

## ECONOMIC VIOLENCE AGAINST WOMEN IN NORTH MACEDONIA

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### **Abstract**

In the most general sense of the word, domestic violence is a combination of psychological, social, and economic factors that combine (or not) and create the preconditions or the atmosphere in which abuses occur in the form of physical, psychological, sexual, or economic violence towards the victims. Economic violence is a legally recognized form of domestic violence as defined in the new Law on prevention and protection from violence against women and domestic violence in force since January 2021. It often occurs in the context of intimate partner violence and involves the control of a partner or ex-partner's money and finances. Economic violence can take many forms, such as property damage, restricting access to financial resources, education, or the labor market, or not complying with economic responsibilities, such as alimony. Women and girls are particularly vulnerable to this form of violence, especially in countries with a strong patriarchal mentality such as North Macedonia. The years of transition affected the deterioration of the economic situation for many families and influenced the increase of the economic dependence of the woman on the man, and at the same time confronted women and families with a new system of relations, norms, and values. This paper aims to analyze the factors that influence the emergence of economic violence against women in North Macedonia.

***Keywords :** Economic violence, Domestic violence against women, Intra-household resource distribution, Women's property rights, Alimony*

### **1. Introduction**

Economic violence or economic abuse is a form of abuse where one partner has control over the other partner's access to economic resources. This reduces the victims' capacity to support themselves financially. Economic violence includes acts such as denying money, taking and managing all family income, refusing to contribute financially, not meeting basic needs such as food and shelter, controlling access to health care, preventing the victim from finding a job, changing the workplace or obtaining a qualification, confiscation of earned money, control over all expenses incurred, theft and sale of valuables, denial of the right to register real estate jointly owned by spouses in the name of the wife and other acts. Even though we live in a period where the role of women in the economy and business is important, still the most widespread form of violence is the restriction of women's freedom. Economic violence against women is an essential component of domestic violence. This type of violence exists within intimate relationships with a partner. It represents a state of control by the husband over the woman's ability to acquire, use and keep assets and money (Adams, Sullivan, Bybee & Greeson, 2008). The term "financial abuse" is often used as a synonym for economic abuse since it includes similar behaviors. But financial abuse is a subtype of economic abuse. Economic abuse includes a variety of behaviors that allow an abuser to control the resources or economic freedoms of another. Economic abuse

is a broader concept than financial abuse, a term commonly used to describe denying or limiting access to money or misusing another person's money. In addition, economic abuse can also include limiting access to essential resources such as food, clothing, or transport, and denying the means to improve a person's economic status (for example, through employment, education, or training) (Sharp, 2008). Financial abuse refers to using or misusing money, which leads to restriction and control over the partner's current and future actions and freedom of choice. It can include using credit cards without permission, placing contractual obligations in the partner's name, and gambling with family assets. The abuser may deny the partner access to his bank account, access to the partner's independent income, or burden the partner with debts created by the abusive partner.

Economic violence against women within the family is a growing social concern. An intimate partner can create a state of economic violence, primarily through economic exploitation, employment sabotage, and economic control (Postmus, Plummer, McMahon, Murshid & Kim, 2012). Economic violence against women can range from the denial of women's most basic needs such as food, clothing, shelter, etc., to more complex needs, including their economic independence and the ability to participate in decisions on family spending. The consequences of economic violence include threatening women's economic security and their potential to be self-sufficient.

Existing research on domestic violence has mainly focused on physical, psychological, and sexual violence, while the empirical literature on economic violence against women is scarce. Fawole (2008) theoretically explored the most common forms of economic violence experienced by women in developing countries. He reported that women generally face limited access to funds and credit, restricted access to health care, employment, and education, including agricultural resources, and exclusion from financial decision-making. Research has also been done on gender differences in the existence of economic abuse by an intimate partner and was found that there is a large gap in the level of economic abuse experienced by men and women – with women being much more likely to be victims of economic abuse (Outlaw, 2009).

Studies have also been conducted in the context of the relationship between physical and economic violence and it has been examined the effect of physical violence and beating of women in the family on their employment, on the ability to find work and to continue working, and on the use of their earnings to strengthen their economic freedom and security. It has been found that women's ability to work outside the home is significantly affected by physical abuse such as facial injuries and assaults by their husbands. Often, partner violence is committed to sabotage women's employment and economic freedom (Moe & Bell, 2004).

