

УНИВЕРЗИТЕТ „ГОЦЕ ДЕЛЧЕВ“ - ШТИП



2021

ГОДИШЕН ЗБОРНИК НА
ФАКУЛТЕТ ЗА ТУРИЗАМ И
БИЗНИС ЛОГИСТИКА

YEARBOOK OF FACULTY OF
TOURISM AND BUSINESS
LOGISTICS

ГОДИНА 1

VOLUME I

GOCE DELCEV UNIVERSITY - STIP

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СОДРЖИНА - CONTENTS

Никола В. Димитров - ФАКТОРИ И УСЛОВИ ЗА РАЗВОЈ НА ВЕРСКИ ТУРИЗАМ ВО ОПШТИНА БИТОЛА СО ПОСЕБЕН ОСВРТ НА МАНАСТИРСКИОТ ТУРИЗАМ	6
Biljana Petrevska; Vlatko Cingovski - SUSTAINABILITY IN HOTEL INDUSTRY: THE ROLE OF ROOFTOP PV PLANTS	12
Златко Јаковлев - УЛОГА И ЗНАЧЕЊЕ НА ФИНАНСИСКИОТ МАНАЏМЕНТ ЗА РАБОТЕЊЕТО НА ТУРИСТИЧКО - УГОСТИТЕЛСКИТЕ ПРЕТПРИЈАТИЈА	18
Златко Јаковлев; Душита Матета Гигова - МЕНАЏМЕНТ НА КВАЛИТЕТ ВО ТУРИЗМОТ	26
Mimoza Serafimova; Bobana Stefanoska - OPERATIONS STRATEGY AND COMPETITIVENESS - CASE STUDY AND ANALYSIS	31
Tatjana Boshkov; Mishko Djidrov - CIRCULAR ECONOMY CONCEPT AND PERSPECTIVES IN CROATIA	39
Дејан Методијески; Оливер Филиповски - КОН ПРИСТАПЕН ТУРИЗАМ ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА	44
Марија Магдинчева-Шопова; Анета Стојановска-Стефанова - ПОЛИТИКИ ЗА РАЗВОЈ НА РОДОВО ПРЕТПРИЕМНИШТВО	53
Dushko Josheski; Tatjana Boshkov - BEQUEST TAXATION, ESTATE TAXATION, LAND TAXATION, OPTIMUM TOWN, HENRY GEORGE THEOREM AND CAPITAL TAXATION: A SURVEY	58
Aneta Stojanovska-Stefanova; Marija Magdinceva-Sopova - WOMEN'S RIGHTS ARE HUMAN RIGHTS: A DECADE OF THE COUNCIL OF EUROPE ISTANBUL CONVENTION	79
Mladen Micevski; Biljana Petrevska - OTTOMAN HERITAGE: SPECIFIC PERCEPTION OF STUDENTS FROM NORTH MACEDONIA	90
Емануела Есмерова; Драшко Атанасоски - ОБУКАТА И РАЗВОЈОТ НА ЧОВЕЧКИТЕ РЕСУРСИ ВО ЕКОНОМИСУВАЊЕ НА ПРЕТПРИЈАТИЈАТА	94
Перпарим Ќахили; Цане Котески - ВЛИЈАНИЕТО НА ЗАГАДУВАЊЕТО ВРЗ РАЗВОЈОТ НА ТУРИЗМОТ ВО РЕГИОНОТ НА АНА МОРАВА	100
Ивица Јосифовиќ - РЕГУЛАТИВАТА ЕУРОДАК: КОН ПОДОБАР СИСТЕМ ЗА ЕВИДЕНЦИЈА И КОНТРОЛА МИГРАЦИЈАТА И АЗИЛОТ	115
Христина Рунчева-Тасев; Филип Стојковски - ЕФЕКТИТЕ НА КОВИД-19 ПАНДЕМИЈАТА ВРЗ МЕЃУНАРОДНИТЕ ОДНОСИ: ТРАНСФОРМАТИВНА МОЌ НА ГЛОБАЛНАТА КРИЗА	115
Џеват Кицара - ИМИЏОТ И РЕПУТАЦИЈАТА НА ДЕСТИНАЦИЈАТА КАКО ФАКТОР ЗА ПРОМОЦИЈА НА ПРЕСПАНСКИОТ РЕГИОН КАКО ТУРИСТИЧКА ДЕСТИНАЦИЈА ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА	128

Марио Чобанов - СОВРЕМЕНИ ТРЕНДОВИ НА СИНЦИРИТЕ НА СНАБДУВАЊЕ ВО ВРЕМЕ НА ГЛОБАЛНИ ПРОМЕНИ – СОСТОБИ И ПЕРСПЕКТИВИ.....	137
Александар Магдески - СТРАТЕГИЈА ЗА РАЗВОЈ НА ТУРИСТИЧКИТЕ ЕВЕНТИ СО ПОСЕБЕН ОСВРТ НА „ПИВО ФЕСТ“ – ПРИЛЕП	144
Наташа Петровска - КУЛТУРОШКО-ПРАВНИТЕ АСПЕКТИ НА ЕКОТУРИЗМОТ КАКО ФАКТОР ЗА ПОВТОРНО ЗАЖИВУВАЊЕ НА ТУРИЗМОТ ПО ПАНДЕМИЈАТА СО КОВИД-19.....	153

