

Sexual Crimes: Harmonization of the Istanbul Convention with the Legal System of the Republic of North Macedonia

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Abstract

This paper examines sexual crimes in legal terms, respectively the position of this category of crimes in the legislation of the Republic of North Macedonia. The focus of this paper is the treatment of international acts that North Macedonia has ratified, and which address sexual crimes to see the compliance of domestic legislation with international standards. The epicenter of this paper is The Council of Europe Convention on preventing and combating violence against women and domestic violence as well as the implementation of obligations and requirements which arise as a result of the signing and ratification of this convention. The Criminal Code of the Republic of Macedonia with the amendments of 2023, the Law on the Prevention and Protection against Violence against Women and Domestic Violence throughout this paper will be analyzed to examine their harmonization with the Istanbul Convention. The findings reveal significant gaps in the current legal system, which not only limit the effective prosecution of sexual crimes but also contribute to the re-victimization of survivors. The study underscores the urgent need for legislative reforms to ensure comprehensive protection and support for victims.

Keywords: sexual crimes, victims, Istanbul Convention, rights, harmonization.

JEL Classification: K14, K33

1. Introduction

Sexual crimes, although they fall within the category of classic crimes that society has faced since its beginnings, unfortunately, their proper treatment begins very late. This is due to a number of circumstances, ranging from historical factors to the position, weight, and role of girls and women in the respective societies.

Since ancient times, rape has been recognized. For example, in the Code of Hammurabi, rape is prescribed as a criminal offense, as it is in Hebrew laws, in the early books of the Bible, etc.³ The Code of Hammurabi, which represents the earliest compilation of written laws, regarded the rape of a virgin as a property damage against her father. For a long time, the rape of a woman was considered a property crime against the husband or the father of the victim.⁴ Rape was also recognized as a crime in Ancient Greece and the Roman Empire, which are considered the foundations of our legal system. For the Greeks of that time, as well as for the Romans, laws on sexual conduct

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³ Cyril J. Smith, "History of Rape and Rape Laws," *Women Lawyers Journal* vol. 60, 1974: 188-191.

⁴ Kyla Bishop, "A Reflection on the History of Sexual Assault Laws in the United States," *The Arkansas Journal of Social Change and Public Service*, April 15, 2018, <https://ualr.edu/socialchange/2018/04/15/reflection-history-sexual-assault-laws-united-states/>.

— including rape, adultery, and seduction — focused on the woman not for the sake of protecting her physical integrity or rights, but because she was seen as a necessary means for the continuation of the family and thus a matter of state interest. The understanding of rape during Roman times differs from what we have adopted today. Sexual violence by a husband was not criminalized, and certain categories of women were excluded from the definition of rape due to their status, such as slaves and foreign prostitutes.⁵ In Islamic law, rape is referred to as Ghasaba and al-Ightisaab. Rape in Islamic law is defined as: “Illegal sexual intercourse by force, committed by a man against a woman who is not legally married to him, without her free will and consent”.⁶ The Hebrew Bible contains many examples of sexual violence, including rape, threats of rape, sexual trafficking, gender-based violence in war, femicide, and other forms of sexual exploitation and violence.⁷

But as we can see from what has been stated above, although sexual crimes were condemned in the past, for a long time the focus was not on the victim and the harm she experienced, but rather on the damage suffered by third parties. This situation has changed over time, initially through international and European conventions, and later through the work of civil society organizations and the domestic laws of individual states.

2. International acts that address sexual crimes

The treatment of sexual crimes is addressed in many international and European legal instruments. It begins with the Universal Declaration of Human Rights (1948), which does not specifically mention sexual crimes, but addresses them indirectly through Articles 3 and 4. Article 3 establishes the right to life, liberty, and personal security, while Article 4 states: “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*”.⁸ Although not explicitly, these articles provide protection against sexual violence.

The European Convention on Human Rights (1950), which North Macedonia ratified on April 10, 1997, prohibits torture and inhuman or degrading treatment under Article 3, which includes sexual violence. Furthermore, Article 8 of the Convention guarantees the right to respect for private and family life, which has been interpreted to encompass sexual autonomy and protection against sexual abuse.⁹ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), which North Macedonia ratified on January 18, 1994, in Articles 2 and 3, establishes that states must eliminate discrimination against women and are also required to modify the social and cultural patterns of conduct of men and women in order to eliminate

⁵ Nghiêm L. Nguyen, “Roman Rape: An Overview of Roman Rape Laws from the Republican Period to Justinian’s Reign,” *Michigan Journal of Gender and Law*, vol. 13, issue 1 (2006). Available at: <https://repository.law.umich.edu/mjgl/vol13/iss1/3>.

⁶ Usman Muhammad Maunde, Ibrahim Musa Bilal, “The Concept of Rape and Its Punishment in the Eye of Islam” (2021), https://www.researchgate.net/publication/354248066_The_Concept_of_Rape_and_its_Punishment_in_the_Eye_of_Islam, accessed on 15 December 2025.

