

## **INCEST AND PEDOPHILIA WITHIN THE FAMILY: CRIMINAL AND FAMILY LEGAL TREATMENT ACCORDING TO THE POSITIVE LEGISLATION OF THE RNM**

**Arta Selmani-Bakiu**

Assistant professor of Family Law  
Faculty of Law – South East European Univeristy  
e-mail:[arta.selmani@seeu.edu.mk](mailto:arta.selmani@seeu.edu.mk)

**Vedije Ratkoceri**

Assistant professor of Criminal Law  
Faculty of Law – South East European Univeristy  
e-mail:[v.ratkoceri@seeu.edu.mk](mailto:v.ratkoceri@seeu.edu.mk)

### **Abstract**

Medical, psychological and pedagogical disciplines consider childhood as a crucial period for the future development of children as individuals and as citizens. Children acquire family values and morals from their parents, thus in order to have a healthy and non-violent society, well-being must be initially sought in the family. Unfortunately, redundant, children are often the victims of various forms of violence within the family. In particular, sexual abuse within the family - namely incest - is considered to be the most serious form of violence/abuse which negatively affects, with long-term consequences, the well-being, growth and the proper psycho-physical development of the child.

In this paper the authors will approach the treatment of the phenomenon of incest in cases where the victims are children. Incest as a multidimensional phenomenon, in this paper will be treated in both criminal and family legal terms. In the criminal aspect, we will treat the criminal offense of incest as incriminated in the Criminal Code of the RNM. In particular, the authors will elaborate the connection between pedophilia as a mental disorder and the criminal offense of incest when the victims are children. Meanwhile, from the family legal perspective, the importance of respecting close blood relatives will be treated as a relationship that is created between two or more persons, who are descending from each other or are descending from a common ancestor. In this section authors emphasize the importance of understanding genetic origin for children conceived with donated genetic material and adopted children in order to prevent incestuous relationships between close blood relatives.

**Keywords:** incest, pedophilia, family relationships, sexual abuse, criminal offense

### **Introduction**

Children have the right to grow up with their parents and to have a trouble-free and happy childhood. Family and parents are the ones who should provide

children with security and support at every stage of their lives. In situations where the family is an unsuitable place for the psychosocial stability of the child, redundant the competent authorities should intervene through their mechanisms by removing the child from the parents and placing him/her under guardianship or institutions for care of children without parents and without parental care, an obligation which is based on one of the basic principles of family law - the principle of special social and legal protection of the family. Family legislation provides legal sanctions in all situations where parents misuse, rape or abuse their child. In all these situations, the parents are deprived of the parental right, which is considered a repressive measure to protect the interests of the children. Family Law Act (FL) enumerates as actions which are categorized as abuse and neglect of parental rights the situations when the parent: 1) exercises physical or psychological violence against the child; 2) sexually exploits the child; 3) forces the child to work, while it does not correspond to his/her age; 4) allows the use of alcohol, drugs or other psychotropic substances; 5) forces and exploits the child to beg; 6) leads the child to socially unacceptable behavior; 7) abandons the child for more than 3 (three) months and does not take care of him/her; 8) in any other severe way violates the rights of the child (Article 99, FL).

In addition to the loss of parental rights, the removal of the child from the parents and placing him/her under the custody of an institution, for most of the cases provided above, the parents will also be held criminally liable. Respectively, the Criminal legislation of North Macedonia has provided a wide range of criminal offenses which violate the integrity of the child, with special emphasis on his/hers sexual integrity. This paper is mainly based on situations where child abuse and sexual abuse takes place within the family.

Initially, the authors emphasize the importance of family relations (blood, adoption and marriage) by giving continuous recommendations that such relations must be respected among family members, in order to avoid incestuous relationships. Further, child sexual abuse and pedophilia and inclination related to incest are addressed. Additionally, the paper provides a thorough analysis of criminal legislation on the incrimination of criminal offenses involving sexual abuse of and incest with children, describing the manner in which these criminal offenses are committed and the penalties provided for these offenses under the Criminal Code of the RNM. Also, statistical data are presented on perpetrators of incest in RNM, from 2012 onwards, obtained from the online Register of child abusers and pedophiles. Finally, the authors through the analysis of family legislation point out the need for legal interventions in order to incorporate the principle of recognition of genetic origin for adopted children as well as children conceived with donated genetic material. Their recommendations are based on the consequences that arise from incestuous relationships which can be reflected on the couple but also on the children who are born from such relationships. Due to the sensitivity of such reports, the dark figure of these cases is very large. Preserving and stifling the truth that rape or extramarital

affair has taken place between two relatives, negatively affects the psychological stability of persons who are part of these immoral and violent acts. Therefore, the authors through field research give concrete recommendations to prevent incestuous, pedophilic and domestic rape cases. Through their work, they insist on raising civic awareness through the presentation of these cases and the intensification of state bodies in taking concrete measures to punish such actions.

