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Blerta Ahmedi

South East European University, Tetovo, North Macedonia

<https://orcid.org/0009-0003-1601-5004>

Correspondence concerning this article should be addressed to Blerta Ahmedi,

Email: blerta.ahmedi@seeu.edu.mk

Assessing the Situation of Domestic Violence in North Macedonia: Legal Framework and Criminal Justice Responses

Blerta Ahmedi

Abstract

Manifestations of domestic violence cause considerable legal and social issues in North Macedonia, where specific categories of individuals belonging to a household are often affected with their fundamental human rights being undermined. In response, this paper examines the appropriate legal framework regulating domestic violence, while particularly emphasizing the dimension of criminal law and contemporary legislative reforms. The research performed scrutinizes the global standards established by the Istanbul Convention, as well as their integration into the Macedonian legal system. The research also delves into contemporary amendments made to the Macedonian Criminal Code, especially regarding changes in Article 130 inaugurating *ex officio* prosecution for criminal cases where bodily injuries have been committed as a result of domestic violence. Furthermore, the present-day circumstances have been investigated through the lenses of official statistical data from the Ministry of Internal Affairs and selected observations derived from relevant reports that draw attention to issues such as institutional changes, the prevalence of psychological violence, and underreporting. The research recognizes polarity between prescribed legal provisions and their implementation in practice, while simultaneously acknowledging contemporary legislative attempts to address such drawbacks. The research findings consider that domestic violation still represents a convoluted issue necessitating a more efficient institutional response, despite improvements in the legal framework by recent reforms. The paper concludes with recommendations directed towards strengthening criminal law mechanisms, improvements of their implementation and the enhancement of protection for victims.

Keywords: Domestic violence, criminal law, Istanbul Convention, North Macedonia, legal reforms

Introduction

Among the most persistent and complicated manifestations of violence within our modern society, domestic violence regrettably affects not only the victimized individuals, but also the comprehensive cultural cohesion. Domestic violence appears less noticeable and thus more challenging to address due to its occurrence within the personal contexts of intimate relationships between family members. In spite of heightened awareness on both national and international scales, domestic violence continues to give rise to formidable hurdles in terms of its prevention, guaranteeing the protection of victims, as well as the effective prosecution of perpetrators.

Over the past few decades, substantial endeavors have been undertaken to strengthen the institutional and legal responses to domestic violence, especially with international standards being taken into consideration. It is against this background, that the Istanbul Convention is valued as a predominant mechanism establishing exhaustive obligations addressing issues of prevention, protection, prosecution and coordinated policies for its State parties when combating domestic violence. As one of its State parties, North Macedonia has taken the responsibility to harmonize its national legislation and institutional procedures with the standards referred.

On a national scale, domestic violence is regulated through a combination of specific laws and general provisions of criminal law. The Macedonian Criminal Code is particularly considered to play a major role through its selected provisions addressing bodily injuries and other offences committed in relation to practical manifestations of domestic violence. (Tupančevski, 2024).

Contemporary legislative reforms, notably those regulating the prosecution of such unlawful acts, demonstrate persistent initiatives toward the strengthening of criminal justice response and guaranteeing more effective protection provided to the victims. Be that as it may, the existence of a progressive legal framework does not necessarily guarantee its effective implementation to all intents and purposes; empirical data supported by a significant number of reported cases annually, illustrate that domestic violence represents a widespread phenomenon as yet. More importantly, there yet exists polarity between normative regulations and their practical implementation, in spite of the legal advancements being made within the legal framework referred. In light of the circumstances presented, this paper attempts to analyze the phenomenon of domestic violence in North Macedonia from both

a legal and empirical viewpoint. Namely, the first part of the paper considers the international and national legal framework regulating domestic violence, with special attention being placed upon contemporary developments in criminal law. The second part of the paper further intends to assess the manner of domestic violence being manifested and consequently addressed by competent authorities in practice by scrutinizing the current set of circumstances based on empirical data provided by the Macedonian Ministry of Internal Affairs and other relevant reports. By combining legal analysis and empirical data as a specific research methodology, this paper attempts to provide a more comprehensive understanding of domestic violence as both a legal and social phenomenon, as well as to successfully recognize and identify the crucial difficulties and areas for improving the existing legal system.