## **2. Forms of economic violence**

There are 3 main forms of economic violence (Sharp, 2008); ((Postmus, Plummer, McMahon, Murshid & Kim, 2012):

- *sabotaging the earning of money and economic resources,*
- *limiting the use of money and economic resources and*
- *exploiting the opportunity to preserve economic resources.*

Some of the tactics used by the abuser are (Stylianou, 2018):

- interfering with the partner's efforts to keep a job by sabotaging childcare, transportation, or other circumstances,
- harassment at work,
- refusal to work,
- not involving the abused partner in the family's financial decisions,
- forcing the partner to request money,
- taking partner's money,
- demanding accountability for everything the partner buys,
- controlling the partner's access to financial information,

- not allowing the partner to talk to others about money,
- not allowing bank accounts to be in the name of the partner,
- making fun of the partner's financial contribution and pointing out that his contribution has no value,
- the expectation that the partner behaves in a certain way because he earns less money,
- forcing the partner to work illegally and threatening to report him/her to the police,
- forcing the partner to sign various documents with economic and financial implications.

*Economic control* occurs when the abuser prevents the victim from having access to or knowledge of family finances and from having any financial decision-making power in the family.

Some of the tactics used to exercise economic control are:

- controlling and limiting the victim's access to financial resources,
- denying the victim access to necessary things, such as food, clothing, and/or medications,
- tracking the use of money by the victim,
- keeping or hiding jointly earned money,
- preventing the victim from having access to bank accounts,
- lying about joint properties and assets.

*Employment sabotage* involves behavior that prevents the victim from being employed or continuing to work. Some of the tactics used are:

- stopping, discouraging, or actively interfering with the victim's employment and/or education efforts,
- harassment of the victim in the workplace,
- preventing the victim from receiving other forms of income such as child support (alimony), social assistance, or disability payments.

*Economic exploitation* occurs when the abuser takes intentional actions aimed at destroying the victim's financial resources or credit. Some of the tactics used are (Moe, 2004); (Stylianou, 2018):

- theft of cash, checks, or ATM cards,
- opening or using the victim's credit line without permission,
- refusing to pay bills or placing bills in the name of the victim or his/her children.
- playing games of chance with jointly earned money.

## **2.1. The impact of economic violence on women**

*The impact of economic violence* on women is immense. The experiences of victims of economic abuse and the effects of these experiences on their lives are varied and complex.

- *Physical impact* – is linked to health risks from stress and malnutrition.
- *Emotional impact* – refers to the anxiety, fear, guilt, helplessness, and inner worthlessness that the victim feels. Some women adopt survival strategies such as hiding money and non-perishable food. They develop a constant fear of not having the minimum necessary to meet the basic needs of life. Some women develop feelings of guilt from not being able to take care of basic financial and material needs.
- *Economic impact* – is related to poverty, lack of housing, debts, bankruptcy, etc.

The impact of economic abuse on the victim's financial security can be long-lasting. It can continue even after the relationship has ended. This prevents the recovery and independence of the victim. Interference with education and employment can make it difficult for the victim to find or keep a job. After separation, the abuser may use child support (alimony) to control and damage the victim's financial security and independence. Victims can also be left responsible for debts incurred by their ex-partner, making it difficult to return home, get a loan for a car or home, and meet everyday expenses.

Economic abuse of women can contribute to economic hardship, which they can carry throughout their lives. Some victims are left homeless, jobless, and unable to access the resources needed to rebuild their lives. Other victims of economic abuse may be forced to live with the abusive partner longer than they would like, and thus experience more harm.

### 3. Economic violence against women in North Macedonia

Women continue to be discriminated against in some essential areas such as access to inheritance and property created during marriage, and access to financial support (child support and alimony). Discrimination against women occurs not only in the family circle but also in institutions. As a result, women own significantly less wealth and property in comparison to men. The lack of property owned by women causes discrimination and insecurity in the continuation of their lives even in marital union and especially after a divorce.