⁷ Rhiannon Graybill, “Sexual Violence and the Hebrew Bible” (2022), <https://www.oxfordbibliographies.com/display/document/obo-9780195393361/obo-9780195393361-0293.xml>, accessed on 15 December 2025.

⁸ Universal Declaration of Human Rights, January 1, 1948.

⁹ European Convention on Human Rights, November 4, 1950.

prejudices. General Recommendations No. 19 (1992) and No. 35 (2017) of CEDAW address gender-based violence, including sexual violence.¹⁰ Sexual crimes are also included in conventions dedicated to children's rights, which address various forms of sexual violence committed against children. The Convention on the Rights of the Child (1989), which North Macedonia ratified on December 2, 1993, provides in Article 19 the obligation to protect children from all forms of violence, including sexual abuse, and in Article 34, it requires states to protect children from all forms of sexual exploitation and sexual abuse.¹¹ The Rome Statute of the International Criminal Court (1998), which North Macedonia signed on October 7, 1998, and ratified on March 6, 2002, in Article 7(1)(g), provides that: Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence shall be considered a crime against humanity.¹²

The Declaration on the Elimination of Violence against Women (1993), although not a legally binding treaty, has influenced the development of both domestic and international laws addressing violence against women. Article 2 of this declaration recognizes various forms of violence against girls and women, while also clarifying that these are not the only forms they may experience. It states: *(a) Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation, and other traditional practices harmful to women, spousal violence, and violence related to exploitation; (b) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, and forced prostitution; (c) Physical, sexual, and psychological violence perpetrated or condoned by the state, wherever it occurs.*¹³

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, commonly referred to as the Lanzarote Convention (2007), was signed by North Macedonia on October 25, 2007, and ratified on February 25, 2009. This treaty specifically addresses the sexual exploitation and abuse of children, with provisions covering sexual abuse, child prostitution, child pornography, grooming of children for sexual purposes, and the solicitation of children for sexual purposes via the internet.¹⁴

The Istanbul Convention, formally known as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011), is one of the most significant international instruments addressing violence against girls and women, including specifically sexual violence. The Istanbul Convention will be examined in greater detail in the following sections of this paper. North Macedonia is both a signatory and a ratifying state of this convention. It signed the Convention on May 11, 2011, and ratified it on March 23, 2018.

Although all these conventions and international agreements are of particular importance in reshaping the position of girls and women, as well as in redefining

¹⁰ Convention on the Elimination of All Forms of Discrimination against Women, December 18, 1979.

¹¹ Convention on the Rights of the Child, November 20, 1989.

¹² Rome Statute of the International Criminal Court, July 17, 1998.

¹³ Declaration on the Elimination of Violence against Women, December 20, 1993.

¹⁴ Protection of Children against Sexual Exploitation and Sexual Abuse, October 25, 2007.

concepts of gender-based and domestic violence, it is the Istanbul Convention that has enabled rapid and transformative progress in this field. This convention has allowed ratifying states to move toward a contemporary approach in addressing crimes that, until very recently, were either considered private matters in which the state should not intervene, or were not recognized as crimes at all simply because they were committed against girls and women.

3. Harmonization of the Criminal Code of the Republic of North Macedonia with the Istanbul Convention

Sexual crimes in the Republic of North Macedonia are criminalized under the Criminal Code, which entered into force in 1996, specifically in Chapter XIX – Criminal Offenses Against Sexual Freedom and Gender Morality. In 2023, the Criminal Code underwent substantial amendments concerning crimes against sexual and gender freedom (sexual crimes). These changes expanded the scope of punishable acts and placed the victim's consent at the center of legal assessment.

With the latest amendments, this chapter now criminalizes the following sexual offenses: Sexual assault and rape; Sexual exploitation of a person with disabilities; Rape of a child under the age of 15; Engaging in sexual acts through abuse of position; Gratification of sexual desires in front of another person; Sexual harassment; Mediation in prostitution; Exposure of pornographic material to a child; Production and distribution of child pornography; Luring a child under the age of 14 into a sexual act or other sexual activity; and Incest.¹⁵

One of the most significant amendments made was the definition of sexual intercourse. Prior to the 2023 amendments to the Criminal Code, the law merely stated: "shall force [someone] into sexual intercourse",¹⁶ without clarifying what the legislator meant by "sexual intercourse," which led to the need for interpretation. However, following the amendments, the term "sexual act" is now defined as: "engaging in sexual intercourse or any other act equivalent to a sexual act, which consists of vaginal, anal, or oral penetration with any part of the body or object, or forcing another person without their consent to engage in sexual intercourse or another sexual act with a third party, or to perform a sexual act on themselves".¹⁷ Through these amendments, it is now clear which sexual acts are criminalized. As mentioned earlier, a particularly important change is the shift in focus toward the victim's consent. Prior to these amendments, when a rape case was brought before the court, for the perpetrator to be convicted, the victim had to have physically resisted the act. The resistance shown by the victim had to be serious and sustained; the crime was not considered to have occurred unless the person had exerted all possible force to prevent the act. With the recent amendments, it is now sufficient for the victim to have simply said "no" for criminal proceedings to be initiated.