Relevant Legal Framework on Domestic Violence

International Legal Framework

At present, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is considered the most comprehensive international instrument addressing the phenomenon of domestic violence in our society. The Convention manages to lay the foundations of a legally binding framework for the prevention of violence, the protection of victims, as well as the effective prosecution of perpetrators. Upon being ratified by North Macedonia in 2017 and later entering into force in 2018, the Convention had imposed binding obligations for harmonizing Macedonia's legislation with its standards, in addition to guaranteeing the effective prevention, protection and prosecution in cases of domestic violence (Council of Europe, 2011). As specifically indicated in Article 3 of the Convention, domestic violence includes all acts of physical, psychological, sexual, and economic violence occurring within the family or between current or former partners, regardless of whether the perpetrator shares or has shared the same residence with the victim (Council of Europe, 2011). One significant contribution of the Convention rests in its criminal law-based approach; its provisions oblige State parties to criminalize specific forms of violent conduct, including physical and psychological violence, as opposed to treating domestic violence as a purely social issue. By the same token, the Convention emphasizes that prosecution should not depend solely on the victim's complaint, requiring proactive intervention by public authorities (Council of Europe, 2011). As perceived from an analytical perspective, the ratification of the Convention had pinpointed a major milestone in reinforcing the national legal framework on domestic violence. Notwithstanding such facts,

the process of successfully harmonizing Macedonia's legislation with the standards of the Convention has been gradual over the course of time, simultaneously indicating the requirement for continuous legislative and institutional reforms in order to fully meet the standards referred. (Council of Europe, 2023).

National Legal Framework

The Law on the Prevention and Protection from Violence against Women and Domestic Violence (2021)

A comprehensive legal definition on domestic violence within the national legal system is provided in the Law on the Prevention and Protection from Violence against Women and Domestic Violence (2021). Namely, domestic violence is defined by the law as any act of physical, psychological or economic violence, including threats, coercion or endangerment of safety committed within family relationships or between persons in close personal relations (Republic of North Macedonia, 2021). The definition referred bears a broad application to marital spouses, partners, family members, as well as other persons considered to be in close relationships, in addition to establishing mechanisms for victim protection, preventative measures and institutional coordination (Republic of North Macedonia, 2021). By recognizing domestic violence as a violation of human rights, the national law reflects a contemporary legal approach aligned with international standards.

Criminal Code of the Republic of North Macedonia

On a national scale, the Criminal Code of the Republic of North Macedonia regulates the phenomenon of domestic violence through respective criminal offences, rather than through a single unified provision. In this respect, acts comprising the phenomenon of domestic violence are primarily regarded through offences such as bodily injury, threats and endangerment of safety (Criminal Code, 2026). One particularly important provision worth noting is Article 130, which criminalizes bodily injury. More specifically, paragraph (2) addresses aggravated forms and manifestations of the offence referred, including cases committed in reference to domestic violence and gender-based violence (Criminal Code, 2026). The aforementioned circumstances confirm the incorporation of domestic violence as a harmful phenomenon within the system of criminal law-based protection, in spite of the fact that the effectiveness of such provisions depends on the procedural rules governing criminal prosecution.

Analytical Assessment of the Legal Framework

The legal framework of North Macedonia predicates a substantial degree of formal alignment with internationally recognized standards, where a particular emphasis is placed on the standards established by the Istanbul Convention. Although both the special legislation and the criminal law-based provisions evidently define and regulate the phenomenon of domestic violence, the alignment with international standards has been gradual and remains insufficient in some regards, which to a great extent amounts includes procedural mechanisms of criminal prosecution to a great extent. The legal norms indeed provide a strong foundation for confronting cases of domestic violence, notwithstanding the fact that their effectiveness depends on practical implementation. Such existing breach draws attention to the necessity for continuous legislative development and institutional strengthening.

