

**ISBN 978-9989-857-10-2**

**Title:** Alternative report of the non-governmental organizations to the state reports about the situation with the rights of the child in the Republic of Macedonia

**Publisher:** First Children's Embassy in the World Megjashi – Republic of Macedonia

**Executive director and founder:** M-r Dragi Zmijanac

**Author:** National Alliance for Children's Rights

**Mentor/editor:** Gordana Pirkovska Zmijanac

**Project team:** Tatjana Janevska, Katerina Koneska, Jagoda Naskovska, Angelina Chalakovska, Roza Vasilevska

**Redaction:** Svetlana Mulqueen, Keti Jandrijeska Jovanova

**Translation:** Florim Ismailovski

**Cover page design:** Besnik Selmani

**Graphic preparation and printing:** Jugoreklam

**Number of copies:** 200

**Address of the publisher:**

First Children's Embassy in the World Megjashi – Republic of Macedonia

Str. Kosta Novakovic 22 a

1000 Skopje, Republic of Macedonia

Phone: +389 2 2463 316, fax: +389 2 2465-900

SOS phone line for children and youth: 0800 1 2222

**E-mail:** [info@childrensembassy.org.mk](mailto:info@childrensembassy.org.mk)

**Web:** [www.childrensembassy.org.mk](http://www.childrensembassy.org.mk)

**Alternative report of the non-  
governmental organizations to the state  
reports about the situation with the rights  
of the child in the Republic of Macedonia**

## **PROLOGUE**

In front of you is the Alternative Report or the so called Shadow Report, prepared by the National Alliance of Nongovernmental Organizations for Children's Rights.

The Convention on Children's Rights (CCR) was adopted by the General Assembly of the United Nations (UN) on November 20<sup>th</sup>, 1989, and was enacted on September 2<sup>nd</sup>, 1990. The rights outlined in the CCR define the universal principles and norms on children's status. Today, more than ever, it becomes clear that the governments alone are not able to completely secure children's rights, without full participation of the society. In that direction, NGOs play a fundamental role in the implementation of CCR. It is an additional reason that made the CCR today a widely respected international instrument, whose principles are accepted by almost all countries. The Republic of Macedonia joined the CCR in November 1993.

Aiming to improve the implementation of the CCR, developed were special protocols. The countries that have ratified these protocols, also report on their implementation. The Optional Protocol towards the Convention on Children's Rights in child trafficking, child prostitution and child pornography was adopted in New York on May 25<sup>th</sup>, 2000 and was ratified by the Republic of Macedonia on October 17<sup>th</sup>, 2003. The Optional Protocol towards the Convention on Children's Rights on involvement of children in armed conflicts was adopted in New York on May 25<sup>th</sup>, 2000 and was ratified by the Republic of Macedonia on January 12<sup>th</sup>, 2004. According to Article 118 of the Constitution of the Republic of Macedonia: "The international agreements, ratified in compliance with the Constitution, are part of the internal legal order and cannot be changed by a law".

The first report on the conditions with children's rights should be submitted by the endorsing country no latter than two years after the ratification of the Convention. Furthermore, reports are required on

each five years, with a possibility for additional interim reports, if that is needed. In 2007, the Republic of Macedonia submitted the second periodic report for the CCR, while in 2008 it submitted the Initial Reports for the optional protocols.

All reports are reviewed by the Committee on children's rights of the UN, which meets several times a year in Geneva. Once the Committee receives the state reports, it then requires written information by the nongovernmental and intergovernmental organizations. For that purpose, NGOs throughout the world gather in national alliances for protection of children's rights (Macedonia Alliance was established on November 13<sup>th</sup>, 1997, with a headquarters at the Children's Embassy Megjashi) to be able to provide the best response to the requirements of the Committee. It is requested from the national alliances to provide important and confidential information in areas for which the state report does not provide enough information, in areas which are not covered, or areas which, in opinion of the members of the alliance, are covered, but are not entirely accurate. Also, they should help the Committee to create a clear picture on whether the reports present the real situation of the children, and obtain alternative view for the government's report, set priorities and determine the key questions to the governments.

During the preliminary session, the Committee on children's rights considers all important information received by the NGOs. Then, at the plenary session, the Committee invites the government's representatives to respond to certain questions, but also invites one to two representatives of the nongovernmental organizations. At the end of the dialogue, the Committee prepares the final observations and recommendations to the Government.

During the preliminary sessions, the members of the Committee prepare a list of questions that are being submitted to the governments. The governments are asked to respond to these questions in writing. The role that NGOs have in this process is the following: in the case if the situation in the country is serious, with a risk of continuing and worsening, the nongovernmental alliance

could ask for an emergency procedure by the Committee. The Committee may visit the country or transfer the communication to some other body within the UN, or ask for additional information on the situation by the government. The government has time to respond before the procedure of the Committee becomes public. The Committee does not respond to individual cases.

In order to provide adequate response to the requirements of the Committee for children's rights, in fall of 2008, the First Children's Embassy in the World Megjashi started the implementation of the project "Building culture of children's participation", within the program for Protection and promotion of children's rights. The activities were directed towards more active inclusion in the process of monitoring of children's rights, not only by civil society organizations, but also by children and youth, and their active participation in creation of society issues in different areas in children's interest. In order to prepare a more comprehensive report, Children's Embassy Megjashi approached many organizations active in different aspects of children's rights to become involved in the Alliance and jointly prepare the reports. Three trainings and three workshops were conducted to strengthen the capacities of the civil society organizations in monitoring and implementation of the UN Convention on Children's Rights, Optional Protocols and other international instruments of importance for the protection of children's rights.

The whole process of preparation at the end resulted with the alternative reports you have in front of you. They present the sublimated observations of the Alliance members on the situation of children's rights in the Republic of Macedonia. It has not been an easy task to prepare these reports. Besides the coordination of all organizations, it was difficult to choose which are the things we should alarm about the most, considering the numerous problems pertaining to the implementation of children's rights in the Republic of Macedonia.

We express our gratitude to the Delegation of the European Union and UNICEF for their support in the process of preparation of these reports.

Gordana Pirkovska Zmijanac  
Program Manager and Founder  
The First Children's Embassy in the World Megjashi

## TABLE OF CONTENTS:

<b>PROLOGUE</b> .....	<b>2</b>
<b>ALTERNATIVE REPORT OF THE NONGOVERNMENTAL ORGANIZATIONS TO THE SECOND PERIODICAL REPORT OF THE REPUBLIC OF MACEDONIA TO THE CONVENTION ON CHILDREN'S RIGHTS (FROM JUNE 2007) AND THE SITUATION OF THE CHILDREN'S RIGHTS IN THE REPUBLIC OF MACEDONIA UNTIL 2009</b> .....	<b>10</b>
<b>APPROACH TO THE PREPARATION OF THE ALTERNATIVE REPORT</b> .....	<b>11</b>
<b>TABLE OF ACRONYMS</b> .....	<b>13</b>
<b>1. INTRODUCTION</b> .....	<b>15</b>
<b>2. SUMMARY</b> .....	<b>16</b>
<b>3. GENERAL MEASURES OF IMPLEMENTATION</b> .....	<b>17</b>
3.1 LEGAL FRAMEWORK .....	17
3.2 STATE COORDINATION .....	19
3.3 NATIONAL ACTION PLAN: IMPLEMENTATION, COORDINATION AND EVALUATION .....	20
3.4 INDEPENDENT MONITORING STRUCTURES .....	21
3.5 NATIONAL HUMAN RIGHTS INSTITUTIONS .....	23
3.6 BUDGET ALLOCATIONS FOR CHILDREN .....	24
3.7 RECORDS KEEPING, COLLECTION AND SELECTION OF DATA .....	26
3.8 COOPERATION.....	28
<i>a) Cooperation with the civil society sector</i> .....	28
<i>b) International cooperation</i> .....	29
3.9 SPREADING OF THE CONVENTION FOR CHILDREN'S RIGHTS, TRAINING AND EDUCATION .....	30
<b>4. DEFINITION OF CHILD</b> .....	<b>34</b>
<b>5. GENERAL PRINCIPLES</b> .....	<b>36</b>
5.1 EQUALITY AND NON-DISCRIMINATION (ARTICLE 2).....	36
5.2 THE BEST INTEREST OF THE CHILD (ARTICLE 3) .....	38
5.3 RIGHT OF CHILD TO PARTICIPATION AND RESPECT OF CHILD'S OPINION (ARTICLE 12) .....	40
<b>6. CIVIL RIGHTS AND FREEDOMS</b> .....	<b>42</b>
6.1 RIGHT TO NAME AND IDENTITY (ARTICLE 7 AND 8) .....	42

