminal legal systems), we may conclude that all components are functional to the extent appropriate to the level of development of their capacities. The insufficient coordination entails incomplete and inefficient protection and reflects the current situation in this sphere. There is an evident absence of interaction between the existing legal solutions stipulated by the civil and criminal legal systems, that is, the extent to which they are concurrently applied in cases of domestic violence. In other words, there is no evaluation how

much the rendering of the temporary protection measures has contributed to the prevention of future violence or provided protection to the victim during the criminal proceeding.

The conducted analysis points to the conclusion that in spite of the continuous systematic efforts and commitments to promote the situation, we will have to face several serious challenges in the fight against this social scourge in the years to follow. They can be systematized in several areas:

### **Legal and Supplemental Legal Regulations**

We have identified the need for harmonizing the definition stated in the family legislation with the one in the Criminal Code. Their harmonization will eliminate any possible ambiguities regarding the nature and type of the occurrence regulated by these positive laws, and even more importantly, it will emphasize the complementary and non-exclusive nature of the solutions of the two legal systems. It is necessary to specify the existing legal regulations regarding certain protection measures that by nature belong to the same category of protection (for instance, legal aid, a procedure in the relevant court and initiating a temporary protection measure), but are currently envisioned as separate measures.

Furthermore, the impossibility for the victim to recommend temporary protection measures herself and the absence of sanctions for non-compliance with the rendered measures are also issues that need to be legally regulated.

Two issues that require prompt regulation by bylaws are the issue of the contents, manner of implementation and monitoring of the provided protection measures and the manner of evaluation, recommendation, rendering, enforcement and monitoring of the temporary protection measures.

### **Data Collection and Analysis of the Situation**

The evident discrepancy in the official data of the institutions regarding a same issue, in addition to the absence of keeping separate records of the domestic violence cases, indicates an absence of an established policy and methodology of continuous collection of domestic violence related data. It is necessary to determine parameters in accordance with the mandate of the responsible institutions that will enable continuous collection of relevant data.

In addition to the introduction of regular analyses of the situation on an annual basis, there is also a need for additional problem analyses, such as the one for determining the domestic violence related costs and the evaluation of the need for providing shelters given the available shelter capacities.

### **The Protection System**

The passive role of the Centers for Social Work in comprehending the need for reacting to domestic violence is a concern. This passivity of the Centers is confirmed by the dominance of the victims and the other institutions that report cases of domestic violence.

Besides the absence of a prescribed complete procedure of recommendation, implementation and monitoring of the temporary measures, other shortfalls that seriously undermine the victims' security and protection are the complete or partial non-functionality of the measures such as counseling for victims, the programs for working with the offenders, mandatory medical treatment. It is necessary to adjust the existing institutions for efficient implementation of the temporary protection measures, as well as for evaluation of the capacities/resources for their implementation.

The system of protection from domestic violence makes insufficient use and promotion of the role and position of the Ombudsman.

### **Proceedings of the Professional Structures in Cases of Domestic Violence**

Having in mind the complexity of the solutions and hence the large number of institutions involved in addressing this issue, the proceedings of the professional structures will be presented cumulatively according to three components: the protection system, the civil legal system and the criminal legal system. A common characteristic of all professional structures in regard to their work is the need for education (basic and continuous).

The procedures of the relevant actors in the criminal legal system indicate a situation that calls for regulation of their procedures and legal changes and education of these professional structures.

The failure to recognize and thus initiate a criminal procedure in the area of psychological violence, the classification of the acts of domestic violence under the categories "complaint" and "breach" by the police and

the requirement of the victim's consent for criminal prosecution of the offender, even in cases of committed criminal offenses – are characteristic police proceedings in domestic violence cases. Moreover, they do not fully understand the essence of the criminal offense “momentary murder” committed as a result of domestic violence (in this case the victim of a domestic violence after years-long suffering of violence becomes a perpetrator herself and kills the offender).

The more lenient sanctioning of domestic violence by the judges and the existing secondary victimization of the victims during the criminal proceedings are a result of the practice heretofore.

The civil legal system and the procedures of the professional structures are characterized by a number of weaknesses that are mostly due to the above-stated absence of established procedures for evaluation, recommendation, rendering, enforcement and monitoring of the rendered temporary protection measures. The weakest point of the civil legal system is the complete or partial non-functionality of certain temporary protection measures (appropriate counseling for the offender and mandatory medical treatment of the offender if he is an alcoholic or uses some psychotropic substances or is ill).

The Centers of Social Work, in addition to delaying the recommendation of the temporary measures, apparently do not find it necessary to continue or modify those measures that have already been rendered.