## **1. The importance of blood relations in family relationships**

The family is the main cell of society and enjoys legal protection both nationally (see Article 4, FL) and internationally (Article 16, Universal Declaration of Human Rights). In terms of family establishment and in terms of the circle of members that make up the family, in contemporary family law there are different definitions of what is considered a family (nuclear family, biological family, single parent family, artificial family, etc.), but with importance for this paper is to give the definition of family in terms of proximity of family members in relation to blood relationships, precisely for the fact of creating a blood relationship which creates legal-personal consequences. Blood relation is a legally recognized relationship between two or more persons, descended from each other or descended from a common ancestor. It is founded in an exclusively natural way, with the birth of children (Zendeli, Selmani-Bakiu, Mickovik, Ristov, 2020, p.108). Since the development of technology has not left untouched the family itself, in addition to establishing the family in a biological way, it can also be established through methods of artificial reproduction (artificial insemination, *in vitro* fertilization, surrogate motherhood, childbirth by a single woman with donated genetic material, post-mortem reproduction, etc.) by which the blood relationship is established if the child has a genetic connection with the parents and the civil relationship if the child is conceived with a donated genetic material, through which the child has a genetic connection with the donor/s of genetic material. So, kinship can be established biologically (blood relation); on the basis of adoption (civil relation), or on the basis of marriage (marriage relation). In all the bases of its creation, kinship is a marital obstacle and the eventual marriage concluded between this category of persons is absolutely invalid. In principle, blood relatives should be respected without exceeding the limits of intimate relations. However, in situations where blood relatives will enter into marriages, they will be unacceptable in society, not only for eugenic and biological reasons, but also for ethical, moral and legal reasons (Zendeli, Selmani-Bakiu, Mickovik, Ristov, 2020, p.124). In the Family law of RNM, the legislator envisages blood relation as a marital obstacle in the direct and indirect line. In this sense, relatives of the blood relation cannot enter into marriage in the first ascending or descending line, regardless of the degree of kinship. In the direct line, a sister and brother, a sister and brother from the father, respectively from the mother, an uncle and nephew/niece, or first cousins can not get married (Article

20 paragraph 1 FL). On the other hand, the indirect blood line represents a marital barrier up to the fourth degree. Marriage barrier is also the adoption-based relation (Article 20 paragraph 2 FL) and the marriage-based relation (Article 21 paragraph 1 FL).

Marriage between blood relatives is also a marriage barrier from the international perspective. The European Commission for Human Rights considers blood relation to be an absolute barrier to marriage, in order to prevent incestuous marriages. This, thus, has resulted in the annulment of some marriages between blood relatives by the European Court of Human Rights (see case *Theodorou and Tsotsorou v. Greece, B. and L. v. The United Kingdom*) (European Court of Human Rights, 2020, p.7). Although there are marital barriers between blood relatives, this prohibition cannot completely prevent intimacy between certain persons or the establishment of prohibited extramarital relationships from which family and parental rights and obligations arise (see more at Harris-Short, Miles, 2011, p.99).

Herring gives three grounded arguments as to why extramarital affairs between blood relatives should be forbidden. “The first is the fear of genetic dangers involved in permitting procreation between close blood relations. This would not justify bars based on affinity and with the availability of genetic screening may be harder to support. A second argument in favor of these bars is that permitting marriage between close relations may undermine the security of the family. The argument is that children should be brought up without the possibility of approved sexual relations later in life with members of their family. A third argument can be based on the widespread instinctive moral reaction against such relationships” (Herring, 2009, p.49).