Recent Reforms of Criminal Legislation in North Macedonia

There exists a notable advancement based within the criminal law-based framework of North Macedonia that regards the amendments to Article 130 of the Criminal Code introduced through the Law on Amendments and Supplements to the Criminal Code (Criminal Code, 2026).

In particular, the reform affects paragraph (2) of Article 130, which criminalizes bodily injuries committed in reference to domestic violence and gender-based violence, as well as paragraph (5), which regulates the manner of criminal prosecution. Prior to the amendment referred, prosecution for offences considered under paragraph (2) was initiated upon a proposal by the victim. Such procedural requirement brought about substantial hurdles in practice, particularly in cases of domestic violence where the victim had often refrained from initiating or continuing with criminal proceedings due to circumstances related to fear, economic dependence and social pressure. The aforementioned amendment effectively extracts the requirement for a proposal in respect to paragraph (2), thereby disregarding the procedural dependence on part of the victim's initiative. On account of the fact that the law no longer prescribes any condition for initiating prosecution in such cases, it instead follows that the offences referred are now prosecuted *ex officio*. Such legislative change represents a substantial shift in the criminal law-based approach to domestic violence. By transferring the responsibility for prosecution proceedings from the victim to the State, the legislator has consequently strengthened institutional accountability and improved access to justice for victims of domestic violence. As

further perceived from an analytical viewpoint, the necessity of this reform derives from the structural constraints imposed by the previous legal framework. By way of explanation, the dependence on victim-initiated prosecution proved ineffective in addressing domestic violence, considering that victims find themselves in circumstances of vulnerability relating to economic dependence, fear of retaliation and social pressure. These factors significantly reduce the possibility of initiating or maintaining criminal proceedings. In consequence, a considerable number of cases have remained outside the criminal justice system due to the procedural barriers, rather than the absence of legal provisions. This gap is straightforwardly addressed on part of the aforementioned reform by redefining the notion of domestic violence as a matter of public prosecution; thereby the burden of action is transferred from the victim to the State. By the same token, such legislative development only supports the harmonization of the national legal framework with international standards. Within this context, a particular emphasis is placed on the international standards established by the Istanbul Convention, which indicate the importance of the prosecution of domestic violence not being solely dependent on the victim's complaint.

Analysis of the Local Report on Domestic Violence in the Polog Region during 2024

With reference to the data presented in the Local Report on Domestic and Sexual Violence in the Polog Region (Ahmedi & Mero, 2025) a total of 160 criminal offences have been registered. Herein, 161 perpetrators were identified from which 142 perpetrators belong to the male gender and 7 perpetrators belong to the female gender. The data presented indicate that the number of perpetrators slightly exceeds the number of offences, further suggesting that in certain cases multiple individuals were involved in the commission of a single offence. Perceived from an analytical viewpoint, the high number of criminal offences (160) demonstrates that domestic violence is frequently reaching the expected level of criminal qualification, in addition to the overwhelming predominance of male perpetrators (142 out of 161) confirming that domestic violence strongly represent a gender-based phenomenon.

Victims of Domestic Violence in the Polog Region

With reference to the aforementioned local report, the following data is presented; a total of 163 victims of domestic violence were registers, from which 127 victims belong to the female gender and 36 victims belong to the male gender (Ahmedi & Mero, 2025).

Accordingly, it may be well estimated that approximately 78% of the victims belong to the female gender, while approximately 22% of the victims belong to the male gender. In parallel, the data presented confirm that manifestations of domestic violence disproportionately affect women, although men are also not excluded as victims. Moreover, the fact that the number of victims (163) is slightly higher than the number of offences (160) indicates that some incidents involve multiple victims, thus calling attention to the broader impact of domestic violence within family structures (Xhelili, 2025).