WOMEN'S RIGHTS ARE HUMAN RIGHTS: A DECADE OF THE COUNCIL OF EUROPE ISTANBUL CONVENTION

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Abstract

The paper's aim is to make theoretical overview on the importance and of the one decade implementation by the states of the Istanbul Convention, or the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, that was adopted in 2011. The Istanbul Convention is a guarantee for women's and human rights. The Convention focuses on the elimination of violence against women, it encourages governments to implement protections in cases of gender, race, sexual orientation, and age-based violence and discrimination. This treaty, as well seeks to address gender-based violence in all its various forms. Member states are expected to amend their laws to define and criminalize violence against women and children, provide public education, and protect victims by establishing strong support services, in line with international standards. Therefore, the authors focus is to present the importance and the first decade of the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence, as well as Poland's and Turkey's withdrawal from Istanbul Convention. Also, the paper will present Macedonian case of implementation of the Convention. At the end conclusions of the date analyses and recommendations for the future will be given.

Key words: protection, prevention, gender-based violence, women's empowerment and gender equality

1. Introduction

Violence against women is a structural and global phenomenon that does not recognize social, economic or national boundaries. This is a serious violation of human rights, which is still largely unsanctioned. Available data and analyzes show that every day, women in Europe are exposed to mental and physical abuse, persecuted, harassed, raped, maimed, forced by their families to marry or sterilized against their will. There are many examples of violence against women, as well as the number of victims. National and European surveys and awareness-raising campaigns have shown the prevalence of domestic and sexual violence.

The Council of Europe as Europe's leading human rights organization, has undertaken a series of initiatives to promote the protection of women against violence since the 1990s. In particular, these initiatives have resulted in the adoption, in 2002, of the Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence, and the running of a Europe wide campaign³⁹, from 2006-2008 to combat violence against women, including domestic violence.

The Parliamentary Assembly has also taken a firm political stance against all forms of violence against women. It has adopted a number of resolutions and recommendations calling for legally-binding standards on preventing, protecting against and prosecuting the most severe and widespread forms of gender-based violence.

National reports, studies and surveys revealed the magnitude of the problem in Europe. The campaign in particular showed just how much national responses to violence against women and domestic violence varied across Europe. This emphasized the need for harmonised legal standards to ensure that victims benefit from the same level of protection everywhere in Europe was becoming apparent. So, the political will increased, and the Ministers of Justice of Council of Europe member states began discussing the need to step up protection from domestic violence, in particular intimate partner violence.

Assuming its leading role in human rights protection, the Council of Europe decided it was necessary to set comprehensive standards to prevent and combat violence against women and domestic violence. In December 2008, the Committee of Ministers set up an expert group mandated to prepare a draft convention in this field. Over the course of just over two years, the group, called the CAHVIO⁴⁰ - Ad Hoc Committee for preventing and combating violence against women and domestic violence, worked out a draft text. It finalised the draft of the Convention in December 2010, and the Convention was adopted by the Council of Europe Committee of Ministers on 7 April 2011. It was opened for signature on 11 May 2011 on the occasion of the 121st Session of the Committee of Ministers in Istanbul. Following its 10th ratification by Andorra on 22 April

³⁹ Council of Europe, *Campaign to combat violence against women, including domestic violence (2006-2008)*, Available at: https://www.coe.int/t/dg2/equality/domesticviolencecampaign/default_en.asp, (14.08.2021)

⁴⁰ Council of Europe, *The negotiations - CAHVIO*, Available at: <https://www.coe.int/en/web/istanbul-convention/cahvio>, (12.08.2021)

2014, it entered into force on 1 August 2014⁴¹. The Istanbul Convention is widely accepted as the most far-reaching legal instrument in preventing and combating violence against women and domestic violence, as one of the forms of human rights violations. Since its opening for signing in 2011, it has received significant support at all levels, state and regional, at the level of local self-government, the public, parliaments, other national, regional and international human rights organizations, civil society organizations, the media and the academia. The Convention has received national and international recognition for its vision to protect women and girls from violence.

2. Global attention to the issue of gender-based violence

The Convention clearly states that violence against women and domestic violence can no longer be considered a private matter, but that states have an obligation, through comprehensive and integrated policies, to prevent violence, protect victims and punish perpetrators. With the adoption of the Convention, governments are obliged to amend laws, introduce practical measures and allocate funds to adopt zero tolerance for violence against women and domestic violence.

The Istanbul Convention seeks to address gender-based violence in all its various forms. Members are expected to amend their laws to define and criminalize violence against women and children, provide public education, and protect victims by establishing strong support services, in line with international standards.

Therefore, the Istanbul Convention is a guarantee for women's and human rights. Although the Convention focuses on the elimination of violence against women, it encourages governments to implement protections in cases of gender, race, sexual orientation, and age-based violence and discrimination⁴². The Council of Europe treaty is known as the Istanbul Convention after the city where the treaty was opened for signature in 2011. Turkey was the first country to sign the convention in 2011 and to ratify it in 2012⁴³.