Another highly significant change is the increase in the age threshold below which a child's consent is deemed irrelevant for the criminalisation of sexual acts

¹⁵ Law on Amending and Supplementing the Criminal Code, Official Gazette of the Republic of North Macedonia (2023).

¹⁶ Criminal Code of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia (1996), art. 186.

¹⁷ Law on Amending and Supplementing the Criminal Code, Official Gazette of the Republic of North Macedonia (2023), art. 186.

committed against them. In this regard, Article 188 was amended. Previously, it provided: “Whoever commits rape or another sexual act against a child under the age of 14 shall be punished with a prison sentence of no less than 12 years”.¹⁸ The revised version now states: “Whoever engages in sexual intercourse or any act equivalent to a sexual act involving vaginal, anal, or oral penetration with any part of the body or object against a child under the age of 15 shall be punished with a prison sentence of no less than 8 years”.¹⁹ Through these amendments, children are now protected for one additional year compared to before. However, these changes still fall short in one critical area: the treatment of pedophilia. There is still no adequate legal response to pedophiles, as there is no specific article or paragraph in the Criminal Code that exclusively criminalizes this offense.

Following these amendments, the Criminal Code was supplemented with a vital provision: Article 190-a, which criminalizes sexual harassment and enables the prosecution of such acts. This article provides: *(1) Anyone who, through verbal, non-verbal, or physical acts, including the use of electronic communication tools, conveys a direct or indirect, real or symbolic meaning of coercion, indecent proposal, seduction, expression of sexual passion, or any other act implying sexual intercourse or equivalent sexual acts, and thereby violates the dignity of another person by causing feelings of discomfort, annoyance, humiliation, or fear, shall be punished with a fine or imprisonment of up to one year. (2) Anyone who commits the act described in paragraph (1) against a person in a subordinate position or who is in a dependent relationship with the perpetrator, or against another person in the workplace, in a public space, or who is vulnerable due to age, illness, disability, drug dependency, pregnancy, or severe physical or mental impairment, shall be punished with imprisonment from six months to three years.*²⁰

With these amendments, the Criminal Code now also criminalizes genital mutilation. Although this practice is not present in North Macedonia, the Istanbul Convention requires states to criminalize such mutilations of genital organs, as they violate sexual autonomy and often result in severe consequences, including death. *Genital mutilation is criminalized under Article 129-a of the Criminal Code, which provides: (1) Whoever fully or partially performs mutilation, infibulation, or any other form of genital mutilation of the female external genital organs shall be punished with imprisonment from six months to five years. (2) The same punishment shall apply to anyone who forces a woman to undergo the acts referred to in paragraph 1 of this Article. (3) Anyone who incites or assists a woman to carry out the acts under paragraph 1 of this Article shall be punished with a fine or imprisonment from six months to three years. (4) If the act under paragraphs 1, 2, or 3 is committed out of hatred, against a girl, or results in serious bodily injury to the woman, the perpetrator shall be punished with imprisonment from one to eight years. (5) If, as a result of the acts under paragraphs 1, 2, 3, or 4, the woman or girl dies, the perpetrator shall be punished with*

¹⁸ Criminal Code of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia (1996), art.188.

¹⁹ Law on Amending and Supplementing the Criminal Code, Official Gazette of the Republic of North Macedonia (2023), art. 188.

²⁰ Vedije Ratkoceri and Arber Metaj, *Dhuna në familje: në prizmin e së drejtës (Domestic Violence through the Lens of Law)*, Tetovo: South East European University, 2023, p. 75 et seq.

*imprisonment from one to ten years.*²¹

Another criminal offense incorporated for the first time into the Criminal Code is “Stalking”, which is regulated under Article 144-a. According to this article, the following acts are criminalized: (1) *Whoever persistently and without authorization follows, persecutes, or interferes in another person’s private life, or creates or attempts to create unwanted contact by moving within the space where that person is located, by misusing personal data, using public information media or other means of communication, or otherwise psychologically abuses, harasses, or intimidates the person — thereby causing a feeling of insecurity, anxiety, or fear for their own safety or the safety of someone close to them — shall be punished with a fine or imprisonment of up to three years.* (2) *If the offense under paragraph (1) is committed against a person with whom the offender is or has been in an intimate relationship, or against a child, the offender shall be punished with imprisonment from six months to five years.* (3) *Prosecution for the offense under paragraph (1) is initiated upon complaint.*²²

Following the 2023 amendments to Chapter XIX of the Criminal Code, the Criminal Code of the Republic of North Macedonia took a significant step toward the modern treatment of sexual crimes and the harmonization with the Istanbul Convention. These changes have contributed to improving the position of victims of such crimes by creating a legal environment that encourages greater reporting of sexual offenses.