6.2 FREEDOM OF EXPRESSION (ARTICLE 12 AND 13) AND RIGHT TO INFORMATION (ARTICLE 17) .....	45
6.3 FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (ARTICLE 14).....	47
6.4 FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY (ARTICLE 15).....	48
6.5 RIGHT TO PRIVACY (ARTICLE 16) .....	49
6.7 CHILDREN DEPRIVED OF LIBERTY AND PUNISHMENT OF JUVENILES (ARTICLE 37) .....	53
<i>a) Educational and correctional facility - Tetovo</i> .....	53
<i>b) Juvenile Detention Ohrid</i> .....	56
<b>7. FAMILY ENVIRONMENT AND ALTERNATIVE CARE.....</b>	<b>57</b>
7.1 FAMILY ENVIRONMENT .....	57
7.2 ALTERNATIVE SERVICES FOR CHILDREN WITHOUT PARENTAL CARE (ARTICLE 20) .....	59
7.3 NATIONAL AND INTERNATIONAL ADOPTION (ARTICLE 21).....	64
7.4 ABUSE OF CHILDREN, NEGLECTING AND VIOLENCE (ARTICLE 19) .....	64
<i>a) Violence in the education</i> .....	65
<i>b) Family violence</i> .....	67
<b>8. HEALTH AND SOCIAL ASSISTANCE.....</b>	<b>70</b>
8.1 HEALTH AND HEALTH SERVICES (ARTICLE 24) .....	70
8.2 ADOLESCENT HEALTH.....	71
<i>a) Global research of the adolescents health condition</i> .....	71
<i>b) Activities for prevention of HIV/AIDS</i> .....	73
8.3 CHILDREN WITH SPECIAL NEEDS (ARTICLE 23).....	74
8.4 SOCIAL INSURANCE AND SERVICES AND INSTITUTIONS FOR SOCIAL CARE OF THE CHILDREN (ARTICLE 18.3 AND 26) .....	77
8.5 LIFE STANDARD (ARTICLE 27).....	79
<b>9. EDUCATION, FREE TIME AND CULTURAL ACTIVITIES (ARTICLE 28, 29 AND 31) .....</b>	<b>81</b>
9.1 PRIMARY EDUCATION.....	81
9.2 SECONDARY EDUCATION.....	85
9.3 RECREATION, SPORTS AND CULTURAL ACTIVITIES .....	88
<b>10. SPECIAL PROTECTION MEASURES .....</b>	<b>89</b>
10.1 REFUGEES AND INTERNALLY DISPLACED CHILDREN (ARTICLE 22) .....	89
10.2 ECONOMIC EXPLOITATION (ARTICLE 32) .....	90
<i>a) Street children</i> .....	92
10.3 SEXUAL EXPLOITATION AND CHILD TRAFFICKING (ARTICLES 34 AND 35) 94	
10.4 CHILD ABUSE IN ILLEGAL PRODUCTION AND TRADE OF DRUGS (ARTICLE 33) .....	96
<i>a) Adolescents who inject drugs</i> .....	99
10.5 JUVENILE JUSTICE (ARTICLE 37, 39 AND 40) .....	101
10.6 CHILDREN BELONGING TO THE MINORITIES.....	103



<b>GENERAL RECOMMENDATIONS:</b> .....	<b>104</b>
<b>ALTERNATIVE REPORT</b> .....	<b>106</b>
<b>OF THE NON-PROFIT ORGANIZATIONS TO THE INITIAL REPORT OF REPUBLIC OF MACEDONIA AFTER THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY</b> .....	<b>106</b>
<b>(FROM MARCH 2008)</b> .....	<b>106</b>
<b>TABLE OF ACRONYMS</b> .....	<b>107</b>
<b>1. INTRODUCTION</b> .....	<b>108</b>
<b>2. GENERAL DIRECTIONS</b> .....	<b>110</b>
<b>3. DATA, ANALYSIS AND STATISTICS</b> .....	<b>111</b>
3.1 SECRET PROSTITUTION AND HUMAN TRAFFICKING .....	111
3.2 SEXUAL VIOLENCE AND PEDOPHILIA .....	115
<b>4. GENERAL IMPLEMENTATION MEASURES</b> .....	<b>117</b>
<b>5. PREVENTION</b> .....	<b>117</b>
<b>6. PROHIBITS</b> .....	<b>120</b>
<b>7. PROTECTION OF THE VICTIM’S RIGHTS</b> .....	<b>121</b>
<b>GENERAL RECCOMENDATIONS</b> .....	<b>127</b>
<b>ALTERNATIVE REPORT OF THE NONGOVERNMENTAL ORGANIZATIONS TO THE INITIAL REPORT OF THE REPUBLIC OF MACEDONIA UNDER THE OPTIONAL PROTOCOL TOWARDS THE CONVENTION ON CHILDREN’S RIGHTS ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS (FROM NOVEMBER 2008)</b> .....	<b>129</b>
<b>TABLE OF ACRONYMS</b> .....	<b>130</b>
<b>1. INTRODUCTION</b> .....	<b>131</b>
<b>2. PREVENTION</b> .....	<b>133</b>
<b>3. PROTECTION, REHABILITATION AND REINTEGRATION</b> .....	<b>136</b>
3.1. REFUGEES FROM KOSOVO.....	136
3.2 INTERNALLY DISPLACED PEOPLE (IDPs).....	137
3.3 PROTECTION MEASURES .....	139
<b>4. DISTRIBUTION OF THE PROTOCOL AND TRAINING</b> .....	<b>140</b>
<b>RECCOMENDATIONS</b> .....	<b>141</b>
<b>INFORMATION ABOUT THE ORGANIZATIONS – MEMBERS OF THE NATIONAL ALLIANCE ON CHILDREN’S RIGHTS</b> .....	<b>143</b>

***National alliance for Children's Rights  
Republic of Macedonia***  
*Coordinated by the First Children's Embassy in the World*  
**MEGJASHI**  
*1000 Skopje, Kosta Novakoviq 22 a, Macedonia*  
*Tel. +389 2 2465 316; e-mail/fax +389 2 2463 900*  
[info@childrensembassy.org.mk](mailto:info@childrensembassy.org.mk)  
[www.childrensembassy.org.mk](http://www.childrensembassy.org.mk)

**ALTERNATIVE REPORT**  
**of the nongovernmental organizations to the Second**  
**Periodical Report of the Republic of Macedonia to the**  
**Convention on Children's Rights (from June 2007)**  
**and the situation of the Children's Rights in the**  
**Republic of Macedonia until 2009**

**Skopje, 2009**

## **Approach to the preparation of the Alternative Report**

The Alternative Report of NGOs on the occasion of the Second Periodical State Report to the Convention on Children's Rights and the situation of Children's Right until 2009, is prepared by the National Alliance for Children's Rights - Republic of Macedonia - NACR (non-formal Alliance established in 1997) as part of a project activity of the First Children's Embassy in the World MEGJASHI. For the needs to prepare the report in 2009, this NACR was renewed and extended with new member organizations and two coalitions (all of them are new, except for the Council for Prevention of Juvenile Delinquency from Kavadarci and the First Children's Embassy in the World MEGJASHI).

21 civil society organizations and 2 coalitions of civil society organizations took part in the process of preparation of the Alternative Report:

- 1. Association for Democratic Initiative (ADI) - Gostivar**
- 2. Association for Health Education and Research - HERA - Skopje**
- 3. Coalition All for Fair Trials - Skopje (a coalition of 17 NGOs)**
- 4. Council for Prevention of Juvenile Delinquency – Kavadarci**
- 5. Center for Balkan Cooperation "LOJA" - Tetovo**
- 6. Center for Civic Initiative - Prilep**
- 7. Center for Human Rights and Conflict Resolution – Skopje**
- 8. Center for Sustainable Development Porta - Strumica**
- 9. First Children's Embassy in the World Megjashi - Skopje**
- 10. Helsinki Committee for Human Rights of the Republic of Macedonia - Skopje**
- 11. HOPS Options for Healthy Life - Skopje**
- 12. Humanitarian Association Mother - Kumanovo**

- 13. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Gostivar**
- 14. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Debar**
- 15. Lifestart - Bitola**
- 16. Macedonia Without Discrimination (Union of 11 NGOs)**
- 17. Open Gate - La Strada - Skopje**
- 18. Open the Windows - Skopje**
- 19. Post Polio Support Group Polio Plus - Skopje**
- 20. Phurt – Delcevo**
- 21. Shelter Center - Skopje**
- 22. Women's Civic Initiative Antico - Kicevo**
- 23. Youth Educational Forum - Skopje**

Methodologically, this Report follows the structure of the Second Periodical State Report on the Convention for Children's Rights.