Table 1

Criminal Offences and Perpetrators of Domestic Violence in the Polog Region during 2024

Category	Number
Total Criminal Offences	160
Total Perpetrators	161
Male Perpetrators	142
Female Perpetrators	7

Note. Adapted from Ahmedi & Mero (2025).

Table 2

Victims of Domestic Violence in the Polog Region during 2024

Category	Number	Percentage
Total Victims	163	100%
Female Victims	127	78%
Male Victims	36	22%

Note. Adapted from Ahmedi & Mero (2025).

With reference to the data for 2024 regarding the Polog Region report (Ahmedi & Mero, 2025), a close relationship may be indicated between 160 criminal offences, 161 perpetrators and 163 victims, which simultaneously suggests that multiple

perpetrators are often involved in manifestations of domestic violence, as well as that such manifestations affect more than one victim within a single incident. A definitive gender-based asymmetry is also evident, with the largest part of the perpetrators belonging to the male gender (142), while the majority of the victims belong to the female gender (127). Such data substantiates the gendered nature of domestic violence; even though it is also worth mentioning that the presence of male victims (36) points out that the phenomenon of domestic violence affects various categories of individuals. The relatively high number of criminal offences being committed suggests that domestic violence reaches the level of criminal liability on several occasions. Be that as it may, the discrepancy between these figures and the broader number of reported cases managed to establish a gap between the occurrence of violence and its formal criminal prosecution. With everything taken into consideration, the data regarding the region of the city of Tetovo reflects a structurally embedded issue characterized by gender-based inequality, multiple victimization, as well as restrictions in the effectiveness of the criminal justice response.

National-Level Data on Criminal Offences Related to Domestic Violence in North Macedonia

According to the official national-level data presented by the national Ministry of Internal Affairs of North Macedonia for the calendar year 2024, out of a total of 1,087 criminal offences, the following structure may be appropriately established:

- Bodily injury (Article 130) - 667 cases
- Serious bodily injury (Article 131) - 22 cases
- Endangerment of security (Article 144) - 389 cases
- Other criminal offences:
- Homicide (Article 123) - 3 cases
- Attempted homicide / aggravated forms (Article 123/19) - 3 cases
- Unlawful deprivation of liberty (Article 139) - 0 cases
- Offences against liberty (Article 140) - 3 cases
- Other forms of violence (Article 186) - 0 cases
- Offences related to prostitution (Article 191) - 0 cases

In addition to the prominent offences such as bodily injury (667 cases) and endangerment of security (389 cases), the structure of criminal offences in 2024 also takes into consideration other, less frequent forms of criminal conduct. Strictly speaking, 3 cases of homicide, 3 cases of aggravated forms related to homicide, and 3 cases of offences against liberty were recorded. Simultaneously enough, offences such as unlawful deprivation of liberty, other forms of violence, and offences related to prostitution were not registered during the intervening period of time. This distribution indicates that, although more severe forms of domestic violence do indeed occur in practice, they remain numerically limited, during which time the vast majority of cases continue to be concentrated in repetitive manifestations of physical and psychological violence. An essential component of the structure regarding domestic violence offences reported in the calendar year of 2024 pertains to the condition of perpetrators at the time of committing the offence in question; namely, the data indicate that 157 perpetrators had acted under the influence of alcohol, while 17 perpetrators were under the influence of drugs. As further perceived from an analytical point of view, these figures manage to highlight the significant role of substance abuse - particularly that of alcohol - when regarding the occurrence of domestic violence. The considerably high number of alcohol-related cases suggests that alcohol consumption represents a major contributing factor that has the potential of intensifying aggressive behavior and lower inhibitions. By comparison, the number of perpetrators acting under the influence of drugs is considerably lower, which indicates that alcohol appears to be a more prevalent risk factor within the context of domestic violence. Overall, the presented findings emphasize the need to address substance abuse as part of broader prevention strategies aimed at reducing the conduct of domestic violence. In accordance to data obtained by the national Ministry of Internal Affairs for 2024, an alarming total of 1,146 victims of domestic violence were recorded on a national scale, including 911 female victims and 235 male victims. This distribution gives a demonstration of a conspicuous gender-based disparity where women represent the overwhelming majority of victims of domestic violence. (Republic of North Macedonia, Ministry of Internal Affairs, n.d.)