4. Law on prevention and protection from violence against women and domestic violence of the Republic of Macedonia

The Law on the Prevention and Protection against Violence against Women and Domestic Violence of the Republic of North Macedonia, which entered into force on February 6, 2021, was adopted as a result of the country’s ratification of the Istanbul Convention. This law provides detailed regulation not only concerning victims of domestic violence but also women and girls who are victims of gender-based violence, including victims of sexual crimes. It replaces the earlier Law on the Prevention, Suppression, and Protection from Domestic Violence, which was adopted on September 15, 2014.²³ The Law on the Prevention and Protection against Violence against Women and Domestic Violence is fully drafted in accordance with the obligations and requirements arising from the Istanbul Convention. Beyond offering a more modern approach to domestic violence that aligns with the needs of North Macedonian society, this law also introduces — for the first time in legal terms — definitions of transgender persons, forced marriages, forced abortion, sexual harassment, cyber sexual harassment, genital mutilation, and more. The law shifts the focus to the victim, and numerous provisions are aimed at preventing gender-based violence against women and girls, as well as domestic violence, while also protecting victims and preventing revictimization. In addition to these provisions, the law provides legal definitions of sexual violence and rape: “...is any act of a sexual nature, involving any part of the body or an object,

²¹ Law on Amending and Supplementing the Criminal Code, Official Gazette of the Republic of North Macedonia (2023), art. 129-a.

²² Ibid, art. 144-a.

²³ Law on Prevention, Suppression, and Protection from Domestic Violence, Official Gazette of the Republic of North Macedonia (2014).

*performed on another person's body without his or her consent. Sexual violence also exists when a person is incited or forced to engage in acts of a sexual nature with a third person without their consent. Consent must be given voluntarily as the result of the person's free will, assessed in the context of the surrounding circumstances".*²⁴

Given the impossibility of analyzing the entire law in detail, we will focus on several key articles that, in addition to introducing new obligations and responsibilities for state institutions, aim to mobilize the entire society — including social bodies, non-governmental organizations, and various associations — toward reporting gender-based and domestic violence, protecting victims, and preventing the recurrence of such violence. Article 44 of the Law on the Prevention and Protection against Violence against Women and Domestic Violence (2021) sets out measures for protection against revictimization. Competent institutions are obliged to treat victims in a manner that provides additional safeguards against victimization or revictimization, by adopting the following measures in accordance with their respective competences: (1) *Protection of the victim's identity and personal data*; (2) *Taking the victim's statement at the location where the incident is reported*; (3) *Taking the victim's statement at a police station or public prosecutor's office using video and audio recording, which may be used as evidence in proceedings, subject to the prior consent of the victim*; (4) *Conducting interviews in specially designated spaces appropriate for speaking with victims*; (5) *Limiting direct confrontation with the accused*; (6) *Limiting the number of times a victim may be required to give a statement to no more than twice during the proceedings for protection from violence*; (7) *Other measures aimed at protecting the integrity of the victim.*²⁵

Article 46 of the Law on the Prevention and Protection against Violence against Women and Domestic Violence (2021) imposes specific obligations on the Center for Social Work to provide comprehensive support to victims of gender-based violence — including victims of sexual crimes. The Center is required to: (1) *Provide temporary accommodation for the victim*; (2) *Ensure that the victim receives necessary medical assistance and, if needed, accompany them to the nearest healthcare institution*; (3) *Ensure the victim's access to social and healthcare protection rights, in accordance with the law*; (4) *Provide appropriate psychosocial intervention and treatment*; (5) *Ensure that the victim receives psychosocial counseling from professionals either within the Center for Social Work, associations, or specialized women's counseling centers for victims of violence*; (6) *Provide support to the victim's family to ensure regular schooling for children*; (7) *Offer legal assistance and representation*; (8) *Refer the victim to relevant state institutions and other competent bodies for economic empowerment and integration into the labor market, through the competent employment center*; (9) *In cases of high risk and the need for urgent protective measures, and when the victim is using temporary shelter services, the Center must, within no later than 12 hours of receiving the report, issue a decision on temporary custody and care of the children in favor of the victim parent.*²⁶

The law also places obligations on healthcare institutions to act in cases of

²⁴ Law on the Prevention and Protection against Violence against Women and Domestic Violence, Official Gazette of the Republic of North Macedonia (2021), art. 3.

²⁵ Ibid, art. 44.

²⁶ Ibid, art. 46.

gender-based violence and domestic violence. Article 51 provides: *(1) Healthcare institutions and healthcare workers are required to immediately take protective measures for the victim, specifically: Examine injuries and provide medical treatment; Document injuries and collect evidence of physical and psychological harm; Issue medical documentation describing the nature and extent of the injuries clearly and understandably; Inform victims of their rights, the procedures for protection, and available support and assistance services; Take other protective measures in accordance with the victim's specific needs.*²⁷

The law also provides for urgent and temporary measures to be imposed on perpetrators of gender-based violence against women and girls, as well as domestic violence. Article 57 outlines urgent measures aimed at eliminating immediate and serious risks to the life and physical or psychological integrity of the victim and her family members. In this regard, an urgent protection measure may be issued, specifically: The removal of the perpetrator from the home and a restraining order prohibiting the perpetrator from approaching the home. These measures can be imposed upon the proposal of the Ministry of Internal Affairs, without the victim's consent.²⁸