## TABLE OF ACRONYMS

<b>AID</b>	Adolescents Injecting Drugs
<b>GDP</b>	Gross Domestic Product
<b>CO</b>	Citizens Organizations
<b>CPM</b>	Children’s Parliament of Macedonia
<b>CP</b>	Children’s Parliament
<b>EU</b>	European Union
<b>PC</b>	Penal Code
<b>CRC</b>	Convention for the Rights of the Child
<b>P</b>	Penitentiary
<b>CTP</b>	Committee for Torture Prevention
<b>Convention 182</b>	Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
<b>PID</b>	Persons that Inject Drugs
<b>MOH</b>	Ministry of Health
<b>MOI</b>	Ministry of Interior
<b>MOJ</b>	Ministry of Justice
<b>MLSP</b>	Ministry of Labor and Social Policy
<b>MOES</b>	Ministry of Education and Science
<b>MECR</b>	Multi-educative Cluster Research
<b>MANU</b>	Macedonian Academy of Sciences and Arts
<b>NGOs</b>	Nongovernmental Organizations
<b>NAP</b>	National Action Plan
<b>NP</b>	National Plan
<b>UN</b>	Organization of the United Nations
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OPAC</b>	Optional Protocol on the involvement of children in armed conflicts and acts
<b>OG</b>	Nongovernmental Organization Open Gate
<b>OPSC</b>	Facultative protocol on children trafficking, children prostitution and children pornography
<b>FCEWM</b>	First Children’s Embassy in the World Megjashi

<b>RM</b>	Republic of Macedonia
<b>RIHP</b>	Republic Institute for Health Protection
<b>CRD</b>	Council of Radio Diffusion
<b>SVR</b>	Department of the Interior Affairs
<b>STI</b>	Sexually Transmitted Infections
<b>UNICEF</b>	United Nations Children Fund
<b>UNGAS</b>	Special session of the General Assembly of the United Nations on HIV / AIDS
<b>HERA</b>	Association for Health Education and Research
<b>HOPS</b>	Nongovernmental organization Options for Healthy Life
<b>CSW</b>	Center for Social Work

# 1. INTRODUCTION

<sup>1</sup> The Republic of Macedonia (RM) in the recent years surpassed many political and economic barriers, but from the perspective of the children rights, the progress is limited. The records provided within the Analysis of the situation with children in RM from February 2008<sup>1</sup> argument that the situation of the children in Macedonia gets worse in many ways, despite the stormy legislative reforms and policy writing, children and their families, especially poor children and poor families, miss the rights of quality health care and education and the rights for participation and inclusion.

<sup>2</sup> In preparing the initial report in 1996, the state consulted the civil society organizations, but during the preparation of the second periodical report in 2007 this consultation was left out.

<sup>3</sup> In the second periodic report, the state does not provide picture of the current situation with the children's rights, of what it did, but focuses on what it plans to do in the future. The entire report is directed more at the legislative changes and what the legal norms anticipate, and less or in certain parts not at all, they mention how that legal provisions are implemented in practice.

<sup>4</sup> Also, in the past few years not always were compatible the areas of interest of the state with the implemented policies. Therefore, it used to happen that for some cases certain intentions exist, while other policies are developed, and different legislative solutions are enacted. As an example, we would mention state's intention to ease the approach to children's right of a name, by transferring the competences from the Ministry of Interior (MOI) to the Ministry of Justice. This intention was promoted publicly, but based on the recent legislative changes, the registration of a child still remains under the jurisdiction of the MOI, while the penalties for violation are increased. This brings us to a conclusion that although practically changes in the laws exist, they are not positive and may result with de-motivation of the citizens.

---

<sup>1</sup> UNICEF

<sup>5</sup> Frequent personnel changes within the public administration indicate that the expertise and knowledge of people are not valued, especially in the area of protection of children's rights.

## **2. SUMMARY**

<sup>6</sup> This year, the Convention for Children's Rights (CCR) celebrated its 20<sup>th</sup> anniversary. Unfortunately, in the Republic of Macedonia, despite the numerous efforts to improve children's rights and the numerous legal changes and amendments, still children rights are not completely protected. In certain cases that is because of legal omissions, but in some other cases, where good legal framework exists, the omission is made during the implementation of the law.

<sup>7</sup> The Alternative Report consists of numerous problems that children in the Republic of Macedonia face with, as well as recommendations for overcoming these problems. Above all, the Report provides an overview of the condition and the need to work in the area of ratification of all international documents which provide protection of children's rights, as well as completion of the overall legal framework of the country. This includes the need of ratification of the Convention of the Council of Europe on protection of children from sexual exploitation and sexual abuse, ratification of the Convention for protection of the rights of people with special needs within the UN and adoption of the Law for protection from discrimination, which will design measures that will overcome all possible gaps and will leave no room for toleration of any kind of discrimination. Also, it is needed to provide amendments and changes of the current legal provisions which regulate children's rights, such as the need for amendments and changes of the Family Law, Law for Social Protection, Law for Children's Protection and other laws. Also, one of the most important recommendations of the Alternative Report, elaborated further in details, is creation of children's ombudsman, as a separate institution which will be completely dedicated to protection of children's rights.



<sup>8</sup> Besides the general problems and recommendations included in the report, it also covers many specific problems, which if overcome, will directly influence the level of protection and realization of children's rights.

### **3. GENERAL MEASURES OF IMPLEMENTATION**

#### ***3.1 Legal framework***

<sup>9</sup> As part of the process of European integration, the legal framework is constantly being changed. These changes are frequent and fast and being made without any previous analysis of the situation and determining the actual needs. There is no established system for monitoring of the implementation of the laws, nor do we have information that analysis are made on the financial implications of the implementation of the law. To illustrate this, we will mention the changes and amendments of several laws, such as the Family Law, Law on Social Protection, Penal Code, Law on Protection of Children, Law on Primary Education, Law on High School Education, enactment of the Law on Juvenile Justice etc.

<sup>10</sup> In 2009, the amendments to the Law on Protection of Children were adopted. This law, instead of being restricted only to the narrow treatment of children's rights, deals with issues in the area of working relations, organization of kindergartens, court protection and court competences, social sphere, nondiscrimination etc. This creates confusion to the citizens, which is indeed opposite of the intention of the proposed changes, which aimed at increased protection of children's rights in a clear and concisely defined procedure.

<sup>11</sup> With these amendments it is proposed to add a new article which will ensure the right of a child to express his/her personal opinion in accordance with the established procedures and the law, without précising which is that procedure, before which institution and under which law?! Such a solution is absolutely inapplicable in practice and it is immediately condemned to receive the epithet

“dead words on paper” rather than being an improvement of children’s rights.

<sup>12</sup> Regarding the definition of the term child, the draft amendments offer quite an unfortunate solution, that provoked reactions by the experts present, when as a “child” is considered a person up to the age of 18 years, but “the individual with physical and mental disabilities will be considered a child up to 26 years”?! It is unclear why such shocking definition is offered when the domestic legislation recognizes a procedure for determining non-ability, which is being decided only by a judicial authority.

<sup>13</sup> Further on, proposed is a set of new articles related to protection of children from discrimination. Even if we omit the dilemma why discrimination is regulated separately in this law, when the adoption of anti-discrimination law is under procedure, still the prevailing expert opinion is that the offered changes create more confusion than they really protect the children.

<sup>14</sup> Thus in the same article it regulates the ban of discrimination along with different kinds of other prohibitions (religious association, use of narcotic drugs, military actions etc.), to finally leave the possibility that each citizen can notify before the competent authority any form of discrimination. Again logically is imposed the question which is the institution where citizens can make statements and in which procedure?!

<sup>15</sup> Although the citizens can make a statement of any form of discrimination, however, individual definitions of direct and indirect discrimination relate only to some cases of discrimination, such as ethnic, racial or other belonging!

<sup>16</sup> Also, the law regulates that the ex-officio discrimination is a reason for disciplinary liability and redirects that the protection is provided through administrative proceedings. But, in the next article it defines the types of lawsuits that may be brought in civil court proceedings?!

<sup>17</sup> Not less unfortunate are the proposed changes in the misdemeanor provisions, stressed by one of the experts who worked on the Law. Namely, they regulate equal or higher fines for an administrative misdemeanor compared to psychological or physical harassment, punishment or other inhuman action or abuse of children.

<sup>18</sup> The example below illustrates how the attitudes about children rights have negative impact on the effective implementation of the Convention.