Victim-Perpetrator Relationship in Domestic Violence Cases

According to the official data provided by the Ministry of Internal Affairs for the calendar year 2024, domestic violence most frequently occurs within the context of close family members and intimate relationships. In response, the majority of victims are appropriately recorded in the following capacity:

- Wives / spouses
- Partners or former partners
- Mothers
- Daughters and other close family members

According to this distribution, domestic violence is predominantly manifested within continuing family-related or intimate relationships, as opposed to individuals which are not related. As perceived from an analytic viewpoint, the predominance of victims placed in the role of marital spouses and intimate partners confirms that the phenomenon of domestic violence is inextricably related to disproportionate power dynamics in intimate relationships, particularly affecting women in their roles as partners or family members. At the same time, the occurrence of victims in other family roles, for instance mothers and daughters, illustrates that violence frequently tends to extend beyond the couple and affects the broader family structure. (Republic of North Macedonia, Ministry of Internal Affairs, n.d.).

Conclusion

This paper had researched the Macedonian legal framework and the present conditions of domestic violence, with a special emphasis placed on the criminal law-related aspect and contemporary legislative developments. As displayed in the analysis, North Macedonia has managed to establish a relatively comprehensive legal framework that is largely harmonized with international standards, especially those set up by the Istanbul Convention. The phenomenon of domestic violence is, thus, regulated through both special legislation and criminal law-based provisions. In spite of such normative alignment, however, the findings reveal a persistent gap between legal provisions and their practical implementation. Namely, the empirical data for the Polog region demonstrate that domestic violence remains a widespread phenomenon, characterized by a high number of reported criminal offences, a conclusive gender-based imbalance in both the aspects of perpetration and victimization, as well as the simultaneous involvement of multiple victims within single incidents. One particularly relevant development represents the recent amendment to Article 130 of the Criminal Code, which introduces *ex officio* prosecution for cases of bodily injury committed in the context of domestic violence. As one might expect, this reform represents a significant step toward strengthening the criminal justice response and reducing the dependence on the victim's

initiative. The presented data, nonetheless, indicate that challenges remain in light of ensuring consistent prosecution, improving institutional response, and addressing structural barriers that prevent victims from accessing justice.

Recommendations

The findings presented in this research suggest that additional efforts are required in order to strengthen the effectiveness of the legal and institutional response to domestic violence in North Macedonia. It is against this background, that particular attention should be given to the consistent implementation of recent legislative reforms, especially on those introducing *ex officio* prosecution in cases of domestic violence. Guaranteeing that the provisions in question are subjected to an effective application in practice is crucial when reducing the dependence on victim initiative and enhancing accountability. At the same time, achieving a comprehensive and timely response to domestic violence cases requires improvements regarding coordination between the key institutions involved, with reference to the police, prosecution authorities, and social services. Strengthening such cooperation would contribute to more efficient management of cases of interest and better protection of victims. Of equal importance represents the need to enhance various support mechanisms available to victims of domestic violence, where access to shelters, legal assistance, and financial support altogether play a pivotal role in enabling victims to report domestic violence and to remain engaged in legal proceedings. Moreover, ensuring a more accurate monitoring of domestic violence trends and supporting evidence-based policymaking would necessarily require the improvement of data collection and classification systems. Finally, continued efforts in awareness-raising and prevention are considered essential when addressing the underlying causes of domestic violence and encouraging greater reporting, thereby contributing to a more effective overall response to such destructive legal and social phenomenon.

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