In February 2023, the Assembly of the Republic of North Macedonia approved the draft law for the change and amendment of the Criminal Code precisely in the sphere of domestic violence, thus further harmonizing the criminal legislation with the Istanbul Convention. Article 5 of this Law changes Article 122 point 21, where domestic violence is defined, and for the first time in this article, economic violence against women is accepted and recognized as a form of manifestation of domestic violence. According to the amended Article "*Domestic violence means mistreatment, insult, a threat to safety, physical injury, other gender or psychological, physical or economic violence that causes a feeling of insecurity, endangerment or fear, including threats of such actions against the spouse, parents or children or other persons who live in a marital or extra-marital union or joint household, as well as to the current or former marital partner, extramarital partner or persons with whom they have children in common or are in a relationship personal closeness, regardless of whether the perpetrator shares or has shared residence*

*with the victim or not*". However, economic violence is not incriminated in our Criminal Code.

According to Article 3, paragraph 1 of the new Law on prevention and protection from violence against women and domestic violence, violence against women is a violation of human rights, and discrimination against women and refers to all acts of gender-based violence that lead or are likely to lead to physical, sexual, psychological or economic harm or suffering to women, including direct and indirect threats and intimidation of such acts, extortion, arbitrary restriction and/or deprivation of liberty, regardless of whether they occur in public or private life. While, according to Article 3, paragraph 3 of this law, domestic violence is harassment, insult, threats to security, physical harm, sexual or other mental, physical, or economic violence that causes a feeling of insecurity, threat, or fear, including threats of such actions, against a spouse, parents, or children or other persons living in a marital or extramarital union or joint household, as well as against a current or former spouse or extramarital partner or persons who have a common child or are in a close personal relationship, regardless of whether the perpetrator shares or has shared the same residence with the victim or not. Intimate partner violence is conduct by a current or former spouse or partner that causes physical, sexual, psychological, or economic violence, as defined in Article 3, paragraph 4 of the Law on Prevention and Protection from Violence against Women and Domestic Violence. Thus, economic violence is a form of violence against women, domestic violence, or intimate partner violence. The new law also defines economic violence, as any act of restriction or prevention in the realization and/or disposal of personal income and financial assets, for maintaining the joint household and for the care of the child, which causes economic dependence on the victim, in Article 3, paragraph 17.

In the context of North Macedonia, a major factor that affects the economic inequality between men and women is the renunciation of inheritance by women and girls. This phenomenon is present among women of all ethnicities, but it is more evident among Albanian women. Thus, according to unofficial data Albanian women, in over 95% of cases, give up the right to inherit. The fact that women do not receive their share of the joint property created in the community after divorce is also problematic in North Macedonia. This problem is also more evident among Albanian women and happens not only because a large part of Albanian families lives in a community, i.e., many brothers live in a joint family, but also because non-employed women, in general, are not aware of the contribution that they have made in creating the joint property of spouses.

In addition, although women in North Macedonia make up half of the population, there is discrimination in employment – only 39% of the total number of employees in the country are women, compared to 61% who are men. In rural areas, 3 out of 4 women are unemployed. Only a small number of women are business owners. Women do not have the opportunity to use subsidies for rural development because only 2% of them are landowners in rural areas, while only 5% of women are owners of residential spaces (Metaj-Stojanova, 2019).

North Macedonia struggles with poor implementation of inheritance legal regulations, which is a result of the continuation of unwritten laws and practices. Different ethnic groups have different views on women's right to inheritance, which mainly derive from the Albanian customary law and Islamic Sharia law that still govern the inheritance rights of women in many communities.

Albanian customary law is incorporated in many canons, among which the most important and the best known, is the Kanun of Lek Dukagjini. The Kanun provisions dictated the exclusion of women from the inheritance, which was transmitted exclusively to the men of the family. On the other hand, if women accepted the inheritance, this was perceived by society as a shame and as a lack of support and respect for men in the family (Metaj-Stojanova, 2016). According to Albanian customary law, women and girls were discriminated against regarding their right to inheritance. The Kanun of Lek Dukagjini states, “*in the event of the inheritor being female, then a man must be sought up to the 12<sup>th</sup> remove so that this property is not left to a woman*” (Kosovar for Gender Studies Center, 2011). Leaving property to women means transferring it outside the lineage. Also, Albanian women heavily influenced by traditional gender norms, describe feeling “ashamed” and “embarrassed” keeping or inheriting family property.