**EXAMPLE 1:**

A child who declared domestic violence has been imposed to educational measure reinforced supervision by the parents under control of the social authority because the Center estimated that "...the family has a potential to take care of the juvenile, the juvenile is at home, with the whole family and they are regularly working on overcoming the conflict...". The medical check (made one year after the registration of the case) showed that the child is being constantly sexually abused by several people (one of which could be the father of the child) and he was prescribed a therapy with tablets "Diazepam" under parents' supervision. After this measure the child attempted to commit a suicide.

**Recommendation 1:**

Urgent changes of the Law for Protection of Children.

### ***3.2 State coordination***

<sup>19</sup> Regarding the work of the courts and the public prosecutors, we have to point out that none of these institutions in their work uses the Convention for Protection of Children. Even there are cases where they explain that the legal provisions are stronger than the Convention and therefore they can not directly implement it. As an example we will mention a case in the Basic Public Prosecution in Stip and the Basic Court in Stip, where a criminal charge from the aggrieved party was rejected for a criminal charges "sexual attack over a child", using the argument that, in accordance with the Penal

Code of the Republic of Macedonia, as a child is considered a person until age of 14 years.

<sup>20</sup> It has to be mentioned that the supervision over the work of Centers for Social Work (CSW), according to the Law for Social Protection is responsibility of the Ministry for Labor and Social Policy (MLSP). Unfortunately, although legal regulation exists for the activities that this Ministry can undertake in cases of illegitimate actions by the Centers, the Ministry rarely reacts with concrete activities for protection of their rights.

**EXAMPLE 2:**

It is unallowable that the MLSP, who has so many authority and competences, and above all AN OBLIGATION TO TAKE CARE FOR CHILDREN'S RIGHTS, after our reaction on a concrete case that violation exist from certain subjects over the children's rights, to provide explanation that the case is closed because of the lack of evidences that could prove that the person has done the crime and they have not found any kind of harassment. On the other hand, the State Educational Inspectorate (who carried out inquiries in the school) determined that "suspicion exists that the educator made physical and psychological harassment on children from the dormitory", recommended that the educator should be removed from his working position and against him should be started a misdemeanor proceeding, while he in same time has proposed an criminal offense against the educator to the Basic Public Prosecution.

***3.3 National Action Plan: implementation, coordination and evaluation***

<sup>21</sup> Because of the concern that no mechanism responsible for coordination and assessment of the implementation of the Convention exist, the Committee has recommended that the state transfers the key responsibility for coordination and assessment of the implementation of the Convention to a single mechanism.

<sup>22</sup> The Republic of Macedonia adopted National Action Plan (NAP) for children (2006-2015), which emphasizes that its adoption is aimed to strengthen the role of the children and to give absolute

priority to their rights and interests, while the implementation of the Plan, in all its phases, requires necessary involvement of all relevant factors and available resources from the governmental and nongovernmental sector in the country.

<sup>23</sup> But, during the adoption of the National Plan (NP) and determining the activities that have to be undertaken in order to protect children's rights, it was forgotten about the participation of children and they were not at all involved in the procedure for adopting the plan.

<sup>24</sup> In 2007, was established the National Commission for the children's rights, aiming to strengthen the implementation of the Plan.

### ***3.4 Independent Monitoring Structures***

<sup>25</sup> The Government of the RM, following the recommendations of the Committee for children's rights of the UN, at the 28<sup>th</sup> session held on May 5<sup>th</sup>, 2005, made a decision for establishing of the National Commission for development and implementation of the NAP for children in RM.

<sup>26</sup> Aiming on increasing the credibility of the National Commission and provide it wider authority in performing its functions, the Government of RM, at the session held on September 17<sup>th</sup>, 2007, made a new decision for establishing a National Commission for children's rights in RM. In accordance with this decision, the coordination role is given to the Secretary General of the Government, while the members of the Commission from the other ministries and other institutions come from the management civil servants with a title State Councilor. The ombudsman of the RM, in charge for children's rights, UNICEF and citizens associations: First Children's Embassy in the World - MEGASI and the Children's Parliament of Macedonia, also are members of the National Commission.

<sup>27</sup> The work of the Commission's does not include representatives of the decentralized government, despite the fact that many of the obligations are related to municipal's activities.

<sup>28</sup> The role of this Commission is narrowed to arranging certain activities which are not priority of the Commission, such as preparation of a brochure for children's rights. The Commission for the preparation of this brochure held four sessions instead of defining the actual situation of children's rights and reacting to institutions regarding the implementation of the Convention.

<sup>29</sup> Commission's report is not available to the public. The report for 2008 discovered by FCEWM and the Children's Parliament, only provides claims within the scope of the work of the ministries, without locating the problems that children in the country face and recommendations to overcome them. These reports are sent to the government and end up without any further action steps. Thus, the Commission is put in a role of protector of the state instead to monitor the implementation of children's rights. The Commission has a very small budget, and it is clear that no specific policies and plans exist for implementation of specific issues related to children.

<sup>30</sup> Furthermore, the structure of the National Commission is in conflict with the provisions of the Convention because it gives the right of participation to FCEWM and the Children's Parliament, child experts and other professional and scientific institutions in this area, but they have no right to decide. Also, children do not participate in the National Commission.

<sup>31</sup> We believe that regardless that the Commission on children's rights raises the level of participation of state councilors and provided obligation to monitor the implementation of the Convention, and promote the National Plan, it is not appropriate to perform the function as an observer, because it also has the roles of a legislative drafting, implementation and monitoring. Moreover, this Commission includes only two civil society organizations that participate in the discussions on the implementation of the Convention and the promotion of the Action Plan, but without the

right to decide. It should be emphasized that in reality the affirmative role of the Commission is very weak, almost invisible.

<sup>32</sup> Regarding the National Action Plan, evident is a lack of precise definition regarding the principles, meaning how the Action Plan is implementing in line with the principles (in particular we refer to the principle of children participation).

**Recommendation 2:**

Greater independence and transparency of the National Commission  
Active involvement of children in the work of the Commission  
Increasing the number of NGOs participating in the work of the National Commission and giving the right to the NGOs to decide

***3.5 National human rights institutions***

<sup>33</sup> Regarding the Ombudsman, the NGOs concluded that there is bigger motivation and cooperation with this institution, but recommended is increasing of its competences. It is needed to improve and staff the department that works on protection of children's rights, and above all, specialize it in only this area (ombudsman who works on protection of children's rights, also works in other areas, such as health, etc...)

<sup>34</sup> Although FCEWM since 1996 advocated for the creation of a separate institution Children's Ombudsman, this institution was reduced only at a level of one deputy Ombudsman. Although the Government in its report provides information on "Children's Ombudsman and his work", we must stress that this is a separate department dealing with children's rights, but the Deputy Ombudsman who works on children's rights, also works on health cases and other thematic areas.

<sup>35</sup> Children's Ombudsman should have the authority to perform investigations, to raise charges, to lead procedures and monitor the final outcome of the procedure.

<sup>36</sup> Regarding the existence of a Department for protection of children's rights within the Ombudsman institution, we believe that there is a need for increasing the awareness on the existence of this department, targeting children, but also parents and schools.

<sup>37</sup> Also, we would like to emphasize the fact that there is legal opportunity and obligation to report crimes: Article 142 <sup>2</sup> of the Criminal Code provides that public authorities, institutions that perform public competences and other legal entities are obliged to report criminal acts which are prosecuted ex officio, for which they are being notified or find out in other way.

<sup>38</sup> Based on the data available to the Coalition, the Ombudsman during all these years has made 2 to 3 charges. In none of the cases that we, the members of the coalition have, the Ombudsman has not filed criminal charge in direction of protecting the rights of children. After his passivity, NGOs are forced to independently file criminal charges to the Public Prosecution.

**Recommendation 3:**

Establish Children's Ombudsman as a special separated institution which will be fully committed to protection of children's rights.

### ***3.6 Budget allocations for children***

<sup>39</sup> Despite the positive trends in the budgets and expenditures in certain areas (such as funds aimed for the education sector and

---

2

**Article 142**

(1) State authorities, institutions that make public competences and other legal subjects are obliged to report criminal acts for that are to be pursuit ex-officio, for which are informed or will find out in a different manner.

(2) By filing a claim, the reporters from the paragraph 1 of this article will state the evidences that they are aware of and will undertake measures to keep the probes of that criminal act, the objects over which it is done or which were used while committing the crime and other evidences.

(3) Everyone is obliged to report the criminal act for which ex-officio pursuit is anticipated.

