**The United Nations Special Reporter on violence against women**

**COVID-19 AND THE INCREASE OF DOMESTIC VIOLENCE AGAINST WOMEN**

 **Submission of Association for Emancipation, Solidarity and Equality of Women- ESE**

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1. **To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.**

One of the systemic deficiencies of the system of protection of women that suffered domestic violence is the lack of official statistics about the domestic violence cases. Therefore, we cannot conclude that there has been increase of domestic violence reported cases during the COVID-19 crisis.

The only sources of information in this regard are certain news agencies and media which announced different information about the reporting rate of domestic violence cases during the lockdown. In accordance with the article published by the news Agency Meta on April 17th, the data from the Ministry of Interior is showing that in the period January - March 2020 the number of criminal acts related with domestic violence is 241, which is relatively higher compared to 207 criminal acts of this type committed in 2019. However, the increase of domestic violence is even higher if we account the number of complaints related to domestic violence submitted to Ministry of Interior in 2020 (920), compared to 780 in 2019. In this regard, there is a need to clarify that significant proportion of the complaints is related to the criminal act "bodily injury", which is the only criminal act related to domestic violence which prosecution is based on the victim's consent and the cases in which the victim is not willing to prosecute the perpetrator, are registered as complaints by Ministry of Interior. On another side, other media have reported about the decrease in the number of reported cases to the police in April 2020, compared to the same month in the previous year.

However, the information received by the beneficiaries of civil society organizations (CSO’s) that are providing direct legal, psychosocial and other services for the victims are showing the existence of common domestic violence problems, but also specific problems faced during the COVID 19 lockdown. The severity of the situation with domestic violence during the COVID-19 crisis is even more alarming taking into account that there were four murders as a result of domestic violence that appeared during this period (again information based on media reporting).

1. **Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?**

There is not available comparable data about the trends in the cases of domestic violence for this period, reported through the existing help lines for women that suffered domestic violence. The web site of the Ministry of Labor and Social Policy (MLSP) incorporates contact information (phone lines and e-mails) of 11 Centers for Social Welfare (CSW) located nationwide for reporting domestic violence. In this relation, the only publically available data about the reported cases in the CSW is referring to the period May and June 2020[[1]](#footnote-1), and there is only basic tabular information about the number of reported cases and number of victims and perpetrators divided by gender[[2]](#footnote-2). In this regard, there is only tabular data provided, without analysis in terms of trends and increase or decrease in the number of reported cases. The data only shows slight increase in the number of reported cases in three weeks of June (179), compared to entire May 2020 (174). The data also shows that there are significant differences in the number of reported cases per week in May, but again there is not further information provided about the reason for this difference, neither about the services provided by the institutions after the reporting of violence. For example in the first week of May there were 74 cases reported, only 19 cases in the second week, 52 cases registered in the third week and 29 in the last week of May.

In this regard, the problem is not whether there are help lines available for reporting the violence, but it is the lack of adequate help and support provided after the women contact the help lines. This was confirmed by the beneficiaries of ESE’s Legal Aid Centre as well, who informed us that apart from the basic information via phone, the CSW failed to undertake adequate measures to respond to their individual needs and help them resolve their emerging problems during COVID-19 crisis.

For example, the Department for dealing with domestic violence at the Center for Social Care in Skopje (the capital city of the country) due to the staff reduction has appointed incompetent staff that is less knowledgeable on how to proceed and resolve this problem. As a result, they were slower in response and had provided non-adequate guidelines and instructions to the women that suffered violence. Also, they didn’t provide the women with the information of additional rights that they are eligible for, such as the right to one-time social assistance payment. In respect of the resolution, in certain cases, they didn’t provide the women with their right to apply for a temporary restraining ordered which were treated as an urgent legal issue that could be attained during the pandemic. It’s worth noting that the collaboration between different institutions was delayed and often women were left to find a resolution on their own. Often, they were put in a position to pay for services that a free of charge, such as for health care etc.

1. **Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?**

Yes. After the advocacy efforts undertaken by CSO's, the Ministry of Interior announced and stressed that woman victims of domestic violence can leave their home and report the violence in the police during the lockdown. It is important to stress again the experiences of women that suffered domestic violence that after reporting the violence there is a lack adequate help and support by the police provided.