In addition to the breakdown of family relationships, the most difficult consequences surface if from children are born out of these marriages. Professors Mickovik, Ignovska and Ristov point out that “incest offsprings have a high risk of genetic disorders caused by mutations in autonomically recessive genes that are twice as high in close blood relatives carrying two copies of the same gene, and the likelihood of getting genetic disorders is 1 outof 16” (Mickovik, Ignovska, Ristov, 2016, p.56). They also emphasize the existence of possibilities that the offspring will have abnormalities, mental retardation or a shortened lifespan. Only in about half of the children from incestuous relationships such anomalies are avoided (Ibidem. p.57). It should also be noted that historically this category of children (born from an incest relationship), together with extramarital children have been categorized as illegitimate children deprived of family and succession rights (See more at Valsecchi, 2016, p.232).

It is important to note that incrimination of incest as a criminal offense is provided only in cases of sexual abuse between blood relatives of direct line in any degree of relation, including siblings, but not sexual intercourse between members of the blood relation of indirect in a transverse line, or between those in the marriage-based relation, adoption-based relation, etc.

However, the incestuous relationship must be understood in two aspects, when the same is done with the will of both parties and from this arises an extramarital union explained above, and the other which is even more common form is that of a violence, when one party is in the role of the abuser and the other in the role of the victim. In most cases of such rapes, male abusers (father, brother, stepfather, maternal brother, paternal brother) have been reported against women close to either the straight blood line or indirect one (42-year-old M.M. abuses sexually his daughter in Gostivar; in Veles the father abuses her minor daughter; the father abuses his three minor daughters aged 3, 5 and 7, etc.) (see at First Children's Embassy in the World MEGJASHI). That is why Herman states that "Female children are regularly subjected to sexual assaults by adult males who are part of their intimate social world. The aggressors are not outcasts and strangers; they are neighbors, family friends, uncles, cousins, stepfathers, and fathers. To be sexually exploited by a known and trusted adult is a central and formative experience in the lives of countless women" (Lewis Herman, 2000, p.19).

In addition to incestuous relations between blood relatives of the opposite sex, in comparative legal practice such relations are also marked between homosexuals, such as, the relationship of two sisters and their mother (See more at Héritier, 2002) or the case of incestuous behavior of MZ male homosexuals who were together during childhood and maintained their incestuous relationship well into adulthood. The twins were impotent with non-consanguineous males (Bixler, 1983, p.300).

## **2. Child sexual abuse, pedophilia, and incest**

Child sexual abuse is one of the most serious forms of abuse of the physical, mental, and sexual integrity of the child. This form of abuse leaves long-term and irreversible consequences on the physical and mental health of the child.

Although, according to the legislation of the RNM and also of many other countries, children are considered persons under the age of 18, in terms of children as victims of sexual abuse the age limit is 14 years (some countries have this limit lower, some others higher but not more than 15 years of age). The reason why criminal law contains a principled prohibition of any sexual intercourse with a child under the age of 14 is because it is considered that a child of this age cannot form the desire or free will for such a relationship. And this applies regardless of the gender of the child as well as the desire of the child, so the eventual agreement of the child for such a relationship has no value (Kambovski, 2015, p. 817).

Meanwhile, if we examine the psychology literature on the definition of pedophilia, we will see that pedophilia has to do with the desire for sexual intercourse of adults with children exactly before the age of puberty (12, 13, 14 years old). Namely, "as a distinct paraphilic disorder, pedophilia is a desire or preference for sexual intercourse with children before puberty" (Winslade, Stone, Smith-Bell, &

Webb, 1998, p. 355). According to the American Psychiatric Association, pedophilia is defined as an intensified and persistent interest in pre-pubertal children (Stevens, 2001, p. 32). According to the diagnostic criteria of the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, a pedophile is an individual who fantasizes, is sexually aroused or experiences sexual arousal towards adolescent children (generally younger than 13 years) for a period of at least 6 months. According to this Guide (Diagnostic and Statistical Manual of Mental Disorders (DSM-V)) pedophilia is listed as a *mental disorder*.