The Istanbul Convention has attracted global attention and it is condemning all forms of violence against women and domestic violence such as⁴⁴:

- Recognizing that the realization of de jure and de facto equality between women and men is a key element in the prevention of violence against women;

- Recognizing that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

- Recognizing the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

- Recognizing, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called "honour" and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

- Recognizing the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

 - Recognizing that women and girls are exposed to a higher risk of gender-based violence than men;

 - Recognizing that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

 - Recognizing that children are victims of domestic violence, including as witnesses of violence in the family;

 - Aspiring to create a Europe free from violence against women and domestic violence.

According to Ronagh J. A. McQuigg (2019), the Istanbul Convention certainly constitutes an extremely significant development as regards the movement to combat domestic violence, not least because of its symbolic importance. The couching of domestic violence as a violation not only of criminal law standards but also of human rights is important as the use of rights language in itself can be

⁴¹ Council of Europe, *Historical background*, Available at: <https://www.coe.int/en/web/istanbul-convention/historical-background>, (24.06.2021)

⁴² The Advocates for human rights, *#IstanbulConventionSavesLives*, Available at: https://www.theadvocatesforhumanrights.org/istanbul_convention, (24.06.2021)

⁴³ The Advocates for Human Rights, *Outrage as Turkish President Erdoğan Withdraws from the Istanbul Convention*, Available at: <https://theadvocatespost.org/2021/03/22/outrage-as-turkish-president-erdogan-withdraws-from-the-istanbul-convention/>, (26.06.2021)

⁴⁴ Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>, (24.06.2021)

empowering. The fact that domestic violence has now been expressly included in a human rights treaty in the European context is extremely important, given that even the use of the language of rights in itself carries significant symbolic weight⁴⁵.

Johanna Niemi and Amalia Verdu Sanmartin (2020) discusses the concept of gender used in the Convention shapes the depiction of the subjects as victims or perpetrators. The Convention underlines women as victims of violence and the harm done to them, while perpetrators of violence remain mostly invisible and ungendered. The Convention does not underline intersecting differences among women either, which are referred to as vulnerabilities. They noted that the only reference to other gender identities, sexualities and differences among women is in the anti-discrimination clause, which forbids discrimination among victims⁴⁶.

Lisa Grans (2018) noted that “the triggers of the obligations to prevent and to protect differ and that the Istanbul Convention has the potential to influence the understanding in particular of the former obligation. However, first the Istanbul Convention’s monitoring body will have to clarify the extent to which primary prevention measures are required in response to individual risks of violence”⁴⁷.

Sara de Vido (2020), explores the impact of the Istanbul Convention as an interpretative tool at the European level. It suggests that this legal instrument can be used by European and national judges alike to set higher standards of protection of women’s human rights while interpreting European and national law⁴⁸.

Despite great strides made by the international women’s rights movement over many years, women and girls around the world are still married as children or trafficked into forced labor and sex slavery. They are refused access to education and political participation, and some are trapped in conflicts where rape is perpetrated as a weapon of war. Around the world, deaths related to pregnancy and childbirth are needlessly high, and women are prevented from making deeply personal choices in their private lives. Human Rights Watch is working toward the realization of women’s empowerment and gender equality—protecting the rights and improving the lives of women and girls on the ground (Human Rights Watch, 2021)⁴⁹.

The Council of Europe Istanbul Convention is a human rights treaty to prevent and combat violence against women and domestic violence. It has been signed by all EU Member States.

Member States are obliged to implement already existing EU law to protect and support victims of crime, which is strengthened by the Istanbul Convention. The European Commission and the Council of Europe share the same goal of ending violence against women and domestic violence. To achieve this objective, the European Union has signed the Istanbul Convention alongside its Member States, which are all among the Council of Europe’s 47 members.

The member states have the responsibility:

- to prevent all forms of violence against women, protect those who experience it and prosecute perpetrators; -to promote equality between women and men and prevent violence against women by encouraging mutual respect or non-violent conflict resolution and questioning gender stereotypes – including through teaching materials in schools;

- to investigate allegations of violence and prosecute perpetrators;

- to protect and support those who experience violence, for example by removing perpetrators from the house to make sure the person affected stays safe and by offering sufficient and accessible shelters.

- to ensure that victims can claim compensation from the offender and must award adequate compensation itself if it cannot be covered from other sources;

- to ensure a coordinated approach among all relevant agencies, civil society organisations and other stakeholders to support those who experience violence and protect them from further violence;

- to provide information and access to support services, such as 24/7 telephone helplines, rape crisis centres, counselling and shelters.