However, we had one case where the woman was attacked outside of their home in another city and the police have responded to the incident. However, after the incident, the police have an obligation of accompanying the woman to a safe place. In this case, the woman has requested to go to her mother’s house which was in another city far from where the incident took place and the police didn’t accompany her. The woman was forced to find a means of transportation and to reach her mother ‘s home on her own with her minor children.

1. **Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?**

The COVID-19 crisis stressed the need for provision of alternative sheltering of women that suffered domestic violence, because of the already detected shortcomings of the existing system for victim’s accommodation: State provides only accommodation of victims with minor children; there are insufficient security measures; and lack of needed services for the victims while they are sheltered. Recognizing this need, Association ESE has submitted request for urgent establishment of separate State fund for victim’s accommodation in hotels or other accommodation capacities and compensation of their living costs. Unfortunately, the Government did not provided additional funding for alternative sheltering and living costs of women victims of domestic violence. In this regard, MLSP has only informed that with the support from OSCE, in May and June 2020 they have provided food packages for 329 victims of domestic violence.

Following the info received form a woman that is using service of our organization’s Legal Aid Center and was sheltered during the pandemic in a moment when she received a decision that temporary restraining order was issued she had to leave the Shelter only after a month sheltering. She had to go to her sister’s home. We assume that there were other cases of women that were sheltered during the pandemic but not for a long, which is quite unusual if we take into consideration the specificity of the situation.

1. **Are protection orders available and accessible in the context of the COVID-19 pandemic?**

In accordance with the Government’s decision about the suspension of court hearings during the epidemic, the civil court procedure for temporary measures of protection was incorporated in the list of priority cases which were not suspended. However, women may face certain barriers due to the closure of the Center for Social Welfare, which is the competent state institution for submission of proposals for protection orders to the court. There are not publically available data about the number of cases of this type executed within the COVID-19 crisis. However, we can conclude that one of the deficiencies in the effective usage of this specialized mechanism for victim’s protection is the passiveness and low number of proposals submitted from the CSW to the courts.

The anecdotal data that we have from the women that had such experience during the crisis is that they were not informed on time on many circumstances related to issuing of the civil restraining measures. Namely, there was a delay in response whether in a case where women went to Centers for social care such a measure will be initiated. Not having a response from the Center women requested help from other service providers and have initiated such a procedure under the law. This has resulted in a case where for the same incident both the Center for Social Care and the victim had requested from the court issuing of temporary restraining measures. Practically two independent court procedures were initiated for the same legal matter. In some cases, women were not informed of a proceeding delay, so they needed to go to the court and to find out for the delay. Even worse women that were able to get a restraining order, were not informed when, how, and where the restraining order will be enforced.

1. **What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?**

The suspension of court hearings during the COVID-19 crisis affected negatively access to justice for women that suffered domestic violence, since all cases related to domestic violence were temporarily suspended, with the exclusion of the civil court procedure for protection orders. The criminal cases for prosecution of domestic violence perpetrators were delayed, as well as civil court cases related to domestic violence, such as divorce and custody, child alimony, inheritance, property, damage compensation. Despite the advocacy efforts undertaken by
ESE, the Ministry of Justice and Republic Court Council have not prioritized domestic violence related cases, such as the court procedure for entitlement of custody over children.

Another factor that additionally affects women’s protection is the Governmental decision for delayed execution of prison sentences of convicted persons until September 2020, which included delayed prison sentences for convicted domestic violence perpetrators as well.

We also wanted to note that during the pandemic the psychological type of violence, sometimes combined with the economical form is most prevalent. However, this type of violence is hardly recognizable and therefore is hard to be prosecuted and charged even in a normal circumstance. Usually, these types of incidents are registered as a complaint and there is no follow up on these cases. This significantly influences the women’s access to justice and resolution of the violence during the pandemic.

1. **What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.**

The main problem is that the Ministry of Health failed to implement its legal obligation for provision of free of charge medical services and medical documentation to domestic violence victims even prior to the COVID-19 crisis. This is a systemic problem that existed since the implementation of the Law on Prevention, Suppression and Protection of Domestic Violence in 2015[[3]](#footnote-3).

We have to add that, even in a case where a temporary restraining order that is implemented by the Ministry of Health was issued, they did not respond amidst pandemic.