Another issue of concern regarding child sexual abusers remains the issue of recidivism. Numerous studies indicate a high level of recidivism in criminal offenses of child sexual abuse. In addition to the horror in the case of child victimization, sexual abusers with paraphiliac disorders such as pedophilia often have many victims, sometimes counting hundreds of abuses throughout their lives (Winslade, Stone, Smith-Bell, & Webb, 1998, p. 365). This is because pedophiles, due to the disorder they have, if not treated and cured, i.e. not stopped, can repeat the act hundreds of times. Another characteristic of pedophiles is that often they can not control their lust and feelings, so it is not uncommon for these individuals to abuse and attack their children, brothers or sisters, so in addition to the abuse they also commit incest. According to Abel and Harlow, in a study of 32 anonymous non-prisoner abusers, heterosexual pedophiles have abused in incest, an average of 1.8 children and committed 81.3 acts, while homosexual pedophiles have abused on incest, an average of 1.7 children and committed 62.3 acts (Abel & Harlow, 2001, p.2).

### **3. Incest in the criminal legislation of the RNM**

Given the need to protect children from sexual abuse as effectively as possible, our legislation criminalized a number of criminal offenses for which, in cases its committed against children under the age of 14, severe penalties are clearly provided. The criminal offenses of sexual abuse of children are provided within the nineteenth chapter of the Criminal Code entitled “Criminal offenses against gender freedom and morality.”

If we consider the social risk of criminal offenses of child sexual abuse, the need to prevent these serious crimes and provide effective protection for victims on the one hand and the need to harmonize criminal legislation in this area with international conventions and recommendations on the other hand, this chapter of the Criminal Code was amended and supplemented several times, but mostly in 2009 and 2014.

In 2014 in the Criminal Code of the RNM (Official Gazette of the RNM No. 27.2014, 2014) significant interventions and changes were made in the part of criminal offenses against freedom and gender morality where the sentences provided in this chapter of the CC for criminal offenses committed against children under the age of 14 were significantly aggravated.



The criminal offenses provided in the nineteenth chapter - “Criminal offenses against gender freedom and morality” are: Rape - Article 186; Abuse of a disabled person - Article 187; Sexual assault on a child under 14 years of age - Article 188; Abuse of position - Article 189; Satisfaction of sexual desires in front of another (Article 190); Mediation in prostitution (Article 191); Child prostitution (Article 191-a); Showing a child pornographic material (Article 193); Production and distribution of child pornography (Article 193-a); Fraud for abuse or other sexual act against a child under 14 years of age (Article 193-b); Incest (Article 194); Publication of the court judgment (Article 194-a).

The criminal offense of *Incest* (Article 194) is incriminated as an offense committed by “*one who will commit sexual abuse with a blood relative in a direct line or with brother or sister respectively*” and for this is foreseen a sentence of 5 to 10 years imprisonment (paragraph 1). In cases when it is committed with a child who has not reached the age of 14, the prescribed sentence is at least 10 years of imprisonment (paragraph 2). Professor Kambovski, in the Commentary on the Criminal Code of the Republic of North Macedonia (quoted work) regarding the second paragraph of this criminal offense emphasizes that the negation “no” is a technical error because the sexual abuse of a child under 14 years of age should be treated as “sexual assault on a child under 14 years of age (Article 188, paragr. 2) for which a heavier sentence is provided (at least 12 years of imprisonment), while this paragraph has the meaning of incest separation as the most severe form of the criminal offense when the act is committed with a child over 14 years (Kambovski, 2015, p. 835).

Incest as a special form of committing a criminal offense is provided in the second paragraph of the criminal offense “*Abuse with misuse of position*”, Article 189. This offense is committed by “*a person who by misusing his position will push into a relationship or another sexual abuse of a person who is in a relationship of reliance or for the same purpose abuses, intimidates or treats him/her in a way that humiliates human dignity and human personality, will be punished with a sentence of at least 5 years*” (paragraph 1). The second paragraph defines the relevant relations that the perpetrator may have with the victim, where it also refers to children as victims, respectively “*if the offense from paragraph 1 of this article is committed by a person of direct blood line or brother, respectively sister, the teacher, educator, adoptive parent, guardian, stepfather, stepmother, doctor or other person who misuses his position or while committing domestic violence will commit abuse or other sexual act with a child who has not reached the age of 14 and who is entrusted with teaching, education, custody and care, shall be punished by imprisonment of at least 10 years*”(paragraph 2). This paragraph as the most serious and special form of committing abuse or other sexual act with children under 14 years of age divides these three forms (Kambovski, 2015, p.820): 1) From a close family member ( criminal offense of incest Article 194); 2) misuse of the special position of the perpetrator and 3) During the exercise of domestic violence.