The Albanian community, as well as other Muslim communities in North Macedonia, such as the Turkish and Bosnian communities, are heavily affected by the Islamic tradition of dividing inheritance for women. Islam proposes another judiciary system (Sharia) parallel to the constitutional one in North Macedonia. Thus, the Quran has determined women as inheritors. “Allah instructs you concerning (for the inheritance issue) your children: for the male what is equal to the share of two females” (Chapter Nisa, 11). This may seem like a form of discrimination, but according to clerics, is compensated by another norm that frees the woman from the need to work after marriage, which is interpreted as achieving equality within marriage. Women, as well have the right to inherit from their husbands in the case of their death. If they left successors (boys and girls) then the wife's share is 1/8 of the general property of the deceased husband. If her deceased husband didn't leave any successors behind, then the woman has 1/4 of the general property of her husband. In North Macedonia, the right to inheritance is a constitutional right, guaranteed equally to all citizens, according to Article 30 of the Constitution. Although by law all children (and the surviving spouse) inherit equal shares of the estate of the deceased, based on Article 13 of the Law on Succession, the tradition in North Macedonia is for the females to marry and move away while the male siblings continue living in the house of their parents. The Law on Succession besides promoting a gender equality regime of inheritance at the same time is providing incentives for those siblings living in the entire or part of the estate to be natural heirs of the property, whereas the others who do not live on the property have the right to renounce the succession. In practice, this has built an impression that the sons who continue to live with their parents have the right to succession of parent's property, whereas the daughters who are married away from their parent's houses are expected to renounce their share of the inheritance.

Another factor that contributes to economic inequality between women and men in North Macedonia is the renunciation of women of their share of the joint property after the dissolution of marriage or the allocation by a court decision of a smaller share from the joint property. The legislator in the RNM has promoted the system of division of joint property in equal parts, but without remaining consistent until the end, because in practice, the system of equal parts is combined with the system of division of joint property according to the contribution. In determining the shares of each spouse, the court starts from the legal assumption that joint property is divided into equal shares, i.e., each spouse takes an ideal share of joint property or 1/2 of real rights that are subject to division, according to Article 75, paragraph 2 of the Law on Ownership and Other Real Rights (LOORR). If we consider that the spouses exercise different professions or activities, then each of them, during the division of joint property, will be given the items that serve for the exercise

of his professional activity, and the items from joint property that serve exclusively their personal needs. However, when the division of the joint property is done in contentious procedures, each spouse has the right to contest the presumption that the

joint property should be divided into equal parts and prove that his/her share is greater than that of the other spouse, according to Article 75, paragraph 3 of the Law on Ownership and Other Real Rights. Household work as an indirect contribution is also assessed by the court in each case and since there are no legal provisions to directly regulate this issue, the assessment of the household work largely depends on the worldview and convictions of judges. Thus, there is a pronounced subjectivity of the courts in this regard, expressed in various decisions that vary from decisions that equate the contribution of the household work with the direct contribution of the spouse who worked outside the household to decisions that recognize a much larger share of the joint property to the spouse with direct contribution, thus devaluing the contribution of the household work.

Another economic disadvantage for women is connected to the housing issues after the dissolution of marriage. Economic violence against women is often combined with other forms of violence such as physical, psychological, or sexual violence, thus, it can and should lead to divorce. The increase in the number of divorces in North Macedonia has inevitably been accompanied by an increased problem regarding housing and housing issues of the ex-spouses. The increase in the number of divorces in North Macedonia has inevitably been accompanied by an increased problem regarding housing and housing issues of the spouses after the dissolution of the marriage. It often happens that the family home is the main asset of the joint property of the spouses, and in cases when one of the spouses is not able to pay the other spouse for his share of the joint property based on the right of pre-emption, the apartment family must be sold. In cases where the family home is owned by one spouse, then he can dispose of it freely, without the need for the consent of the other spouse, the nonowner. This means that in case of divorce, the non-owner spouse, who is usually the ex-wife, will be forced to leave the apartment even when the children are entrusted to her for upbringing and education. Children should be able to continue living in the apartment where they spent the first years of life and where they cultivated their first affections so that the trauma of separation from their parents is not added to the trauma of being forcibly removed from that home, which until recently constituted their family environment. In this context, to protect the interests of the children and the spouse in need, I consider that both spouses should have the *uti dominus* right over the family housing, regardless of ownership, and the dispositions of this family house by the owner spouse should be limited. Also, in case of divorce, the non-owner ex-spouse, who has been entrusted to care for children and does not own another suitable for housing should have the right to the apartment by paying the rent to the ex-spouse owner (Metaj-Stojanova, 2017).