(4) The Law determines the cases in which the non-reporting of a criminal act constitutes criminal act.



health prevention), in other areas the Report prepared by UNICEF<sup>3</sup> determined insufficient budget attention. According to the experience of the NGOs that participated in the preparation of this report, and based on the review of public expenditures intended for children, February 2009 UNICEF, the areas requiring attention are as follows:

<sup>40</sup> Education

- A significant part of the increased funds for the education sector is canalized in two main government programs: compulsory secondary education and the project *Computer for every child*. Investments in other dimensions of quality of education (such as assets for the Bureau for Development of Education for development of curricula and teacher trainings, or investments in construction of school buildings and their reconstruction) are increased, but not with the same rate.

Considering the weak educational outcomes of students (especially basic literacy), it seems that it is important to provide more significant funding to the essential components of the quality of education.

- Early childhood development (through financing the pre-school centers and centres for child care) is not sufficiently funded, especially considering the great return of investments in early childhood development and their importance for the child's development. Despite all the funds allocated for education, which are above the average of the Organization for Economic Cooperation and Development (OECD), the assets dedicated for early childhood development are significantly under the average of the OECD.

- Although there are special funds dedicated for education and development of Roma children, these funds are insignificant as a share in the significant needs of investments for promotion of child.

---

<sup>3</sup> Review of the public expenditures allocated for children, February 2009, UNICEF

- There is no appropriate budget attention for education which will promote inclusion of all, especially children with special needs and Roma children.

<sup>41</sup> *Social Protection*

- The funds allocated for the Centers for Social Work are very small and are estimated as insufficient for their work, especially taking into consideration the huge responsibilities that they are in charge of.

<sup>42</sup> *Participation of the Civil Society*

- The promotion of engagement and active participation of the civil society in monitoring the budget and service provision leads to more effective service provision and more adequate usage of funds.

<sup>43</sup> The existing budgets do not correspond to current and future conditions for implementation of children's rights. The budgets of the ministries do not anticipate regulations which will allocate specific funds for children and determining exactly how much of the budget is strictly allocated for children.

**Recommendation 4:**

Creation of a separate budget item with specified percentage that will be intended for children - Children's Budget.

Increasing the overview over the funds that are directly allocated for children

### ***3.7 Records keeping, collection and selection of data***

<sup>44</sup> As it can be seen from the Analysis of children in the Republic of Macedonia,<sup>4</sup> there is a lack of quality, routinely collected data, divided at least by age, sex, education and economic status. Progress is achieved in terms of collecting social statistic data, through the development of the project for Development

---

<sup>4</sup> UNICEF 2008

Information and through the statistical literacy project, within the State's Statistical Office, but still much remains to be done in this field.

<sup>45</sup> The cooperation between those who provide data sometimes is disrupted due to a competition inside, within the departments, while the lack of coordination between ministries prevents the accumulation of data and creation of working systems that meet the minimum requirements for a package of national data.

<sup>46</sup> Not much could be said about the data in the health, education and social sector, because they are not always collected routinely, and in some cases they simply do not exist. Data on the national level are collected routinely by the Ministry of Health, Ministry of Economy and Ministry of Transport and Connections, but, above all, they are partial, and sometimes not objectively presented.

<sup>47</sup> The Ministry of Labor and Social Policy, with its numerous departments, faces a similar problem in collecting data and monitoring of programs. For example, the Centers for Social Work do not collect routine data for different individuals, which could be used for analysis at the central level. Also, the monitoring and evaluation of programs are constantly being neglected, which inadvertently leads to protection of non-ethnic or illegal transactions and obstructs the sector's reforms.

<sup>48</sup> From the experience of the NGOs which worked on this report notable is the absence of a system for record keeping, collection and selection of statistical data at the Centers or Social Work, municipalities, schools and other public institutions in this area of interest. Entirely lacking is the record keeping for children victims of criminal acts which should be prepared by the Ministry of Labor and Social Policy, in cooperation with the Centers for Social Work. The Centers manage accurate and continuous records only for users of social benefits package, but not for victims.

<sup>49</sup> To create a comprehensive picture on the situation with children's rights, in a direction of providing better quality in protecting

children's rights, needed is continuous record keeping on the number of children victims, by defining the type of abuse and the concrete type of violation of children's rights. In addition, the official statistics for people with special needs (children with special needs) does not provide for a real picture, since the number of children is determined according to the type of special needs and the way their rights are achieved. Still, it is planned that the next census in 2011 will provide such statistics.

<sup>50</sup> Regarding the statistics related to the people, children in risk (street children, victims of human trafficking, victims of domestic violence, victims of pedophilia, etc.) it is noticeable that there are positive implications to determine the precise number of such children. No records exist on children who are excluded from the education system.

#### **Recommendation 5:**

Strengthening of the systems for data collection and data analyzing on national and local level, to promote evidence-based policy making.

### ***3.8 Cooperation***

#### **a) Cooperation with the civil society sector**

<sup>51</sup> Individual cases exist of cooperation of the Government with NGOs in the past 2-3 years. This cooperation is aggravated by the slow government administration and the bureaucratic procedures.

<sup>52</sup> A positive example of the cooperation of the Government with NGOs presents the development of the National Action Plan against pedophilia and the implementation of part of the activities of this strategy directly by the civil society organizations, besides the state organs.

<sup>53</sup> The total budget entitled for civil society organizations of 15 million denars, is being granted by the Government at the end of the year, without predetermined criteria. For these funds, NGOs apply

at the beginning of the year and until the end of the year do not have information whether they will be selected to implement the actions they have planned to implement throughout the year.

<sup>54</sup> Based on the analysis of 2008, the Government decided that only 5% of these funds will be allocated for NGOs that take care for children's rights or work with children. 70-80% of the NGOs who receive funding are unknown to the public, while 90% of them do not submit annual reports or auditor's opinions, which will be publicly presented. Of a total of 6000 registered NGOs, only 80 receive funding and suspicion exist that these NGOs are connected to the Government.

<sup>55</sup> The Government does not take into consideration the role of its Unit for cooperation with NGOs and their endeavors to spend the budget funds in a transparent and accountable manner, by defined criteria for distribution of the budget finds planned for civil society organizations. Such cooperation maybe exists formally, but the fact that this Coalition is not familiar with any cooperation of this kind is self-explanatory for the real situation and its transparency.

## **b) International cooperation**

<sup>56</sup> Regarding the international cooperation of the Republic of Macedonia with other countries in the area of protection of children's rights, unfortunately, we have to note that either it does not exist at all or there is no transparency on the international cooperation, since the lack of public information on such cooperation is obvious.

### **Recommendation 6:**

- Inter-parliamentary cooperation among the countries that have ratified the Convention
- Cooperation among the governments of the countries that have ratified the Convention
- Targeted and continuous cooperation of the Government and the nongovernmental organizations with the international organizations and donors

- Cooperation among the civil society organizations that work in the area of children's rights and the Government
- The Government to develop criteria for the conditions for equal financing of the NGOs that work on protection of children's rights, who practice children's participation and respect children's opinion, as well as increasing of the funds granted to NGOs that work with children
- Transparent access to the funds of all Ministries allocated for NGOs

### ***3.9 Spreading of the Convention for Children's Rights, training and education***

<sup>57</sup> As for the level of information on the existence of the Convention and the rights it anticipates, it has to be noted that it is very low at all levels-in the state institutions, local self-governments, schools, parents, media, as well as for the civil servants who implement the Convention.

<sup>58</sup> The research<sup>5</sup> showed that the level of familiarity of the children with the Convention is not very high. Namely, Macedonia ratified the Convention in 1993 and took a responsibility for its wider dissemination (spreading). Although as part of the compulsory curriculum of the third grade students learn about children's rights within the subject Introduction to the Environment and in the seventh grade through the subject Civil Society, the percentage of students who are not familiar with the children's rights is high. The research data are presented in the table below. In case the sum of percentages exceeds 100%, then the respondent answered more than one option.