In addition to incriminating these actions, in order to prevent child sexual abuse, pedophilia and incest, the RNM went one step further, and in 2012 it adopted the Law on the Special Register of Persons Convicted with Permanent Judgments for Criminal Offenses: child sexual abuse and pedophilia ”(Official Gazette of the Republic of North Macedonia No. 11/2012, 2012). Based on this law, an online register was created with the personal data of persons convicted of crimes described in Chapter Nineteen of the Criminal Code “Criminal offenses against freedom and gender morality” committed against children under 14 years of age.

This register has open access and everyone can see people who are convicted of pedophilia in the country. Here you can request information about the convicted persons at the state level, in the respective city or even in the designated neighborhood based on their personal data: name, surname, address and picture as well as the type of criminal offense for which he was convicted and the sentence imposed. Also in this register there is the possibility of searching by name and surname, if we want to verify whether a certain person has been or has not been convicted for these criminal offenses.

In this online registry ([www.registarnapedofili.mk](http://www.registarnapedofili.mk)) at the time when we conducted the research (April 2021) there are data on over 270 people convicted of criminal offenses related to child sexual abuse, child trafficking, incest, etc. From the total, on the basis of the criminal offense of incest (Article 194 of the CCNM) a total of 8 persons were convicted, of which three are from the city of Skopje, two are from the city of Veles, one from Vinica, one from Debar and one from Tearce. Regarding the sentences imposed, two of them have served or are serving a prison sentence of 12 years imprisonment, three of 10 years imprisonment, two of 7 years imprisonment and one sentenced to 6 years imprisonment.

#### **4. Prevention of incest through recognition of genetic origin**

The right to know the genetic origin is an important element in establishing the identity of a person who had the right to receive relevant information to establish the truth about the identity of his parents (Selmani-Bakiu, Zendeli, 2018, p.234).

The issue of proving genetic origin is expressed in cases of adoption, extramarital children and conception of a child with donated genetic material, situations where the biological status of the child does not match its legal status, due to the fact that the child is not genetically related with the foster or legal parents. There are life moments (need for personal identity development, possible inherited diseases, avoidance of marriages between blood relatives, need for information about family history, psychological aspect of the child, acquisition of inheritance rights) where the child should receive information about his genetic origin. In this regard, the question of which right should be given priority, the right of the child to know his/her origin or the right to anonymity of the donor of genetic material for which there are various discussions and solutions offered by contemporary legislation, is very debatable.



This right of the child is guaranteed by important international documents, including the UN Convention on the Rights of the Child (OHCHR) and the European Convention on Human Rights (ECHR). According to Article 7 paragraph 1 of the OHCHR: “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”. Related to this article is also Article 8, which stipulates that: “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.” The right of the child to know who his/her biological parents are, as well as his/her right to be cared for by both parents, is also defined in Article 8 of the ECHR, which is classified as a private and family right. According to this article: “Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. It is worth noting that this right is also guaranteed by other relevant documents, such as: The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (see article 30), Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine; Principles Concerning the Establishment and Legal Consequences of Parenthood – “The White Paper (see principle no. 28).

In addition to the child’s right to know his or her ancestry, as noted above, the issue of donor anonymity arises in the case of allogeneic fertilization (with genetic material or donated embryos). The clash between these two rights always opens discussions in the field of law harmonization (Zendeli, Selmani-Bakiu, Mickovik, Ristov, 2020, p.79). Therefore, the challenges in achieving the balance of rights can be counted: the child’s interest in recognizing the genetic origin, the anonymity of the donor or the mother who gave birth to the child and abandoned it for subjective reasons (because the child was conceived as a result of incest or rape, the mother is a minor or has no material means to take care of the child, etc.), the interest of legal parents to maintain stability in artificially established parental relationships, “as well as the public interest to prevent the existence of illegal abortions and abandonment of children “ (see more at Mickovik, Ignovska, Ristov, 2016, p.158). In addition to the above-mentioned situations which bring the need to know the genetic background, the chances of creating incestuous relationships are very high, precisely due to the

fact that two adults can fall in love without knowing that they are of the same blood line. Authors Radan Vuletić, Rakošec and Šperanda explain the risks of involuntary incest relationships in surrogate motherhood situations. It is possible that the child/children of the surrogate mother and the “ordered” child, to meet and fall in love later in adulthood. Because they do not know how they are related by blood, they can have intimate relationships and thus commit incest. There is also an unquestionable mental dichotomy, confusion and damage if they find out that they are blood relatives, that is, that they are half-brother and half-sister, which again affects not only them, but also their children thus conceived (Radan Vuletić, Rakošec, Šperanda, 2015, p.65). The importance of knowing about genetic links can prevent incestuous relationships with relatives with whom children are related, which can increase the chances of descendants being affected by recessive genes or harmful mutations. (Mickovik, Ignovska, Ristov, 2016, p.238).