Article 58 of the Law on the Prevention and Protection against Violence against Women and Domestic Violence (2021) provides for the imposition of temporary measures aimed at: Stopping the violence, Eliminating the consequences of the violence already committed, and Taking effective actions against the perpetrator to prevent the recurrence of violence. To achieve these objectives, the court may impose the following temporary measures: *(1) Prohibition from threatening to commit violence; (2) Prohibition from mistreating, harassing, calling, contacting, or otherwise communicating directly or indirectly with the victim; (3) Prohibition from approaching within less than 100 meters of the victim's residence, school, workplace, or any other location regularly visited by the victim; (4) Removal from the home, regardless of ownership, for a duration of 10 to 30 days; (5) Prohibition from possessing firearms or other weapons, or confiscation of the same; (6) Obligation to return items necessary for meeting the daily needs of the victim and her family; (7) Legal obligation to financially support the family; (8) Mandatory attendance at a counseling center for perpetrators of violence against women or domestic violence; (9) Mandatory medical treatment of the perpetrator if they abuse alcohol, drugs, or other psychotropic substances, or suffer from a mental illness; (10) Obligation for the perpetrator to cover medical and other expenses resulting from the violence; (11) Any other measure the court deems necessary to ensure the safety and well-being of the victim and other family members (Law on the Prevention and Protection against Violence against Women and Domestic Violence, 2021).* According to this law, victims of sexual crimes are entitled to compensation for damages. Article 87 regulates this right and provides: *(1) Victims are entitled to compensation for material and non-material damages in accordance with the law. This compensation may be claimed within the framework of criminal proceedings.*²⁹

This law, in Article 92, provides that state authorities must ensure the provision of temporary shelter services. It states: *(1) Temporary shelter services must ensure accommodation in a designated center when there is knowledge of a real threat to the*

²⁷ Ibid, art. 51.

²⁸ Ibid, art. 57.

²⁹ Ibid, art. 58.

life and health of the victim, or in the absence of other accommodation resources, for the following categories of persons: 1) Women who are victims of gender-based violence and domestic violence, along with their children; 2) Women who are victims of sexual violence and rape; 3) *Victims of human trafficking*; 4) *Victims of violence due to sexual orientation or gender identity*. (2) *Emergency accommodation is provided in acute cases of violence when there is a serious and real threat to the victim's life and health, for a duration of 24 to 72 hours.*³⁰

Articles 94 and 95 are of particular importance when it comes to victims of sexual crimes, as they provide for specialized services dedicated to supporting these victims. Article 94 states: (1) *Services for the protection and support of women victims of sexual violence and rape are provided within specialized centers for counseling victims of sexual violence.* (2) *Within the healthcare institution referred to in paragraph (1), services include identification, assessment, medical examination, crisis psychological support, and counseling for women victims of sexual violence and rape.*³¹ Article 95 provides: (1) *Long-term treatment services for women victims of sexual violence and rape are provided through centers for long-term counseling and psychotherapy;* (2) *These services include individual and/or group psychotherapy, psychosocial counseling, referral to other general and specialized services, accompaniment to institutions and organizations, and representation of victims in institutions and other organizations.*³²

Within the framework of services recognized by this law, victims are entitled to several essential forms of support, including: free legal aid,³³ services aimed at the reintegration of victims of violence,³⁴ the establishment of an SOS helpline³⁵ and psychosocial support services.³⁶

The adoption and entry into force of this law marked the first step toward a modern approach to addressing criminal offenses, particularly the treatment of victims of sexual crimes, who — through this law — are now granted significantly greater attention, recognition of rights, access to services, and opportunities that were previously not foreseen under the laws of the Republic of North Macedonia.

5. The Istanbul Convention and the legal system of the Republic of North Macedonia

On July 8, 2011, North Macedonia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention. From the time of signing the Convention to its ratification, seven years passed — North Macedonia ratified the Istanbul Convention on March 23, 2018. However, despite ratifying the Convention, it took the country an additional three years to adopt the Law on the Prevention and Protection against Violence against Women and Domestic Violence, and it still requires further time and

³⁰ Ibid, art. 92.

³¹ Ibid, art. 94.

³² Ibid, art. 95.

³³ Ibid, art. 97.

³⁴ Ibid, art. 99.

³⁵ Ibid, art. 90.

³⁶ Ibid, art. 91.

effort to fully implement the obligations set forth in the Convention. The Convention grants equal rights to victims of domestic violence and all forms of gender-based violence, and it obliges states to meet a range of conditions to ensure an effective and appropriate response for these victims, while also aiming to prevent secondary victimization.