Police and justice system professionals should be trained on victims’ rights and how to prevent further harm, so that they are able to respond to calls for assistance and manage dangerous situations. Civil society plays an important role in providing essential services to those who experience violence, raising awareness and helping to change attitudes to create a culture of zero tolerance. States are free to take into account different

⁴⁵ Ronagh J. A. McQuigg, (2019), *The Istanbul Convention, Domestic Violence and Human Rights*, Available at: <https://doi.org/10.4324/9781315652436>, (10.08.2021)

⁴⁶ Johanna Niemi, Amalia Verdu Sanmartin, (2020), *The concepts of gender and violence in the Istanbul Convention*, In: *International Law and Violence Against Women*, Available at: <https://doi.org/10.4324/9780429289736>, (13.08.2021)

⁴⁷ Lisa Grans, (2018), *The Istanbul Convention and the Positive Obligation to Prevent Violence*, *Human Rights Law Review*, Volume 18, Issue 1, March 2018, Pages 133–155, <https://doi.org/10.1093/hrlr/ngx041>

⁴⁸ Sara de Vido (2020), *The Istanbul Convention as an interpretative tool at the European and national levels*, In book: *International Law and Violence Against Women*, <https://doi.org/10.4324/9780429289736>, (12.08.2021)

⁴⁹ Human Rights Watch, *Women’s Rights*, available at: <https://www.hrw.org/topic/womens-rights>, (20.06.2021)

possibilities when choosing the most appropriate teaching material and approach. Men who experience violence are not excluded. The provisions on domestic violence can be applied also to men and boys. Existing migration and asylum policies are not put in question by the Convention. It does recognise that migrant women and women asylum seekers are particularly vulnerable to gender-based violence and asks states to take into account the specific needs of these women⁵⁰.

In addition to its legal obligations, the Convention also sends an important political message to society as a whole, that violence against women and domestic violence is unacceptable. It aims to show the reality of many women and girls who experience violence, to raise awareness and to change the way of thinking on a long term.

3. Turkey's withdrawal from Istanbul Convention

Violence against women, including domestic violence, is the result of an imbalance of power in society. It is a human rights violation and a major obstacle to overcoming inequality between women and men. Despite positive developments in law, policies and practices, it still occurs in every Council of Europe member state at all levels of society⁵¹.

As the time from signature by the states passed, the Convention remains in the shadows and requires further attention.

Gwiazda A. and Minkova L. noted that the Convention has become an ideological battleground.

Kantola J, Lombardo E. (2020) argued that radical right populist strategies include not only indirect but also direct opposition to gender equality and draw on old and traditional gender imaginaries packaged in novel populist ways⁵².

The independent expert committee, called the Grevio Mechanism, and overseen by the European Court of Human Rights, has been established by the Convention to monitor the legal obligations and implementation of the measures by its member states. This in turn will require newly ratified states to undertake significant social, legal and political changes and accept legal responsibility in cases where they fail to do so. Optimistic as this may sound, the domino effect of withdrawal, amplified by political discourse of hostility, might end up being the preferred loophole rather than mobilizing human, financial and legal resources to combat violence against women⁵³.

The President of Turkey defended the withdrawal with the argument that the treaty promotes homosexuality and thus threatens Turkish family values, social norms and long-standing traditions⁵⁴. The same line of reasoning has been used by the governments of Poland, Hungary, Bulgaria and Slovakia. Resistance to the treaty in these countries emerges from often overlooked social, cultural and religious aspects. Conservatives argue that the Convention undermines traditional family structures and tries to impose "Western" ideologies by introducing third gender and promoting LGBTQ+ rights. This never-ending controversy comes from the Convention's phrasing of the term "gender" as socially determined roles and behaviors which are considered appropriate for men and women by a given society.

Analyzing the status of the Istanbul Convention in Turkey we have to emphasize the fact that this country had been the first Member State to ratify the Convention, in 2012, followed by 33 others. The decision Turkey to withdraw was announced on 20 March 2021 by a Presidential decree, without debates in Parliament and society at large. This act has attracted world's attention.

The UN Special Rapporteur on violence against women, the Chair of the Committee on the Elimination of Discrimination against Women and other UN and regional human rights experts on 23 March 2021 deeply regretted the decision by the President of Turkey to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention. "This decision to withdraw from such an important instrument is a very worrying step backwards. It sends a dangerous message that violence against women is not important, with the risk of encouraging perpetrators and weakening measures to prevent it," Dubravka Šimonović, the UN Special Rapporteur on violence against women, said.

⁵⁰ European Union, *What is the Istanbul Convention? Who is it for? Why is it important?*, Available at: <https://ec.europa.eu/justice/saynostopvaw/downloads/materials/pdf/istanbul-convention-leaflet-online.pdf>, (24.06.2021)

⁵¹ Council of Europe, *Stop domestic violence against women*, Available at: https://www.coe.int/t/dg2/equality/domesticviolencecampaign/stopdomesticviolence_en.asp, (14.08.2021)

⁵² Kantola J, Lombardo E., (2020), *Strategies of right populists in opposing gender equality in a polarized European Parliament*. *International Political Science Review*, Available at: doi:[10.1177/0192512120963953](https://doi.org/10.1177/0192512120963953), (14.08.2021)

⁵³ Global Risk Insights, *Violence Against Women: Why Turkey's Withdrawal from the Istanbul Convention Has Become the Norm Rather Than the Exception*, Available at: <https://globalriskinsights.com/2021/05/the-domino-effect-of-normalizing-violence-against-women-why-turkeys-withdrawal-from-the-istanbul-convention-has-become-the-norm-rather-than-the-exception/>, (13.08.2021)

⁵⁴ AP News, *Turkey withdraws from European treaty protecting women*, Available at: <https://apnews.com/article/world-news-turkey-europe-istanbul-violence-f096c185314cde20dce2504a70ee6889>, (14.08.2021)

This decision weakens protections for women's well-being and safety and leaves them at further risk at a time when violence against women is surging all over the world.