---

<sup>5</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

<b>QUESTION</b>	<b>RESPONSE</b>
Are you familiar with the children's rights?	<b>31,21% NO</b>
Which children's rights are familiar to you?	Over <b>70%</b> did not respond to this question
Have you heard about the Convention for Children's Rights?	<b>53% YES</b> <b>38,5% NO</b>
What are your sources for getting information on children's rights?	<b>68,9%</b> from school <b>46,5%</b> from television stations <b>39,1%</b> from home <b>28,9%</b> through internet <b>25,6%</b> magazines <b>10,2%</b> civil society organizations
Where have you heard about the Convention for Children's Rights?	<b>61,2%</b> from school <b>60,7%</b> from the media <b>42,6%</b> through internet <b>33,3 %</b> from home <b>21,3%</b> the website of the First Children's Embassy in the World <b>21,1%</b> from the civil society organizations
When some of your rights was violated, did you turn to your school?	<b>65% NO</b>
To whom did you turn when your right was violated?	<b>49,7%</b> to the parents <b>13,5%</b> to the police <b>9,1%</b> to the school
Who is responsible to guarantee/provide the children's rights?	<b>71,2%</b> the state <b>68,3%</b> family <b>46,8%</b> school <b>19,6%</b> civil society organizations
According to your opinion, do children's rights also include responsibilities?	<b>82,5% YES</b>
According to your opinion, what is a responsibility?	<b>63,9%</b> to fulfill my own responsibilities <b>61,8%</b> to respect others <b>46,8%</b> to respect other people's rights <b>20,2%</b> to advocate for respecting other people's rights

**Table 1: Data from the research on the familiarity with children's rights**

<sup>59</sup> The First Children's Embassy in the World Megjashi, published a press-release<sup>6</sup> regarding the research<sup>7</sup> stating that over 70% of the school children are not familiar with their rights, while the rest are aware that they possess rights, but do not have detailed information about them. Even when the children know that some of their rights is being violated, they do not know where to go to protect that right. It is an interesting figure, that although the children know the most about children's rights from school, if their right is being violated, even 65% of them would not turn to the school for help. This conclusion presents a serious problem and opens the question: how children would advocate for their rights if they are not familiar with these rights and if they are not being protected by the institutions where they spend most of their time during the day? The children identify the state and the family as securers of their rights and are aware that their also include their responsibilities.

<sup>60</sup> Within its competences, the Government undertakes measures for inclusion of children in all spheres of life, especially within the education and social work, and develops forms for prevention of domestic violence. But, there is no regulation for employment of defectologists to fully implement the concept of inclusion. Attempts exist to provide education for teachers to develop sensitivity to work with children with disabilities, but the need for defectologists remains a necessity.

<sup>61</sup> In order to prevent and detect family violence and worst forms of abuse, it is needed to include social workers in the education process, who will monitor the situation with the dysfunctional families of the students since the earliest age.

<sup>62</sup> The professional personnel employed at the Centers for Social Work includes social workers, psychologists, sociologists and lawyers. But, the data from the Study prepared by UNICEF in 2007 on children's poverty indicated that only 18 of the Centers for

---

<sup>6</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

<sup>7</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>



Social Work throughout the country have complete professional team to perform their function, while the others work with either no or very limited number of people, who are professionally qualified personnel.

<sup>63</sup> The lack of trained personnel is a reason for huge concern and has serious implications on the quality of protective services provided. In the past few years, the professionals employed at the Centers for Social Work received certain trainings, but still evident is a huge gap in the professional knowledge and skills. The professionals involved in the sector of social services continue to stress the need for development and efficient implementation of standards and protocols for children care. In this regard, increasing the number of personnel and strengthening of the institutional capacities of the Centers for Social Work, will significantly contribute towards increasing the efficiency in providing better services.

<sup>64</sup> According to the research conducted by FCEWM, over 40% of the children respondents were hit by a family member, while around 30% were verbally hurt.

**Recommendation 7:**

- Regular training of state institutions, local self-governments, schools, parents, media, civil servants who implement the Convention for Children's Rights
- Printing and distribution of the Convention for Children's Rights in multiple languages
- More visible campaigns for increasing the awareness on the importance of the Convention for Children's Rights

## 4. DEFINITION OF CHILD

<sup>65</sup> There is no particular definition for juvenile in the Juvenile Justice Law.<sup>8</sup> The legislation is applying a complex approach by using several diverse terms in lieu of foreseeing, as it is according the law on juvenile protection that juvenile is a person under age of 18, and then perform the scaling of the terms based on the age of the child. In this law, as well as in other laws regulating children rights, there is no atonement of the terminology and we are coming across these terms: child, juvenile, juvenile person, person that is not adult.

<sup>66</sup> Unlike the guaranteed legal protection during court proceedings, regardless of the consent of the parent/guardian, Macedonian legislation doesn't foresee the option of rights from the area of health protection respectively medical consulting (the child respectively the juvenile cannot affect the doctor's decision to announce information regarding the health condition of the parents).

---

<sup>8</sup> **Article 12**

Certain terms and expressions used in this Law shall have the following meaning:

- juvenile is any person under the age of 18, which under the Convention on the Rights of the Child is considered a child;

- child at risk is a juvenile who at the time of execution of the act, which is considered by law as criminal act or offense, has turned seven years old but not turned fourteen years old; child at risk is considered a juvenile until the age of fourteen as well – addicted to use of drugs, psychotropic substances or alcohol, child with disabilities, child – victim of violence and educational and socially neglected child which is in a such situation that achieving the educational function of the family or the child is not included in the system of education or has resorted to begging, wandering or prostitution, which due to these conditions is or may come into conflict with the law;

- younger juvenile is a juvenile who at the time of execution of the action as specified by law as a crime or offense had turned 14 years old, and had not turned 16 years old;

- younger juvenile at risk is a person who at the time of execution of the act specified by law as crime, for which fine, imprisonment up to three years or misdemeanor is prescribed, has turned 14 but not 16 years old or who is addicted to the use of drugs, psychotropic substances or alcohol, child with disabilities, and educational and socially neglected child which is in a such situation that achieving the educational function of the family or the child is aggravated or impossible, which due to these conditions is or may come into conflict with the law;

- older juvenile is a juvenile who at the time of execution of the act that by law is characterized as a crime or offense, has turned 16 years and not 18 years old;

- older juvenile at risk is a juvenile who at the time of execution of the act characterized by law as criminal act, for which fine, imprisonment up to three years or misdemeanor is prescribed, has turned 16 but not 18 years old, who is addicted to the use of drugs, psychotropic substances or alcohol, child with disabilities, and educational and socially neglected child which is in a such situation that achieving the educational function of the family or the child is aggravated or impossible, which due to these conditions is or may come into conflict with the law;

- younger adult person is a person who at the time of arbitration has turned 18, but not 21 years old;

Surgery or medical interventions on juvenile person are conducted upon consent of the parent/guardian, and in emergencies upon a decision of at least two medical doctors who are specialists in the respective medical surgery branch.

<sup>67</sup> With regard to the definition of child, we have to mention that according to Criminal Code of 1996 there was no particular definition on the age of the child victim of criminal act and based on a misleading analogy the article dealing with children perpetrators of criminal acts, respectively article 71 was being implemented, according to which no criminal sanctions can be performed on a juvenile who has not reached the age of 14 (child).

<sup>68</sup> By 2008 there were several cases where the victim was a child that just turned 14, but when criminal charges were filed to the Public Prosecution for the crime of "Sexual assault on a child" the received response was that the person with the age of 14 years is not a child and therefore criminal charges were rejected and the perpetrators were convicted for the crime of "Mediation in the exercise of prostitution"

<sup>69</sup> In the Criminal Code ("Official Gazette of Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004 and 73/2006), in Article 122 after paragraph (19), four new paragraphs are added (20) , (21), (22) and (23), as follows:

„(20) Victim of a criminal act shall mean any person who has suffered damage, including physical or mental injury, emotional suffering, property loss or other injury or his basic rights and freedoms are endangered as a result of a committed criminal act. ***Child victim of criminal act shall mean a juvenile under age of 18.***

<sup>70</sup> Unfortunately, in the period between 1996 to 2008 the rights of many children aged between 14 and 18 years were violated, who were victims of a crime, but were refused by the national authorities on the grounds that they are not children.

<sup>71</sup> After the recent amendments to the Law on Secondary Education, which provides for compulsory secondary education, the need to

regulate employment of children over 15 years old according to the obligation for secondary education, i.e. the work of the children not to interfere with their regular education, arose.

<sup>72</sup> In terms of the consent for entry into sexual relations, the Criminal Code stipulates that by 16 years old the juvenile is not sufficiently mature to be able to agree to enter into sexual relations. By age of 16 years old even parents cannot give consent, or allow their child to live in extramarital union. They will be punished for the crime under Article 197 Extramarital life with a juvenile and the person who has entered in sexual relations with a juvenile who has not turned 16 years old and for parents who allow extramarital life of the juvenile. Provisions under which only a juvenile who has turned 16 years old may require permission from the court for marriage are in accordance with this.