Therefore, in order to avoid such marriages, as well as the consequences on mental and physical health from these relationships, all persons who are adopted or conceived with genetic material, should have information about their genetic identity.

## **Conclusion**

It is a well-known fact that genetic parenting as a conveyance of genes to the child is the basis for blood relation. In the past, child conception was only done in biological way. The genetic link in this regard has been very important between parents and children. With the introduction and application of artificial reproduction methods, the biological concept of childbirth is no longer unique, therefore these methods impose the change of the traditional concept of parenthood. In addition to the artificial birth of children, the rapid development of technology has also enabled the acquisition of the power of life creation, cryopreservation of the body, organs, genetic material, embryo, as well as many new biomedical methods. The very process of establishing a family through artificial reproduction technology imposes the need for family law to deal with the analysis of the legal implications of artificial reproduction, and in this regard to redefine the concept of genetic origin through the absolute principle of its recognition. The authors through this paper emphasize the importance of recognizing of the genetic ancestry precisely because a person who is adopted or conceived with donated genetic material, may come into a life situation to have sexual relations with the person with whom he is blood related and from this relationship children are born with genetic abnormalities. Seeing this issue from the perspective of national legislation, it is important to note that the Family Law Act in terms of respecting the principle of recognition of genetic origin is unreformed, which is done in order to preserve the social tradition of hiding the truth from adopted children (FL with its provisions, Articles 62, 71, 75 prohibits the initiation of proceedings for recognition/opposition of fatherhood/motherhood in cases of adoption and in cases of artificial conceiving of a child).

Therefore, the authors in this paper refer to the non-harmonization of national legislation with the above-mentioned international conventions which determine the respect of the best interests of the child. Also, the authors through this paper appeal to respect the blood relations and not exceeding the intimate relations between blood relatives. In this regard, they point out that incestuous relationships in addition to the disorder of family genetics can also affect the mental, physical integrity respectively freedom and normal personality development of an individual who is a victim of prohibited family relationships.

The authors in this paper emphasize that from a legal-criminal point of view, criminal legislation provides a solid protection of children under the age of 14 from sexual abuse either inside or outside the family. In this paper they emphasize the fact that the sentences in the Criminal Code for these offenses were aggravated several times, the data were published in the open register of persons who have committed offenses of a sexual nature against children, to prevent these individuals from repeating the criminal offenses, and so on. Despite family and criminal law measures, sexual abuse of children both within the family and outside of it continues to be a concern in our country. The highest risk are cases when dealing with individuals who suffer from paraphilia, and who can not control their lusts. In these cases, we have high recidivism rates and multiple abuses. In this regard, the authors underline that in these criminal offenses the number is quite high precisely because often the cases are covered and are not denounced either due to fear, stigma from society, prejudice, culture, etc.

Therefore, the final recommendations from this paper are to preserve family values and morals by respecting blood relation and recognizing genetic origin, and in cases of sexual misuse and abuse, the victim of these violent criminal offenses must report the case to the competent authorities for the purpose of undertaking of concrete legal measures.