"The implementation of the Istanbul Convention alongside other international standards had resulted in positive changes at the national level." In the past, political actors in Turkey have expressed concerns that the Convention "threatened the family", in a misinterpretation of the term gender, used in the Convention. "On the contrary, the Convention provides Member States with tools to better protect women and girls and their human rights," the experts said⁵⁵.

Ayşe Güneş (2020), discusses how Turkey's legal system existed before the ratification of the Istanbul Convention and its gradual change through the feminists' movements and the process of Turkey's accession to the EU. It also shows how cultural relativism has played an important role in understanding women's position in the system⁵⁶.

The Istanbul Convention is the most recent and detailed women's rights instrument that, alongside the UN Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, provide a roadmap for the elimination of gender-based violence against women and girls. "Turkey's sudden and unwarranted withdrawal" from the Istanbul Convention said U.S. President Joe Biden⁵⁷ "is deeply disappointing" and "is a disheartening step backward for the international movement to end violence against women globally." The withdrawal is a devastating blow to Turkey's more than 40 million women. A coalition of women's groups described the withdrawal as a "nightmare", but one that is just beginning. The coalition in their statement stressed⁵⁸ that "it is obvious this withdrawal will empower murders, abusers and rapists of women". Turkey's women speak from a long history of violence against women. According to CNN⁵⁹, three femicides occur a day in Turkey as compared to one femicide every three days in the UK. The Washington Post⁶⁰ reported on the attack against Reyhan Korkmaz, who had a restraining order against her husband. According to local media reports, her husband cut Reyhan's throat on March 7 in Ankara in front of the couple's four children. This is not an isolated incident and hundreds of other brutal murders of women happen each year⁶¹.

The secretary general of the Council of Europe said⁶² of Turkey's action, "This move is a huge setback to these efforts and all the more deplorable because it compromises the protection of women in Turkey, across Europe and beyond."

4. The Status of the Istanbul Convention in Poland

The 10th anniversary of the opening for signature of the Istanbul Convention was marked on 11 May 2021. The international recognition that the Istanbul Convention has obtained and the concrete impact that it has had on national legislation and practices, as well as - what is most important - on victims, are all causes for celebration. Poland signed the Istanbul Convention on December 18, 2012 and ratified it on August 1, 2015. Since then, claims that the Istanbul Convention promotes so-called "gender ideology"⁶³ a conservative fiction

⁵⁵ UNHR, Turkey: *Withdrawal from Istanbul Convention is a pushback against women's rights, say human rights experts*, Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26936&LangID=E>, (24.06.2021)

⁵⁶ Güneş Ayşe (2020), *The challenges of the Turkish legislation on 'honour killings' prior to ratification of the Istanbul Convention*, Available at: <https://doi.org/10.4324/9781003092001>, (12.08.2021)

⁵⁷ White House, *Statement by President Biden on Turkey's Withdrawal from Istanbul Convention*, available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/21/statement-by-president-biden-on-turkeys-withdrawal-from-the-istanbul-convention/>, (10.08.2021)

⁵⁸ CNN, *Turkey withdraws from Istanbul convention to combat violence against women*, Available at: <https://edition.cnn.com/2021/03/20/europe/turkey-convention-violence-women-intl/index.html>, (12.08.2021)

⁵⁹ CNN, *Violence against women in Turkey a 'human rights crisis'*, Available at: <https://edition.cnn.com/videos/tv/2021/03/19/amanpour-elif-shafak-turkey-domestic-violence-melek-ipek.cnn>, (12.08.2021)

⁶⁰ Washington Post, *Erdogan pulls Turkey out of European treaty aimed at protecting women from violence*, Available at: https://www.washingtonpost.com/world/erdogan-turkey-istanbul-convention-femicide/2021/03/20/6f3b3736-897b-11eb-be4a-24b89f616f2c_story.html, (12.08.2021)

⁶¹ The Advocates for Human Rights, *Outrage as Turkish President Erdoğan Withdraws from the Istanbul Convention*, Available at: <https://theadvocatespost.org/2021/03/22/outrage-as-turkish-president-erdogan-withdraws-from-the-istanbul-convention/>, (26.06.2021)

⁶² Council of Europe, *Secretary General responds to Turkey's announced withdrawal from the Istanbul Convention-Statement by Council of Europe Secretary General Marija Pejčinović Burić*, Available at: <https://www.coe.int/en/web/portal/-/secretary-general-responds-to-turkey-s-announced-withdrawal-from-the-istanbul-convention>, (12.08.2021)