A problematic regulation is the one offered by Article 69, paragraph 1 of the LOORR, which expressly stipulates that the right of ownership of the spouses over the immovable properties that are part of their joint property shall be registered in the public books in the name of both spouses. However, the fact of registration of immovable property only in the name of one spouse, usually the husband, does not affect the legal position of the spouses and does not mean that the right of ownership over the immovable property in question will belong only to the spouse, who appears as the owner in the public book.

The property regime by law, in the legal framework of the RNM, is established with the idea of ensuring full equality and solidarity between spouses in marriage. Equality and solidarity in marriage can be fully realized only if the creation of a position of dependence of one spouse towards the other is avoided. In the context of ensuring this equality, the Constitution of the Republic of Macedonia, together with the main pillars of domestic legislation, generally adheres to the requirements of CEDAW (ratified by the Assembly of the Republic of Macedonia on 24.06.2003) and other international and European instruments reflect key principles on human rights, such as gender equality and non-discrimination. The Law on Equal Opportunities between Women and Men of 2012 is the most vocal in this regard and aims to guarantee not only formal equality before the law but also the same real opportunities for both men and women.

Thus, according to the Annual Report for 2019 of the Agency for Real Estate Cadastre for the advancement of the situation of equal opportunities for men and women "education reforms, public awareness especially of women, the role of notaries in the transfer of ownership of the real estate and greater information of the contracting parties, the gradual replacement of traditional and customary norms with legal norms have increased the percentage of women registered as owners of real estate in the RNM ". Nationwide, 27.27% of real estate is registered in the name of women, while men own over 72.73% of real estate. However, different types of real estate are not divided into separate items, so there is no data on ownership of apartments, business premises, construction land, agricultural land, etc.

Another fact that undermines the economic well-being of women and their children after the divorce is the difficulty to realize their right to receive alimony after the dissolution of marriage. Not only the minor children but also the parent caring as the principal exerciser of parental responsibility may need alimony. However, from the analysis of court decisions I have not encountered any case where the obligation of alimony is requested by the needy spouse. Usually, the mother is the one appointed by the court as the main exerciser of parental responsibility in case of divorce, so it is her right to request alimony after the dissolution of the marriage. According to Article 87, paragraph 2 of the Law on Family of the Republic of North Macedonia, if the parent who has the obligation to pay alimony to the child fails to do so, more than three times in a row and without reason, the Centre for Social Work may take a decision, which restricts this parent the right to maintain personal relations and direct contacts with the child, until the fulfillment of obligations to the child. Failure to pay alimony is also a criminal offense, according to Article 202 of the Criminal Code. Thus, a person who does not pay the maintenance obligation determined based on a court decision constituting an executive title will be punished with a fine or with imprisonment of up to one year. However, the court may issue a conditional decision, according to which the perpetrator is ordered to pay all obligations due and, in the future, to pay alimony regularly.

According to a research study conducted in North Macedonia in 2022 on economic violence, 30% of women surveyed stated that they were victims of economic violence, and only 9.4% stated that they reported such cases to the police or the Center for Social Work according to their residence. According to this research, since the entry into force of the Law on Prevention and Protection from Violence against Women and Domestic Violence in May 2021, only 4 cases of economic violence have been recorded in the Center for Social Work of Skopje. Likewise, 60% of women respondents believe that women do not inherit on an equal basis with men, while 41.4% of respondents believe that married women *de facto* do not have equal property rights with men, although formally and legally women and men are equal (National Network to End Violence Against Women and Domestic Violence, 2022).