Article 7 of the Istanbul Convention obliges states to adopt and implement effective, comprehensive, and coordinated policies that encompass all relevant measures to prevent and combat all forms of violence covered by the Convention, including sexual crimes.³⁷

Chapter III – Prevention of the Istanbul Convention outlines various obligations that states must fulfill in the field of prevention. States are required to take action to eliminate prejudices, stereotypes, and practices based on the idea of the inferiority of women in society. They must also implement awareness-raising and educational programs aimed at preventing violence against women, including through school-based curricula.³⁸

Chapter IV – Protection and Support of the Istanbul Convention sets out a range of rights and obligations that states must ensure for victims of violence:

- Article 19: Victims have the right to be informed about their rights and available services in a language they understand.

- Article 20: Victims are entitled to psychological counseling, shelter, education, employment support, and financial assistance.

- Article 22: Victims must have access to specialized support services free of charge.

- Article 23: Victims have the right to access shelters, and states must ensure that the number of shelters is sufficient.

- Article 24: States are obligated to establish 24/7 helplines that are free of charge and confidential.

- Article 25: Victims of sexual violence must have access to sexual violence crisis centers, which provide medical care, psychological support, and forensic examinations.³⁹

Another important section that guarantees material rights for victims is Chapter V of the Istanbul Convention, which provides that: *Victims have the right to monetary compensation, which must be fair and adequate in relation to the crime committed. Institutions are also required to exercise caution in determining custody arrangements, taking into account the history of violence committed.*⁴⁰

Chapter VI – Investigation, Prosecution, Procedural Law, and Protective Measures of the Istanbul Convention addresses the legal and procedural dimensions of gender-based violence and domestic violence. This chapter sets out several key obligations for states, including: Ensuring that procedures are conducted promptly and without undue delay; Requiring authorities to respond appropriately to all forms of violence covered by the Convention; Mandating that states conduct risk assessments

³⁷ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, May 11, 2011, art. 7, <https://rm.coe.int/168046031c>, accessed on 15 December 2025.

³⁸ Ibid, Chapter III.

³⁹ Ibid, Chapter IV, Arts. 19, 20, 22–25.

⁴⁰ Ibid, art. 30.

regarding various forms of violence; Requiring that perpetrators be removed from the victim's residence where necessary for safety; Ensuring that criminal proceedings are not entirely dependent on the victim's complaint, even if the victim withdraws it; Providing victims with financial and legal assistance to support their access to justice.⁴¹

If we carefully examine all the rights and obligations that the Istanbul Convention imposes on states, it becomes evident that North Macedonia is progressing with very small steps toward the harmonization of the Convention with its domestic legislation and the broader legal system.

If we pause to examine certain provisions of the Istanbul Convention and compare them with the actual situation in North Macedonia, the picture is deeply concerning. For example, Article 19 of the Convention requires that victims be communicated with in a language they understand. However, state institutions in North Macedonia continue to conduct official communication exclusively in Macedonian, despite the fact that, under Amendment V of the Constitution of the Republic of North Macedonia (1991), any language spoken by at least 20% of the population is considered an official language — in this case, Albanian.

Articles 22, 23, 24, and 25 of the Istanbul Convention address the support services that must be accessible to victims of all forms of violence covered by the Convention, including sexual violence. However, when compared to the reality on the ground in North Macedonia, it becomes clear that much work remains to be done. According to the GREVIO Baseline Evaluation Report (2023), North Macedonia has only 11 shelters operated by the government and 3 run by NGOs. The report notes that at the time of its drafting, there were 103 available beds nationwide. This falls short of the Convention's recommended target of one family place per 10,000 inhabitants. One of the consequences of this capacity shortage is that, in practice, women are often asked to leave shelters after three months, despite the fact that domestic legislation allows victims to stay for up to one year.⁴² Of the 14 shelters available in North Macedonia, only one provides specialized support for victims of sexual violence, according to the GREVIO report. While it is undoubtedly important that victims of domestic violence have access to shelters, the fact that only one shelter is specifically equipped to support victims of sexual crimes highlights a critical gap in the system. This lack of specialized facilities means that victims of sexual violence often have no safe and appropriate space to turn to.

Article 25 of the Istanbul Convention sets out the obligations of state institutions to provide support for victims of sexual crimes. It states: "*Parties shall take the necessary legislative or other measures to ensure the establishment of appropriate, easily accessible rape crisis or sexual violence referral centers for victims, in sufficient numbers to provide for medical and forensic examination, trauma support, and counseling.*"⁴³ The provision highlights the importance of having specialized, accessible, and adequately resourced centers—a standard which, as noted earlier, North Macedonia currently meets only minimally, with just one such center in operation.

⁴¹ Ibid, Chapter VI.

⁴² GREVIO, *Baseline Evaluation Report on North Macedonia* (Strasbourg: Council of Europe, 2023), <https://rm.coe.int/baseline-evaluation-report-on-north-macedonia/1680ac76ab>, accessed on 15 December 2025.

⁴³ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, May 11, 2011, art. 25.