#### **Recommendation 8:**

- Terminological harmonization of the legislation with the CRC and use of the term child for person up to 18 years old
- To harmonize the Labour Law for the occasional work of children in order not to interfere with the regular education but develop work habits

## **5. GENERAL PRINCIPLES**

### ***5.1 Equality and Non-Discrimination (Article 2)***

<sup>73</sup> In many of the laws it is mentioned that discrimination is prohibited, but the implementation of these provisions is not there. As of 01.01.2010, Article 7 from the Law on Amendments and Supplementation to the Law on Protection of Children is enacted, but the problem with the procedure which would determine discrimination remains. In one article legislator is referring to administrative procedure, and on the next one already is giving the right to file complaint to the competent court.

<sup>74</sup> RM has not yet adopted the Law on protection and prevention of discrimination, although it is one of the political criteria for securing full membership of Macedonia in the EU.

<sup>75</sup> Therefore adoption of such a law is recommended as soon as possible, and the Research Report had proven the same: Barometer on equal opportunities under which most represented with 75% is discrimination based on political party affiliation, followed by discrimination on ethnic background, and then age discrimination based on which among other categories, children are included as well.<sup>9</sup>

<sup>76</sup> Discrimination is present at many levels, but here we would refer to only a few of them:

- Children with disabilities are victims of discrimination on many grounds. Children with disabilities in the psycho-physical development are facing rejection from their families, schools and wider society. There are cases where children with disabilities are victims of physical and sexual abuse. Access to these children is often primitive and inadequate, which further contributes to the extension of social intolerance and discrimination
- Other vulnerable groups (Roma, members of smaller ethnic groups) have impaired access to basic health care and education, which is mostly due to poverty and other social problems that they are facing
- The practice continues with some schools in primary education in several cities where Roma children who do not speak satisfactorily Macedonian language, children of severe social cases are enrolled in special classes. In most cases these are Roma children who do not belong there, thus allowing segregation and lower valuation of Roma children, who are further limited in their progress
- The latest case of segregation of Roma children went public in 2009, when it was reported that Roma children are

---

<sup>9</sup> <http://www.mcms.org.mk/en/our-work/research-and-publications/740-barometar-za-ednakvi-moznosti.html>

segregated in Bitola and forced to be enrolled only in one school<sup>10</sup>

<sup>77</sup> Table 2 presents results from the Survey of FCEWM <sup>11</sup>:

QUESTION	ANSWER
Have you been oppressed in some situations and why?	<b>44%</b> because of age <b>17%</b> because of ethnic background <b>16%</b> because of gender <b>15%</b> because of religion
Do you feel discrimination based on gender?	<b>19,1%</b> female <b>12,2%</b> male

**Table 1: Data from Survey on Discrimination**

### **Recommendation 9:**

To adopt comprehensive anti-discriminatory legislation in accordance with the requirements of the EU (European Council Directive 2000/43/EC) and the CRC and other international instruments, this will help implement the principle of equality of all people, including children.

It is necessary to pay more attention in the education process to raising awareness of the pedagogical staff and students on issues of (non) discrimination, since only 1.3% of children are familiar with the right to equality.<sup>12</sup>

## ***5.2 The best interest of the child (Article 3)***

<sup>78</sup> Macedonian legislation contains an explicit commitment that should be taken into account regarding the protection of life and development of the child, protecting the best interest of the child, providing a minimum standard for every child under equal conditions, excluding any form of discrimination, respect child's right to freedom and security of the person, personal opinion and free expression, association and education, environment for healthy

<sup>10</sup> Helsinki Committee

<sup>11</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

<sup>12</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

life and achievement of other social rights and freedoms of the child (Law on Protection of Children, Article 3-a)

<sup>79</sup> Unfortunately, this provision is not contained in the Family Law which regulates many important questions for the assessment of best interests of the child (parental rights, family relations, divorce of marriage, adoption, custody, etc.)

<sup>80</sup> One of the most referred institutions that are supposed to care for the best interest and protect children's rights is MLSP and CSW within its jurisdiction. The experience of NGOs in collaboration with centres and ministries indicate some objective and subjective difficulties in carrying out the work and based on this, there is a perception that they lack capacity, knowledge, willingness and desire to actually carry out duties that are conferred to them with respect to the children.<sup>13</sup>

<sup>81</sup> In terms of their passivity and inability to protect children's rights, the Helsinki Committee has already issued special reports on the rights of the child<sup>14</sup>, and individual cases were often published in their monthly reports<sup>15</sup>.

<sup>82</sup> Also, there are numerous cases where CSW only formally adopted a Decision to meeting the child with one of the parents, while it is given to the custody and education of the other, which gives an example where no consideration is being taken for the best interest of the child. In most cases that are reported to Helsinki Committee and FCEWM there has been violation of the right of the child to meet with the other parent.

**Recommendation 10:**

- Legal regulation on the need for compulsory employment of social workers and special educators in schools
- Full equipping of professional teams in all CSW

---

<sup>13</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=3ABD2483D6BBF24AB5BC6CBE3FA72F64>

<sup>14</sup> Helsinki Committee

<sup>15</sup> <http://www.mhc.org.mk/default-en.asp>

- Centres for Social Work should be present on the field at all dysfunctional families and families at risk in order to prevent violence which children suffer

### ***5.3 Right of Child to participation and respect of child's opinion (Article 12)***

<sup>83</sup> There are a number of legislative changes that anticipate child's right to participation. Despite these legal provisions, the legislation of the Republic of Macedonia has not yet ensured consistent application of Article 12 of the Convention. As a result, the child is still not treated as subject of rights, but largely has passive object role, whose rights and interests depend on parents, guardians or state authorities.

<sup>84</sup> In the Family Law, there is no legal obligation for the child to be interrogated when a decision for his deprivation from one of the parents is taken, or when the decision is taken where the child will belong if the parents are not living together or they divorce.

<sup>85</sup> The obligation to consult a juvenile regarding medical interventions on him is not anticipated in the legislation of RM, taking into consideration his age and maturity. Namely, Article 50 of the Law on Health Protection stipulates that surgical and other medical interventions are undertaken only upon written consent of the sick person or the parent or guardian if it is juvenile or deprived from working capacity. It is an important issue related to health and life of the juvenile, and therefore juvenile's consent on medical interventions, taking into consideration his age and maturity, should be envisaged.

<sup>86</sup> In the Law of personal name, it is envisaged that changing the name of the juvenile shall be made at request of his parents, or guardian. A juvenile over 10 years old shall agree on the change of name, but cannot itself initiate procedure to change the name. This solution is illogical, especially if you bear in mind that a juvenile who have turned 16 years old is permitted marriage, which has far greater consequences than a change of name.



<sup>87</sup> One of the main problems for the application of Article 12 of the Convention in our country is lack of legally envisaged obligation for parents to consult the child when taking decisions for him and his interests. On the other hand, it must be highlighted that there are different forms of child association (Children's Parliament, school boards, Children's Organization) which were established in order to hear the voice of children on issues of their interest.

<sup>88</sup> Children's Parliament as a non-profit association consisting of: Children's Parliament of Macedonia - Skopje, ChP branches in other cities of Macedonia as well as the clubs of young ambassadors, parliamentarians in schools, in smaller places, villages and settlements. Member of ChPM may be every child aged 12-19 years, with prior consent of the parents. ChPM has 42 ChP throughout cities in Macedonia and 8 in Skopje with a total membership of 8 - 10 000 members.

<sup>89</sup> However, despite the existence of these forms, the child's right to be heard is very rarely practiced in schools and wider. Table 3 below, is showing the Survey<sup>16</sup>.

<b>QUESTION</b>	<b>ANSWER</b>
Is there Children's Parliament in your vicinity (organization or debate circle or other forms of association of children)?	<b>19,8% YES</b> <b>33% NO</b> <b>47% DON'T KNOW</b>
Do you think that Children's Parliament contributes to the improvement of children's rights?	<b>34%</b> out of <b>19,8%</b> children that are familiar with this institution, consider that it contributes

**Table 2: Data from the Survey on Children's Parliament**

**Recommendation 11:**

- Envisioning legal obligation for the child to be able to tell his opinion in the procedures when the decision for deprivation from one of the parents is taken, or when it is decided where the

<sup>16</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

child will belong if the parents are not living together or are divorced.

- Inserting a provision in the Law on Family that parents are obliged to consult and take into consideration opinions, attitudes and desires of children, depending on their age and level of maturity, when taking decisions on their behalf, on their rights and interests.
- The juvenile, depending on his age and level of maturity, to be able to initiate procedures for changing his name on his own.
- Envisioning in the Law on health care that surgical and other medical interventions on juveniles, should be with the consent of the juvenile as well, besides the consent of parents or guardians, taking into account his age and maturity.