In comparison, the data from Albania, according to the latest study conducted by INSTAT (Institute of Statistics of Albania) in 2018, show that in every 10 Albanian women, one of them has experienced economic violence from her husband or partner. According to data published by INSTAT, 7% of women have experienced economic violence. More specifically, 4% of women reported that their husbands or partners did not allow them to

find a job, while 3.8% of women reported that their husbands or partners took their income against their will. The 18-24 and 45-54 age groups are most affected by this phenomenon (INSTAT, 2019).

In addition to the forms of economic violence explained above, the deepening of gender and economic inequality between men and women is undoubtedly influenced by the continued disadvantage of women in marriage. Women, even those working full-time, do more housework than men, which affects their performance in the workplace. Such social tasks as the primary care of children entrusted almost exclusively to women and the difficulty of combining child-rearing with work outside the family undermine the competitiveness of women with children in the workplace (Okin, 1989). The gender division of labor and the fact that women's work is less paid than men's make it much more difficult for women to advance in their careers in comparison to men. As a result, women with children are forced to choose part-time work or to stay at home to raise children, or when there is a conflict with the spouse's career it is always the women's career that suffers and that must be sacrificed. These choices make married women a "vulnerable

category", economically dependent on their husbands and dependent on marriage for benefits such as health insurance, while at the same time promoting gender inequality and making it difficult to leave violent marriages, on the other hand facilitating domestic violence (Card, 1996); (Weitzman, 1974).

## Conclusions

Economic violence is a legally recognized form of violence against women, domestic violence, and intimate partner violence as defined in the new Law on prevention and protection from violence against women and domestic violence in force since January 2021. Economic violence against women was also accepted and recognized as a form of manifestation of domestic violence with the new changes and amendments made to the Criminal Code of North Macedonia in February 2023, which further contributed to the harmonization of the criminal legislation of North Macedonia with the Istanbul Convention.

Economic violence can take many forms such as sabotaging the earning of money and economic resources, limiting the use of money and economic resources, and exploiting the opportunity to preserve economic resources. There is a large gap in the level of economic abuse experienced by men and women – with women being much more likely to be victims of economic abuse. The impact that economic violence has on women is immense. It varies from physical to emotional and economic and it can be long-lasting.

In the context of North Macedonia, there are also other complementary factors that affect the economic inequality between men and women such as the fact that a large percentage of women renounce their inheritance in favor of their brothers or uncles, or the fact that women in many do not receive a fair share of the joint property created in the community after divorce. Even though there is substantial progress in the legislation in force regarding matrimonial property, respectively the division of the joint property of spouses, and the right to inheritance of women, the implementation of the legal provisions by the court creates such gaps and loopholes, which do not guarantee the full realization of the rights of women as defined by the relevant legislation.

It is necessary to amend Article 69, paragraph 2, of the LOORR according to which *"Even if the right of ownership over joint real estate is registered only in the name of one spouse, it will be considered that the registration is done in the name of both"*. The practical application of this provision is contrary to the principle of trust in the public cadastral book. The data recorded in the public book by third parties have the power of absolute accuracy. For this reason and in the interest of the principle of legal certainty, the legislator should make mandatory the registration of both spouses as owners of immovable property that is jointly owned by them.

It is necessary for the family home to be separated from other assets of joint ownership of the spouses and to enjoy special legal treatment and protection in the RNM, not only in application of the principle of the best interests of the child embodied in the Convention on the Rights of the Child but also in the spirit of harmonization of domestic and European legislation.

There should be a priority treatment of cases for division of property and allocation of alimony in divorce proceedings in those cases where there are physical, psychological, or other forms of domestic violence.

Advocacy for property rights after divorce should be a priority, as the lack of will of women to claim such rights that belong to them, proves that not enough has been done in this regard.

The courts, through their mechanisms, should monitor the fulfillment of the alimony obligation, where in case of non-compliance the enforcement agents should be engaged. The courts should ex-officio take concrete steps in cases where they see elements of a criminal offense, especially in the non-fulfillment of the obligation of financial maintenance.

Although gender equality has improved significantly, traditional perceptions still prevail in terms of women's economic rights. This directly affects the lack of economic independence of women. Financial stability and economic equality are the main preconditions for gender equality.



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