This article is of particular importance, as it envisions the establishment of two types of centers: Rape Crisis Centers and Sexual Violence Referral Centers. However, in North Macedonia, even seven years after the ratification of the Istanbul Convention, no crisis center has been established to date. In contrast, three referral centers for victims of sexual violence were established in 2018, located in Skopje, Tetovo, and Kumanovo.

In order to reach the truth regarding the Sexual Violence Referral Centers, we conducted an interview with Elena Dimushevska, Executive Director of the National Network to End Violence against Women and Domestic Violence. In the interview, she explains how these centers function and sheds light on their current state and challenges.

“Our referral centers receive the victim, provide medical treatment if urgent, and then the social worker — who also serves as the center’s coordinator — speaks with the victim. The coordinator is obligated to report the case immediately. Before the police send a blood crimes inspector, they first dispatch a police officer to assess whether it is a case of rape. If it is, then they call the inspector for sexual offenses. These inspectors conduct a third interview with the victim within just a few hours. The inspector then contacts the on-duty public prosecutor and, after taking the necessary actions, reaches out to Forensic Medicine to collect evidence.”

Dimushevska also highlights that the existence of Sexual Violence Referral Centers is virtually unknown to both the general public and even state institutions such as the Ministry of Internal Affairs (MoIA) and the Public Prosecutor’s Office. She notes that when victims report to a police station, officers almost never refer them to these centers — despite the fact that these facilities are intended to provide proper and specialized care for victims of sexual crimes.

“These centers were established in 2018, and even police officers often lack information about their existence. As a result, procedures are frequently carried out directly at the police stations. The police almost never refer victims to the referral centers — unless the victim goes there independently. When the victim reports to the police, the referral centers are not involved at all in the process. Based on a report we published in 2018, if we examine cases of reported sexual violence and rape in Tetovo, less than half of the victims had accessed the referral centers, and in most of those cases, the victims were minors.”

Another major issue faced by the Sexual Violence Referral Centers is their organizational structure and systematization. Although these centers are located within healthcare institutions in the respective cities, no staff is officially employed at the centers themselves, says Dimushevska. Aside from the coordinators, who are not formally employed by the centers and receive no compensation for the work they perform there, no other personnel — medical, psychological, legal, or otherwise — is present.

From 2018 to 2024, the Sexual Violence Referral Centers in Tetovo and Kumanovo have served only 29 victims of sexual violence in total. Despite requesting data from the Skopje Referral Center, no response was received. The **Table no. 1** illustrates the limited use of the centers in Tetovo and Kumanovo, reflecting the harsh reality regarding the level of victim outreach and institutional functionality in these cities.

Table no. 1. Number of victims admitted to the Centers for Guidance of Victims of Domestic Violence

Year	2018	2019	2020	2021	2022	2023	2024
Tetovo	0	1	8	0	2	3	3
Kumanovo	0	3	2	0	0	5	2

Although the purpose of these referral centers is of great importance and deeply needed in our society, their current functioning stands in contradiction to the Istanbul Convention. This is primarily due to a conflict between the Law on Criminal Procedure and the provisions of the Istanbul Convention, particularly in the initial stage of reporting the crime. The Istanbul Convention leaves the reporting of sexual crimes entirely to the free will of the victim, emphasizing a victim-centered approach. It specifically provides that, when a victim is received at a Sexual Violence Referral Center, the following steps must occur in order; the victim must first be provided with immediate psychological first aid forensic evidence must then be collected — through the administration of a rape kit, only after these steps, the victim should be allowed to decide freely if and when she wishes to report the crime. This sequence ensures that the victim receives support and care without pressure, and that forensic evidence is preserved, should she choose to pursue legal action later. However, once the evidence has been collected, the Istanbul Convention allows the victim to report the crime at a later stage, whenever they feel safe and ready. In contrast, the Criminal Procedure Code and the Criminal Code of North Macedonia stipulate that sexual crimes must be reported *ex officio*, meaning that the victim's consent or readiness is legally irrelevant. As a result, from the very first moment the victim enters one of the Sexual Violence Referral Centers, the first step taken is to report the crime to the police. As Dimushevska has explained, in North Macedonia, evidence collection occurs in the final stages, which in most cases leads to the loss or contamination of evidence. This procedural conflict between national law and the Istanbul Convention undermines both the rights and the dignity of the victim, and prevents the effective functioning of the referral centers as foreseen by international standards.

It is important to consider that from the moment the case is reported to the police until the public prosecutor issues an order for the collection of evidence, a significant amount of time often passes — several hours. During this period, the victim may need to attend to basic physiological needs, such as eating, drinking water, using the restroom, or even showering. All of these actions can result in the contamination or complete loss of critical forensic evidence. This procedural delay not only compromises the investigation, but also fails to protect the victim's rights and undermines the standards set by the Istanbul Convention, which calls for immediate forensic examination prior to any institutional reporting obligation.

6. Statistics on reporting sexual crimes

To see what the real situation is regarding the number of victims of sectarian crimes reported throughout the territory of North Macedonia, we will analyze the statistics provided by the Ministry of Internal Affairs of the Republic of Macedonia.