The basic courts, on the other hand, do not always comply with the basic principle of urgency in the rendering of these measures and sometimes exceed the legally set timelines. Furthermore, there is a variety in the court departments, which causes differences in the manner of rendering of these measures by the court.

### **Preventive Activities**

There is an apparent need for undertaking continuous preventive activities primarily directed towards recognizing domestic violence and using the available legal means by the victims.

The identified shortfalls and problems, as well as the manner of their resolution will be an integral part of the National Strategy for protection from domestic violence, which is currently being drafted. An inter-agency group has been established for this purpose tasked to identify the necessary measures and actions to be undertaken in the future on the basis of the findings of this study.

## PART III

### **Conclusions and Recommendations**

The research information and the information on the institutional response to domestic violence is important not only for the comprehension and explanation of this occurrence, but also in this case to serve as the basis for establishing the goals, measures and activities to be envisioned within the National Strategy for protection from domestic violence.

The Strategy, whose development is under way, will establish the goals, measures, activities, implementation timelines, holders of activities and financial assets required for its implementation in the period 2008 – 2011.

Despite the extensive and abounding data that have come up from the research and the analysis of the institutional response to domestic violence, the following segments should be highlighted as especially important in the creation of the domestic violence policy:

#### **Patriarchal Values**

There is a high level of acceptance of the values that increase the risk of domestic violence. The acceptability of this value is affected by the age, education, nationality, religious belonging, membership to political parties and non-governmental organizations.

#### **Low Level of Reporting of Domestic Violence to the Police**

The level of reporting of domestic violence to the police is only 20.7%.

#### **Low Level of Contacting the Centers for Social Work**

There is a low level of contacting the Centers for Social Work (only 18.7% of the victims turned to the Centers), although these Centers have considerable legal responsibilities and possibilities to help and protect the domestic violence victims.

### **Low Affirmation of Non-Governmental Organizations**

There is an extremely low level of turning for help to the non-governmental organizations (only three respondents – victims have turned to NGOs).

### **Insufficient Reporting of Domestic Violence by the Medical Personnel**

The medical personnel is obligated to report cases of violence if they come across such cases in their work. There is a special protocol in place for this purpose, or a procedure of reporting the case to the responsible state authority – the police. In our country, the cause of injury in cases of domestic violence was registered in 57% of the cases, in spite of the obligation for mandatory reporting.

### **The Citizens are not Sufficiently Informed About the Incrimination of Domestic Violence**

The data on the level of information of the women – victims are very negative – every third woman stated she was familiar with the fact that domestic violence had been incriminated.

### **Incomplete Legal and Supplemental Legal Regulations of Domestic Violence**

Imprecise specification of certain protection measures that by nature belong to the same category of protection. There is no possibility for the victim to recommend temporary protection measures herself.

Issues that need to be legally regulated are those regarding the contents, manner of implementation and monitoring of the provided protection measures and the manner of evaluation, recommendation, rendering, enforcement and monitoring of the temporary protection measures. Furthermore, some acts of domestic violence are also not incriminated.

### **Failure to Keep Separate Records of Domestic Violence Cases**

The evident discrepancy in the official data of the institutions regarding a same issue, in addition to the absence of keeping separate records of the domestic violence cases, indicates an absence of an established policy and methodology of continuous collection of domestic violence related data.

### **Complete or Partial Non-Functionality of Part of the Temporary Protection Measures**

The weakest point of the civil legal system is the complete or partial non-functionality of certain temporary protection measures (appropriate counseling for the offender and mandatory medical treatment of the offender if he is an alcoholic or uses some psychotropic substances or is ill).

### **Inappropriate Proceeding of the Professional Structures in Domestic Violence Cases**

The Center for Social Work has a manifestly passive role in providing the temporary protection measures despite the information on this occurrence it normally receives as a competent body in this sphere. There is an absence of a system for evaluation of the victims' needs that would ensure quality and timely protection.

The failure to recognize and thus instigate a criminal procedure in the area of psychological violence, the classification of the acts of domestic violence under the categories "complaint" and "breach" by the police and the requirement of the victim's consent for criminal prosecution of the offender, even in cases of committed criminal offenses – are characteristic police proceedings in domestic violence cases.

The more lenient sanctioning of domestic violence by the judges and the existing secondary victimization of the victims during the criminal proceedings is a result of the practice heretofore.

The civil legal system and the procedures of the professional structures are characterized by a number of weaknesses that are mostly due to the above-stated absence of established procedures for evaluation, recommendation, rendering, enforcement and monitoring of the rendered temporary protection measures. The Centers of Social Work, in addition to

delaying the recommendation of the temporary measures, apparently do not find it necessary to continue or modify those measures that have already been rendered.