### **Bibliography**

1. Abel, G. G., & Harlow, N. T. (2001). *The Abel and Harlow child molestation prevention study*. Gjetur 01 2018, nga Excerpted from The Stop Child Molestation Book, Philadelphia, Pa: Xlibris: [www.childmolestationprevention.org/pdfs/study.pdf](http://www.childmolestationprevention.org/pdfs/study.pdf)
2. Bixler, RH. (1983). Homosexual twin incest avoidance. *Journal of Sex Research.*, Vol. 19 Issue 3, p.296-302
3. Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine. (1997). Retrieved from <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/164>
4. Convention on the Rights of the Child. (1989). Retrieved from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

5. Diagnostic and Statistical Manual of Mental Disorders, DSM-5 (5th edn, American Psychiatric Association 2013)
6. European Convention on Human Rights . (1950). Retrieved from [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)
7. European Court of Human Right. Guide on Article 12 of the European Convention on Human Rights— Right to marry. (2020). Retrieved from [https://www.echr.coe.int/Documents/Guide\\_Art\\_12\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_12_ENG.pdf)
8. Family Law Act of RM (Consolidate Version, 2015). Retrieved from <http://www.slvesnik.com.mk/>
9. Harris-Short, S and Miles,J. (2011). Family Law: Text, Cases and Materials (Second edition), Oxford University Press.
10. Héritier,F. (2002). Two Sisters and Their Mother: The Anthropology of Incest. New York: Zone Books.
11. Herman, Judith Lewis. (2000). Father-daughter incest. Harvard University Press.
12. Herring, J. (2009). Family Law. (Fourth Edition). Oxford University, Pearson Education Limited
13. Kambovski, V. (2015). *Komentar na Krivicniot Zakonik na Republika Makedonija (Vol. II)*. Skopje: Matica.
14. Law on Amendments and Addendums of the Criminal Code, Official Gazette of Republic of Macedonia No. 27.2014
15. Law on Special register of persons convicted with a final judgment for crimes of sexual abuse of minors and pedophilia, Gazette of Republic of Macedonia No.11/2012
16. Mickovik, D., Ignovska,E., Ristov,A. (2016). Новите репродуктивни технологии и правото. Ss. Cyril and Methodius University.
17. Principles Concerning the Establishment and Legal Consequences of Parentage – “The White Paper” Retrieved from [http://www.coe.int/t/dghl/standardsetting/family/CJ-FA%20%20\(2011\)%20OJ%204%20E.asp](http://www.coe.int/t/dghl/standardsetting/family/CJ-FA%20%20(2011)%20OJ%204%20E.asp)
18. Radan, M., Vuletić, S.,Rakošec, Ž., Šperanda, Ž. (2015). Bioetička kompleksnost problematike zamjenskog majčinstva.Diacovensia: teološki prilozi 23 (1); p.35-70
19. Selmani-Bakiu, A., Zendeli, E. (2018). Право на детето да го знае своето потекло. Iuridica Prima. p. 231-250.
20. Stevens, D. J. (2001). *Inside The Mind of Sexual Offenders: Predatory Rapists, Pedophiles, And Criminal Profiles*. Lincoln: Authors Choice Press.
21. The first child embassy in RNM. Катанец на куќата каде што две години се случувал инцест. Retrieved from [http://www.childrenembassy.org.mk/informator-br-41-ns\\_article-katanec-na-kukjata-kade-shto-dve-godini-se-slucival-incest.nspx](http://www.childrenembassy.org.mk/informator-br-41-ns_article-katanec-na-kukjata-kade-shto-dve-godini-se-slucival-incest.nspx)

22. The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption. (1993). Retrieved from <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>
23. Universal Declaration of Human rights. (1948). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
24. Valsecchi, Ch. (2016). Fathers by Law, Fathers by Choice. Paternity and Illegitimacy Between Ancien Régime and Codification in Western Countries. In Gigliola di Renzo Villata, M (Ed.) Family Law and Society in Europe from the Middle Ages to the Contemporary Era (Vol.5 p.29-157). Springer International Publishing Switzerland
25. Winslade, W. T., Stone, H., Smith-Bell, M., & Webb, D. M. (1998). Castrating Pedophiles Convicted of Sex Offenses against Children: New Treatment or Old Punishment,. *51 SMU L. Rev.* 349 (1998), 351-410
26. Регистар за лица осудени за кривични дела за сексуална злоупотреба на малолетни лица и педофилија. Retrieved from [www.registarnapedofili.mk](http://www.registarnapedofili.mk)
27. Zendeli, E., Selmani-Bakiu, A., Mickovik, D., Ristov, A. (2020). E drejta familjare. Tetovo.Arberia Design.
28. Инцест во Македонија: Кој го пријави злоставувањето на децата во Битола? Retrieved from <https://faktor.mk/incest-vo-makedonija-koj-go-prijavi-zlostavuvanjeto-na-decata-vo-bitola>