Table no. 2. Victims of crimes against sexual freedom and sexual morality, by gender 2023

Criminal acts against sexual freedom and sexual morality	Total number of victims	Female victims	Male victims
Article 186 - sexual assault and rape	32	29	3
Article 187 – Statutory rape of a helpless person	4	4	0
Article 188 - Sexual assault of a juvenile under the age of 15	36	30	6
Article 189 - Statutory rape with misuse of position	1	1	0
Article 190- Satisfying sexual passions in front of another	17	16	1
Article 190-a – Sexual harassment	22	21	1
Article 191 - Mediation in conducting prostitution	1	1	0
Article 193 – Showing pornographic material to a juvenile	6	5	1
Article 193-a – Production and distribution of child pornography	8	8	0
Article 193-b - Enticement of a child under the age of 14 into statutory rape or other sexual activities	1	1	0
Article 194 – Incest	2	2	0
Total:	130	118	12

Source: Ministry of Internal Affairs of the Republic of Macedonia

Table no. 3. Victims of crimes against sexual freedom and sexual morality, by gender 2024

Criminal acts against sexual freedom and sexual morality	Total number of victims	Female victims	Male victims
Article 186 - sexual assault and rape	30	28	2
Article 187 – Statutory rape of a helpless person	2	1	1
Article 188 - Sexual assault of a juvenile under the age of 15	36	32	4
Article 189 - Statutory rape with misuse of position	2	2	0
Article 190- Satisfying sexual passions in front of another	19	16	3
Article 190-a – Sexual harassment	37	31	6
Article 191 - Mediation in conducting prostitution	0	0	0
Article 193 – Showing pornographic material to a juvenile	2	2	0
Article 193-a – Production and distribution of child pornography	6	5	1
Article 193-b - Enticement of a child under the age of 14 into statutory rape or other sexual activities	0	0	0
Article 194 – Incest	3	3	0
Total:	137	120	17

Source: Ministry of Internal Affairs of the Republic of Macedonia

Table no. 4. Victims of crimes against sexual freedom and sexual morality, by gender 1 January – 30 March 2025

Criminal acts against sexual freedom and sexual morality	Total number of victims	Female victims	Male victims
Article 186 - sexual assault and rape	5	5	0
Article 187 – Statutory rape of a helpless person	1	1	0
Article 188 - Sexual assault of a juvenile under the age of 15	13	11	2
Article 189 - Statutory rape with misuse of position	1	1	0
Article 190- Satisfying sexual passions in front of another	1	1	0
Article 190-a – Sexual harassment	5	5	0
Article 191 - Mediation in conducting prostitution	0	0	0
Article 193 – Showing pornographic material to a juvenile	0	0	0
Article 193-a – Production and distribution of child pornography	0	0	0
Article 193-b - Enticement of a child under the age of 14 into statutory rape or other sexual activities	0	0	0
Article 194 – Incest	0	0	0
Total:	21	19	2

Source: Ministry of Internal Affairs of the Republic of Macedonia

As we can see in **Table no. 2, 3 and 4**, the number of victims of sexual crimes is high and worrying, so it is very important that the Republic of North Macedonia takes the necessary measures to protect victims and prevent sexual crimes in the future.

7. Conclusions

Although North Macedonia is a signatory and ratifying state of the Istanbul Convention and has adopted legislation aimed at harmonizing its domestic legal framework with the Convention and other international instruments, the country continues to fall short when it comes to the treatment of victims of sexual crimes. From the prejudiced attitudes that public officials often display toward victims, to the conduct of criminal proceedings, it is evident that the process is not victim-oriented.

The lack of shelters, crisis centers, and sexual violence referral centers means that victims often have nowhere to turn for help. This is especially troubling given that we still live in a patriarchal society, where blame is frequently placed on the victim, and the perpetrator's actions are justified based on the victim's behavior. Even more alarming is the situation of victims of sexual violence by intimate partners — a crime that is rarely reported, as it continues to be perceived as a private matter between couples rather than a serious criminal offense.

While the Republic of North Macedonia has ratified the Istanbul Convention, it is now time for a full and substantive harmonization of the Convention with the country's domestic legal framework. The current partial harmonization, as has been done so far,

has led to confusion, legal gaps, and institutional conflicts, particularly between legal institutions and various phases of the criminal procedure. Without full alignment, the objectives of the Convention remain unfulfilled, and victims of sexual violence continue to face systemic barriers in accessing justice and protection.

At the end of the article we make the following recommendations:

- Establish crisis centers across the entire territory of North Macedonia and ensure the employment of specialized personnel trained in handling victims of sexual crimes:

- Systematize and reorganize the Sexual Violence Referral Centers to function as formal, fully staffed units within the institutional framework;

- Prioritize evidence collection in the early stages of criminal proceedings to prevent the loss or contamination of forensic material;

- Educate and train public officials — including police, prosecutors, healthcare professionals, and social workers — on sexual crimes and appropriate approaches to victims, ensuring a trauma-informed and victim-centered response.

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