⁶³ [Global Philanthropy Project, *Philanthropy Resisting "Anti-Gender Ideology"*, Available at: https://globalphilanthropyproject.org/2018/11/29/resistingagi/#1574262046103-f70c01c6-b764](https://globalphilanthropyproject.org/2018/11/29/resistingagi/#1574262046103-f70c01c6-b764), (12.08.2021)

that equates the goals of women's and LGBTI rights activists with destroying the traditional family unit (consisting of a married man and woman and their children) have instigated threats to withdraw from the treaty. On July 25, 2020, Justice Minister Zbigniew Ziobro announced that Poland will withdraw from the treaty. The Council of Europe condemned the action in a statement released on July 26, 2020, warning Poland that such a move would have serious implications for the protection of women. Thousands in Poland began protesting after Minister Marlena Malag, Minister of Family, Labour and Social Policy tweeted on July 19, 2020 that Poland was preparing to withdraw from the Istanbul Convention. Several organizations, including the Ordo Iuris Legal Institute, have long supported withdrawal from the convention, arguing that it is a threat to traditional family values. Together, with dozens of pro-family organizations, they began collecting signatures for a citizens' legislative initiative called "Yes to Family, No to Gender." The petition lobbies the Polish government to withdraw from Istanbul Convention and propose an alternative treaty, the International Convention on the Rights of the Family. The withdrawal from the Istanbul Convention and such initiatives are not a new development. Two other citizens' initiatives recently garnered sufficient signatures to be introduced to the legislature, one of which is the Stop Pedophilia Bill. This bill would criminalize "anyone who promotes or approves the undertaking by a minor of sexual intercourse or other sexual activity." This could include those who provide sex education or information to minors, such as health educators or providers.

According to the Advocates for Human Rights, the attacks on NGOs in retaliation for participating in marches for women's rights have occurred. Many organizations, especially those related to sexual and reproductive health, anti-violence, and non-discrimination, have seen their work demonized. Those working in the public sector, such as government employees or teachers, are under pressure not to collaborate with those organizations. Those that continue to work with the NGOs or participate in the women's rights protests often find themselves subject to disciplinary hearings or other retaliation. When the two new citizen's bills were introduced in April during the pandemic, activists again protested by using online platforms, placing signs in their windows and marching in the streets while practicing social distancing. Many who left their homes now face fines of up to \$7000, despite wearing masks and leaving their homes for everyday necessities⁶⁴.

Conservative government officials in Poland last year encouraged withdrawing from the Istanbul Convention, which the country ratified in 2015. According to leaked government documents seen by the Balkan Investigative Reporting Network (BIRN)⁶⁵, the government is seeking to replace the treaty with one that would ban same-sex marriage and abortions. The media published that experts say resistance to the treaty comes down to the rise in anti-Western and anti-LGBT and sentiment among some right-wing governments.

Furthermore, the experts emphasized that this withdrawal steps are result of disinformation campaign. "In a lot of ways, this convention has become a victim of this broader attempt to be used for political gains; to demonize women's rights and LGBT rights. It's distorting the convention to create a panic around the idea that families are under attack and values and national systems are under attack — when, of course, that is entirely untrue", Hillary Margolis, Human Rights Watch's senior researcher on women's rights, told Deutsche Welle⁶⁶.

Following this withdrawal wave, it is important to be noted that Hungary and Bulgaria have also distanced themselves from the Istanbul Convention. The two countries, both signatories to the treaty, have measures in place indicating plans to further distance themselves from ratifying the convention. In 2020, Hungary's parliament approved a declaration refusing to ratify the Istanbul Convention, and Bulgaria's constitutional court ruled in 2018 that the treaty was unconstitutional⁶⁷. Slovakia has also kept ratification on ice⁶⁸.

In this regard, the Istanbul Convention does not impose anything that would "endanger" the social fabric and values of societies. It does not impose any life choices on either women or men. Whether they want to be foster parents, parents or decide to pursue a successful career, the Convention does not oblige anyone to adopt a certain way of life. The Convention, however, opposes attempts to:

⁶⁴ The Advocates for Human Rights, Poland's, *Dangerous Withdrawal from The Istanbul Convention*, Available at: <https://theadvocatespost.org/2020/08/07/polands-dangerous-withdrawal-from-the-istanbul-convention/>, (24.06.2021)

⁶⁵ Reporting Democracy, *Poland's Replacement for Istanbul Convention would ban abortion and gay marriage*, Available at: <https://balkaninsight.com/2021/03/15/polands-replacement-for-istanbul-convention-would-ban-abortion-and-gay-marriage/>, (14.08.2021)

⁶⁶ Deutsche Welle, *Istanbul Convention: How a European treaty against women's violence became politicized*, Available at: <https://www.dw.com/en/istanbul-convention-how-a-european-treaty-against-womens-violence-became-politicized/a-56953987>, (13.08.2021)

⁶⁷ Human Rights Watch, *Speak Out to Protect Bulgaria's Women*, Available at: <https://www.hrw.org/news/2018/10/10/speak-out-protect-bulgarias-women>, (14.08.2021)

⁶⁸ Deutsche Welle, *Istanbul Convention: How a European treaty against women's violence became politicized*, Available at: <https://www.dw.com/en/istanbul-convention-how-a-european-treaty-against-womens-violence-became-politicized/a-56953987>, (13.08.2021)

- restricting women and men to traditional roles, thus limiting their personal, educational and professional development and life opportunities in general;
- justifying and maintaining patriarchy with the historical power relations between men and women, as well as sexist attitudes that hinder progress in achieving gender equality;
- opposing the concept of the right of women to live freely without violence⁶⁹.

Ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence imposes an obligation for the states to comprehensively address violence against women in all its forms by establishing a legal and institutional framework for the protection of victims of gender-based violence. Therefore, these withdrawal initiatives are worrying step backwards and they expressed the risk of encouraging perpetrators and weakening measures to prevent and eliminate of gender-based violence.

5. Macedonian case of implementation of the Istanbul Convention

The Republic of North Macedonia was among the first countries to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and in December 2017, the Parliament ratified it, after which the Convention entered into force in June 2018.

On 23 March 2018, in Strasbourg, in the presence of the Deputy Secretary General of the Council of Europe, the Ambassador Extraordinary and Plenipotentiary, Permanent Representative of “The former Yugoslav Republic of Macedonia” to the Council of Europe, deposited the instrument of ratification in respect of the Council of Europe Convention on preventing and combating violence against women and domestic violence and the former Yugoslav Republic of Macedonia becomes the 29th State to ratify the Convention⁷⁰.

With the ratification of the Convention, the state undertook to take legislative and other measures to ensure a legal, institutional and organizational framework for the prevention of violence against women, the protection of victims of violence, and the punishment of perpetrators of violence. The legal effect of the Convention implies that with its ratification it becomes part of the internal legal order, thus imposing the need to harmonize the existing legal and institutional framework with its provisions.

Unfortunately, the women’s representation and participation in decision-making remains limited. Any progress, such as the increased representation of women in the National Parliament and municipal councils, is due to electoral quotas. Key obstacles remain to women’s equal representation and participation in decision-making⁷¹. In executive bodies, where quotas do not exist, women’s representation is low: out of 15 ministerial posts, women hold only 4, and out of 81 mayoral posts, women hold only 6. In addition, women are largely underrepresented in the executive and decision-making positions in the traditionally male dominated sectors such as defense and police.

North Macedonia is ranked 66 in the Global Gender Gap Index (out of 149 countries) but slips down to 103 for indicators around women’s economic participation⁷². Following the ratification of the Istanbul Convention, the country, through the Ministry of Labor and Social Policy (MLSP), prepared a National Action Plan for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (NAP for EC) in order to anticipate specific activities, determine the competent institutions and anticipate the financial resources needed to comply with the provisions of the Convention, and in accordance with the anticipated dynamics.

In fact, the National Action Plan provides better monitoring progress in harmonizing national legislation with the provisions of the Convention, but also fulfillment of the remaining obligations in the direction of prevention of gender-based violence and ensuring prompt and effective protection of victims and prosecution and punishment of perpetrators. The National Action Plan⁷³ was adopted on October 9, 2018, at the 93rd session of the Government, at which all ministries were obliged to prepare operational plans for the implementation of the activities of the NAP for EC. During 2020, with the declaration of a global pandemic by the World Health

⁶⁹ Совет на Европа, *Конвенција на Советот на Европа за спречување и борба против насилството врз жените и семејното насилство (Истанбулска конвенција): Прашања и одговори*, достапно на: <https://rm.coe.int/istanbul-convention-questions-and-answers-macedonian/1680983cd7>, (14.08.2021)

⁷⁰ Council of Europe, *The former Yugoslav Republic of Macedonia” ratifies the Istanbul Convention*, Available at: <https://www.coe.int/en/web/istanbul-convention/-/the-former-yougoslav-republic-of-macedonia-ratifies-the-istanbul-convention>, (12.08.2021)

⁷¹ UN Women, *North Macedonia*, Available at: <https://eca.unwomen.org/en/where-we-are/north-macedonia>, (14.08.2021)

⁷² World Economic Forum (2018) *The Global Gender Gap Report 2018*. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf, (10.08.2021)

⁷³ *Акциски план за спроведување на Конвенцијата за спречување и борба против насилството врз жените и семејното насилство на Република Македонија 2018- 2023*, достапен на: <https://mtsp.gov.mk/pocetna-ns article-nacionalniot-plan-za-sproveduvanje-na-konvencijata-za-sprecurvanje-i-borba-protiv-nasilstvoto-vrz-zen.nspix>, (13.08.2021)