1. **Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.**

The general conclusion is that apart from the declarative commitment, the State and the relevant Ministries and institutions failed to adequately prevent and combat VAW and domestic violence during the COVID-19 crisis. The specific needs of women were not taken into consideration in the process of planning and implementing measures, neither separate funds allocated for this purpose as a part of the budget allocated for tackling COVID-19.

In this regard, please see bellow the negative examples/practices of the Government and relevant ministries:

* The Government have not established separate state fund for victim’s support as part of the funds allocated for tackling COVID-19;
* The police failed to conduct effective investigations and immediate protection of women that suffered domestic violence;
* The Centers for Social Welfare (CSW) are not providing the needed legal, psychosocial and other services for the victims. The CSW have not responded on victims calls or requests on their official mail and are calling victims responsible for not complying with CSW's Decision on the meetings between the minor child and the other parent;
* The Ministry of Health failed to provide free of charge medical services and documentation for women that suffered domestic violence;
* The Ministry of Justice and Republic Court Council did not prioritized domestic violence cases, thus limited significantly access to justice for women that suffered domestic violence. In addition, there is a delay of the execution of the prison sentences for all convicted persons due to the lockdown, including the perpetrators in domestic violence cases.
1. **Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.**

We would like to stress again that apart from the declarative commitment, the State and the relevant Ministries and institutions failed to adequately prevent and combat VAW and domestic violence during the COVID-19 crisis.

1. **Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.**

Association ESE is a civil society organization working to improve the situation with domestic violence in the country, even prior to the formal establishment of the system of protection in 2004. Moreover, the organization was actively engaged in the establishment of the existing system of protection in the country and continued to work on accelerating its implementation in practice. ESE is providing direct legal services for women that suffered domestic violence and in parallel advocates for improving the exiting legal framework and institutional response toward domestic violence.

Recognizing the especially vulnerable position of women during the COVID-19 lockdown, ESE has undertaken series of advocacy efforts for improving the state response, and in parallel broadened the provision of free of charge legal advices for women that suffered domestic violence during this period.

In this regard, ESE have prepared and submitted demands to the government and relevant ministries for implementation of urgent measures for information of the public and improved institutional response toward domestic violence cases, in order to overcome all the previously elaborated deficiencies of the state response during COVID-19 crisis. Unfortunately, the Government and the relevant ministries have not taken into account the need for establishment of State fund, prioritization of domestic violence cases in front of the institutions and increased information of the public through alternative channels of communication, such as supermarkets, pharmacies, mobile operators, water and electricity companies etc.

Apart from the advocacy efforts undertaken toward the Government, ESE has addressed the problem with the lack of information and legal services for women that suffered domestic violence, and explored further the opportunities for establishment of alternative channels of communication and service delivery for the women. In this regard, in June 2020 ESE has established on-line legal platform for legal advices of women that suffered domestic violence, “Ask for Advice”, available at <https://pobarajsovet.mk/>. “Ask for Advice” provides information and legal advices about protective mechanisms and resolution of other legal problems related with domestic violence, such as divorce and custody, child alimony, property division, inheritance, civil and criminal procedures for protection etc. Through the platform, women will be legally empowered and have their capacities for self-representation in front of the relevant institutions strengthened. The platform offers opportunity to post questions and receive legal advices in real time for resolution of individual problems faced by the women that suffered domestic violence. The same refers to the practitioners from relevant state institutions, which have the opportunity for consultations related to their proceeding in domestic violence cases.

1. **Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.**

For conclusion, the COVID-19 crisis has highlighted the already existing deficiencies of the existing system of protection, and even more stressed the need for adapting the proceeding of the competent institutions, such as the Centers for Social Welfare, Police and Courts during the crisis situation. In this regard, the State response toward domestic violence in the future, including crisis situations will be highly dependent on whether the detected systemic deficiencies are adequately addressed: lack of state funding; lack of legal, psychosocial, health and other services for the victims; lack of adequate proceeding of the competent institutions; insufficient coordination; lack of systemic education of practitioners etc.

1. The data provided for June is referring to the period of three weeks, until 21st of June 2020. [↑](#footnote-ref-1)
2. Week Reports for May and June – Reported cases of domestic violence in CSW, available on Macedonian language at <http://mtsp.gov.mk/ns_article-prijavi-semejno-nasisltvo.nspx> [↑](#footnote-ref-2)
3. Official Gazette No. 138/2014. [↑](#footnote-ref-3)