The basic courts, on the other hand, do not always comply with the basic principle of urgency in the rendering of these measures and sometimes exceed the legally set timelines. Furthermore, there is a variety in the court departments, which causes differences in the manner of rendering of these measures by the court.

### **Shortage of Continuous Preventive Measures**

There are no continuous preventive activities in place that would enable recognition of domestic violence and use of the available legal means by the victims.

In accordance with the information obtained by this study and the analysis of the institutional response, as an integral part of the National Strategy for protection from domestic violence, we have envisioned the following recommendations:

#### Recommendation 1:

Undertaking activities that will entail **abandoning of the patriarchal system of values regulating marriage and family relations** by:

- Increasing the level of education of women;
- Introducing new contents in the educational process that will change the value matrix for regulating the marriage and family relations;
- Stimulating the women on increased involvement in political and non-governmental organizations;
- Continuous education on human rights, especially women human rights;
- Accentuating and intensifying the education activities in the rural areas and the ethnic communities of the Albanian, Roma and Turkish women.

#### Recommendation 2:

Undertaking activities designed to **increase the level of reporting of domestic violence**. The activities directed towards education of the police personnel that work with domestic violence should result in:

- Increased confidence of the citizens in the police as an authority that is responsible to act in cases of domestic violence, that has a serious approach and that demonstrates sufficient engagement in such cases; and
- Changes in the attitude of the police officers to domestic violence victims.

#### Recommendation 3:

Undertaking activities for **informing about and promoting the responsibilities and work of the Centers for Social Work** which will enable providing help and protection to a bigger number of domestic violence victims.

#### Recommendation 4:

Undertaking activities to **promote the work of the NGO sector** in the sphere of providing help and protection of the domestic violence victims and support mechanisms by the state, as a complementary part of the state reaction to domestic violence.

Recommendation 5:

Undertaking activities for **education of the medical personnel from the emergency, general and other areas of medicine that come in touch with the domestic violence victims**, since it will contribute to official registration of violence and undertaking concrete steps for its suppression and prevention.

Recommendation 6:

Undertaking activities to ensure **information of the citizens about the incrimination** of domestic violence.

Recommendation 7:

Undertaking activities for **specification and amendments and supplements to the existing legal/supplemental legal regulations** which will result in:

- Specification of the existing legal regulations regarding certain protection measures that by nature belong to the same category of protection;
- Enabling the victim to recommend temporary protection measures herself;
- Regulation by bylaws of the issues regarding the contents, manner of implementation and monitoring of the provided protection measures and the manner of evaluation, recommendation, rendering, enforcement and monitoring of the temporary protection measures;
- Incrimination of the domestic violence acts as criminal offenses committed as a result of domestic violence.

Recommendation 8:

Undertaking activities to **determine parameters in accordance with the mandate of the responsible institutions that will enable continuous collection of relevant data**. In addition to the introduction of regular analyses of the situation on an annual basis, there is also a need for additional problem analyses, such as the one for determining the domestic violence related costs and the evaluation of the need for providing shelters given the available shelter capacities.

Recommendation 9:

Undertaking activities to **adjust the existing institutions for efficient implementation of the temporary protection measures**, as well as for evaluation of the capacities/resources for their implementation.

Recommendation 10:

Undertaking systematic activities to improve the manner of proceeding of the professional structures that will result in:

- Introduction of basic and continuous education of all relevant professional structures;
- Pro-active role of the Center for Social Work as a body that obtains information on domestic violence through its work;
- Introduction of a system for evaluation of the victims' needs that will ensure quality and timely protection;
- Recognizing and thus initiating reports of criminal offenses in the area of psychological violence and fully understanding the essence of the criminal offense "momentary murder" committed as a result of domestic violence;
- Decreasing the number of complaints and breaches for cases of domestic violence;
- Decreasing the number of cases that require the victim's consent for criminal charge of the offender;
- Reviewing the criminal policy on criminal acts in the area of domestic violence and drafting conclusions and organizing debates on criminal policy;
- Decreasing the possibilities for secondary victimization of the victims during the criminal proceedings;
- Determining appropriately the need for continuation or change of the already rendered temporary protection measures;
- Complying with the basic principle of urgency of the court proceedings in rendering the temporary protection measures and harmonizing the different uses of the law in the rendering of these measures.

Recommendation 11:

Undertaking **continuous preventive activities** primarily directed towards recognizing domestic violence and using the available legal means by the victims.

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...I readily recommend a positive evaluation of this study and taking appropriate steps and procedures for its publication as I am convinced that it will be beneficial in the Association's future work and that it will provide information on the criminal nature of domestic violence to all dealing with this issue, to the students that study this field and the general public...

Skopje, 27 October 2007

Reviewer:

Ljupco Arnaudovski, Ph.D.