Organization due to the situation with COVID-19, a global health crisis occurred, which left consequences in all spheres of social life, especially in the protection and observance of fundamental human rights and freedoms. The burden on the health care system, the targeting of the capacities of the entire state mechanism to deal with virus, social isolation, and restrictions on citizens' movements have significantly increased the risk of domestic violence as a form of gender-based violence that disproportionately affects women. The crisis situation undoubtedly affected the work of the institutions, reduced their capacity, and thus prolonged the implementation of the activities provided for in the National Action Plan for the implementation of the Istanbul Convention⁷⁴. Gender-based violence remains one of the most significant manifestations of unequal gender relations and discrimination against women in the country. According to the OSCE-led survey on violence against women in 2018 in North Macedonia⁷⁵, nearly half (45%) of women responding said they experienced psychological, physical and/or sexual violence at the hands of an intimate partner. In OSCE led survey is noted that violence against women is perceived as a fairly prevalent phenomenon in the country. Three out of five (60%) women think that violence against women is common, and nearly three in ten think that it is very common. Almost one in five women (17%) personally know someone among their family and friends who has experienced some form of domestic violence, and a similar proportion know someone from their neighborhood who has experienced violence. Just over half of women (54%) have recently seen or heard advertising about violence against women, and the majority feel at least somewhat informed about what to do should they experience it (63%). However, few are familiar with specialized support services provided by NGOs. Attitudes and awareness differ among the major ethnic groups in the country. Just over two in five of the Albanian-speaking women surveyed consider VAW to be a common phenomenon (42%), and there is even less awareness within this group of NGOs that offer support. Finally, according to the OSCE-led survey on violence against women in 2018 in North Macedonia we can also point some conclusions and recommendations for the future in order to reduce violence against women in North Macedonia. First, violence against women is widely accepted as normal and is underreported, so there is need for education of what violence is and need for growing awareness of where the women could go to receive specialized institutional and organizational support. Especially, there is a need for more support and targeted action to help women from minority groups and from rural areas. Second, there is necessity of education of women that domestic violence is not a private matter, and advisory support to stop the believe that violence is often provoked by the victim. Third, the staff working in relevant services (police, social services and health professionals) have to be trained to have adequate knowledge and understanding, for the victims and survivors and to give them professional support. The UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in its 2018 Concluding Observations, recommended the adoption of a comprehensive strategy to eliminate gender stereotypes and harmful practices against women. This strategy needs to address educational materials and engage the educational system, parents and civil society. The state should also review the gender-neutral provisions of the Law on the Prevention of, and Protection against, Domestic Violence to include gender dimensions of domestic violence. The Committee also urged the state to amend the Criminal Code to ensure that marital rape is prosecuted and that the definition of rape is based on lack of consent⁷⁶. Since its beginning in 2006 the UN Women Programme Office in the Republic of North Macedonia works to accelerate progress for both women and men⁷⁷.

6. Conclusion

Gender inequality lies at the root of gender-based violence against women and girls. Women often face violence just because they are women. The Istanbul Convention aims to change these attitudes - including through education - to emphasize consensus, the idea of a partner, respect and equality. Everyone, especially men and young boys, should play a role in preventing violence against women, as well as in ensuring the provisions of the Istanbul Convention to improve the quality of prevention of violence against women.

The Istanbul Convention is the most recent and detailed women's rights instrument that, alongside the UN Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, provide a roadmap for the elimination of gender-based violence against women and girls.

National reports, studies and surveys revealed the magnitude of the problem in Europe. The campaign in particular showed just how much national responses to violence against women and domestic violence varied across Europe. The need for harmonized legal standards to ensure that victims benefit from the same level of

⁷⁴ Извештај за напредокот на Република Северна Македонија при спроведување на Националниот Акциски План за имплементација на Истанбулската Конвенција, достапно на: <http://www.glasprotivnasilstvo.org.mk/wp-content/uploads/2021/02/NAP-finalen.pdf>, (13.08.2021)

⁷⁵ OSCE-led survey on violence against women: North Macedonia, Available at: https://www.osce.org/files/f/documents/3/5/419264_1.pdf, (10.08.2021)

⁷⁶ Ibid.

⁷⁷ UN Woman, North Macedonia, Available at: <https://eca.unwomen.org/en/where-we-are/north-macedonia>, (12.08.2021)

protection everywhere in Europe was becoming apparent. On 11 May 2021, the world marked the 10th anniversary of the opening for signature of the Convention. The international recognition that the Istanbul Convention has obtained and the concrete impact that it has had on national legislation and practices, as well as - what is most important - on victims, are all causes for celebration. Ten years ago, the Istanbul Convention - the most advanced international agreement on preventing and combating violence against women - was unanimously adopted by the governments of the 47 Council of Europe member states. While Turkey announced its withdrawal (from July this year), 33 member states have ratified it, and 12 others have signed it, along with the European Union, but also countries outside Europe, such as Tunisia and Kazakhstan, want to join. States have changed their laws to base the act of sexual violence and rape on a lack of free consent instead of the use of force. Numerous national hotlines and new victim support services have been established. Monitoring the work under the Convention helps to raise awareness and promote positive change. Turkey's and Poland's decision to withdraw the Convention, weakens protections for women's well-being and safety and leaves them at further risk at a time when violence against women is surging all over the world.

For millions of women and girls, the Convention gives hope and a greater sense of security. Its purpose is very clear and can not be misinterpreted: to fight violence against women and domestic violence, which disproportionately affects women, and to raise this issue on the public stage. The convention helps victims to speak and allows professionals to respond appropriately.

The Istanbul Convention in its first decade of adoption and implementation is already showing a positive impact on the lives of women across Europe. First, calling on governments to prevent violence against women, to protect and support victims, and to punish perpetrators in a comprehensive effort to end this type of violence means restoring the dignity of women victims. Second, the Istanbul Convention initiated and led to important changes in legislation, the establishment of new and better services for victims, the allocation of resources and the increase of efforts in the field of education. Third, the Istanbul Convention has fostered better policies, services and debates about the violence experienced by women and girls and the ways in which they can be helped and supported.

In the end, it can be underlined and concluded that the eradication of violence against women in the future should be a goal that unites us all. In the future, they will take the necessary legislative and other measures to adopt and implement effective, comprehensive and coordinated state policies that include all relevant measures to prevent and combat all forms of violence covered by the Convention and that offer a holistic response to violence against women.

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