

Draft General Recommendation No.19 (1992): accelerating elimination of gender based violence against women,

Comments submitted by: *Association for emancipation, solidarity and equality of women-ESE, Republic of Macedonia*

Page 7, point 15.

After “The Committee urges States parties” should be added “**to implement**” their obligations in relation to gender –based violence against women.

Page 9, paragraph (g)

After paragraph (g) it should be added “**Penalties should be commensurate to the aggravating circumstances: planning of the attack; children were witnesses; weapon possession and use; treats toward the victim; victim and perpetrator are still living together; history of previous violence; criminal history of the abuser , recidivism in crimes against women**”

Page 9, paragraph (h)

h) After “Ensure criminal proceedings are initiated” should be added “**ex officio - by the state**” in all cases of crimes against

Findings based on the data on protection of victims of violence under the Criminal code, collected by the USAID’s Women’s Legal Protection Project¹ show the number of criminal charges filed with reference to acts of violence against women between 2012 - 2014 shows a trend of increase², unlike the trend of indictments³ which is not consistent with the number of criminal charges. The trend of submitted petition for criminal prosecution filed is disconcerting (bodily injury which is the most frequent grounds for sanctioning domestic violence) over the same period is on the decrease⁴. This even more so given that out of the 169 petitions filed in 2014, 117 were withdrawn by the victim.

Withdrawing of the petitions is mainly due to the fact that Criminal act: bodily injury as a result of domestic violence⁵ is prosecuted based on victims’ consent/proposal. That means if the victim does not proceed with/withdraw the criminal petition, the public prosecutor is not allowed to proceed further.

¹ USAID Women’s Legal protection Project , Association ESE

² Data on thirteen of the total of 22 Public prosecutor offices in RM were analyzed. In 2012 a total of 640 criminal charges were filed; 2013-685, and in 2014 the number of criminal charges is 843.

³ In 2012 429 indictments were issued, in 2013-436, and 2014-315.

⁴ In 2012 a total of 218 criminal prosecution proposals were filed, 2013-199, and in 2014-169.

⁵ Bodily injury (Article 130 of the Criminal Code), Official gazette nb.37/1996



Page 11, paragraph a) vi.

Establishing and implementing appropriate **criminal** sanctions for non-compliance with eviction/exclusion/restraining orders in cases of gender based violence against women.

If the perpetrator is not complying with the eviction or restraining orders, than he is actually committing criminal act “non-compliance with court order”, which is a general criminal act incorporated within the domestic criminal legislation nationwide. If one cannot obey the civil court decision, than is more than justified to increase the level of protection and demand criminal responsibility. The application of the criminal sanctions in these cases is necessary for effective protection of women victims of VAW.