## **6. CIVIL RIGHTS AND FREEDOMS**

### ***6.1 Right to name and identity (Article 7 and 8)***

<sup>90</sup> Based on the report on conducted research (census) of children who are not registered<sup>17</sup>; in RM there are children that are not registered and children who don't have appropriate documentation for identification. Most of these children belong to the marginalized groups (ethnic, social, status).

<sup>91</sup> During the project lifespan there are 840 identified children who currently do not possess Birth Certificates in the registry, 338 of them are not registered or even not even reported. Out of the total number of children who do not have certificates from the registry (840), 62% are without certificates, 32% are children whose parents or at least one of them have Macedonian citizenship, and 6% are children whose parents or at least one of them have no Macedonian Citizenship.

---

<sup>17</sup> Report on conducted survey (census) for children who are not registered or doesn't have appropriate documentation from the registry Project Registration on birth, UNICEF implemented by Centre for human rights and conflict resolution

<sup>92</sup>Key reasons listed for the occurrence of this situation are: Lack of documentation of parents, lack of finances, parents living in extramarital union without accurately stated reason, no check-out lists from hospital, fear of punishment, ignorance, indifference of parents, birth at home, lack of proof of paternity, lack of regulated residence, ill-informed people, lack of time, travel expenses to another city, long procedure for having documentation, non-regulated marital relationship, recently born child, the inability to report the child because of illness, the request for determination of DNA affinity, lack of information on the consequences.

<sup>93</sup> Several major problems that this project was facing are:

- Discovery (identification) of children who are not registered. According to previous experiences from the field, no strategy for identifying children who are not registered is currently developed and their discovery was accidental or as a result of the current campaign (project) of an NGO
- There is no clear political willingness expressed to address the problem and the Government is behaving in a passive and nonchalant manner.
- Administrative barriers were associated to the treatment of this service as non-priority and lack of staff support.
- Legal barriers were identified as significant obstacle.
- Lack of information among citizens.

<sup>94</sup> As can be seen from the everyday field work, there are children without documents, most of them Roma in Macedonia, a good portion of them are not health insured, are not included in the educational system, though the Laws of Health say that there can be no citizen of RM without health insurance, education laws say that no child that has reached the school age can remain outside the educational system, without describing and taking into account that there are children born and living in Macedonia that are outside the educational system and health insurance.

<sup>95</sup> On the other hand, according to information from NGOs Mesecina, Gostivar, between 3000 and 5000 Roma, ethnic Albanians and ethnic Turks on RM level still lack personal

documents such as certificates from the birth registry and health insurance or employment cards, which are necessary for social security, health care and other social services.

<sup>96</sup> Finding a way to report newborn among the poor is essential right of the child, but also a place for access to service providers who can use the contact to start a series of interventions for the poor who have positive development outcomes for children and society as a whole. There is no greater discrimination from this when the state doesn't find a way to resolve this issue several years now, and each year civil society organizations, the European Commission and other international organizations in Macedonia are alarming on this.

<sup>97</sup> Each year, the recommendation is the same only figures are changing. They are different only because families facing these problems, they live and expand the family. Also, the question why the state transfers the obligation only to the parents to report children at birth remains. It is necessary to legally regulate the obligation of the state and to envisage registration of a child by the health institution in which the child is born, and in all other circumstances to establish mobile teams on the field who will monitor the situation and will perform the registration of the children.

**Recommendation 12:**

- Extension of activities for identification of children who are not registered in other municipalities and other ethnic backgrounds
- Initiating changes on laws towards facilitating the registration
- Electronic data gathering necessary for registration
- Establishing auxiliary services in municipalities for assistance during registration
- Determining one-time stimulation packages for the first child registration
- Establishing, equipping and education of mobile units within the registry service

## ***6.2 Freedom of expression (Article 12 and 13) and right to information (Article 17)***

<sup>98</sup> The Law on primary and secondary education does not regulate active participation of children towards forming their own opinion and its expression. In this way, in Article 6 of the Law on primary education, seeking the opinion of the child at times of transferring from one school to another is not envisaged.

<sup>99</sup> It is necessary to amend and supplement the Law on primary education and the Law on secondary education in all parts which envisage any form of association with active participation of children, which would enable them exercise their right to express their opinions.

<sup>100</sup> Based on the new Law on associations and foundations, FCEWM is advocating for children on the age of 15 to be able to establish civic associations. By now, this law is offering this opportunity to adults only.

<sup>101</sup> The Council for radio diffusion (CRD) as an independent regulatory body in the field of broadcasting is tasked to monitor the work of electronic media, but on daily basis we are facing improper TV content (with excessive violence) in terms of age and time of broadcast that are potentially harmful for the development of children. We are concerned that the CRD is rarely reacting on its own initiative, respectively CRD reacts after the interventions of civil society organizations for the rights of children<sup>18</sup>.

<sup>102</sup> The radio program in Roma language in duration of 30 minutes a day, respectively 3 hours and 30 minutes a week is not enough time to achieve the purpose of information. In these time frames there is not enough space for presenting children's shows.

---

<sup>18</sup> <http://www.childrensembassy.org.mk/default.aspx?ItemID=23596F80219645408C2FDA8B899EEFCE>  
<http://www.childrensembassy.org.mk/default.aspx?ItemID=D8C3E28DCCF8324DA8313E52DBFD0815>

<sup>103</sup> The Survey<sup>19</sup> conducted by FCEWM showed the following data:

<b>QUESTION</b>	<b>ANSWER</b>
Do you know the SOS phone numbers where you can ask for help?	<b>60%</b> are not aware
Which telephone numbers offering help are known to you?	<b>83%</b> of interviewees know the police number
Have you ever asked for help in any of numbers offering help, if yes on which ones?	<b>30%</b> of children have asked for help in one of the telephones offering help, out of which <b>76%</b> to the police

**Table 3: Data from Survey on Telephones offering help**

<sup>104</sup> The Survey shows that 55-77% of children are well acquainted with issues related to education, addictions, HIV/AIDS prevention and transmitted diseases, culture and health. This statistics refers to the children who are attending schools and who are part of city families.

<sup>105</sup> Children on street, vulnerable groups and children from rural areas don't have the benefit of information.

**Recommendation 13:**

- Strictly punish TV stations that do not adhere to the mandatory policy for proper categorization of programs aimed at underage audiences
- Free of charge broadcasting of contents on rights of children, prepared by NGOs
- Adopt Law on protection of children in electronic, print and online media

---

<sup>19</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

### ***6.3 Freedom of thought, conscience and religion (Article 14)***

<sup>106</sup> The introduction of new curricula in this area were not followed by durable explanation of the basic reasons why the changes are undertaken, which are the benefits and objectives, whether teachers were sufficiently explained what they are expected to achieve in their implementation, whether personnel real potentials were taken into account, the specificities of the schools? Moreover, the question is whether they are striving to the needs of a student of certain age, with insufficiently shaped potentials and interests in order to be able to successfully accomplish his own physical, emotional and social development and successfully continue his education, so he can achieve his religious belief at certain level of his own self-development?

<sup>107</sup> Ministry of Education and Science (MES) on 08.07.2008 (during school/annual vacation) sent a written message to all primary schools, whose subject was Obligation, where competent personnel in schools are obliged together with class teachers of students who completed fourth grade in the 2007/2008 academic year, to hold parents meetings with parents / guardians of these students until the 11/07/2008. During these meetings Survey sheets will be completed (prepared by them and sent attached to the letter). With this they are supposed to make a choice of two optional subjects- one of the anticipated for religious education or introduction to religions. Furthermore, it obliges them to submit to MES, Department of Elementary and Secondary Education, the summary of gathered results of selected optional subject in the fifth grade for the year 2008/2009, until 15.07.2008.

<sup>108</sup> There was no explicit explanation from the Government of RM and MES, which were the reasons for such deadlines, which were the reasons for the acceleration of the overall process of reform and whether such reforms were needed in the educational system of our country and this just in elementary school and just at that time, with no particular in-depth analysis of needs and interests?

<sup>109</sup> Despite the decision of the Constitutional Court of RM which abolished the introduction of religious education, the Government of RM and MES quite rapidly, unsystematically behind closed doors and away from the eyes and opinions of the professional and general public, particularly the away from the most interested subjects - parents and children , contrary to all domestic and international documents and recommendations, again quickly pushed religious education in primary, softened with one optional subject "Introduction into the religions" that remained hidden somewhere behind the stage, as it were all to propagate religious education.

<sup>110</sup> With the introduction of the subject Religious education, the right of child for its own opinion and relief was not observed. Namely, with this decision MES, referring to the right of religion invoked fragile inter religious and religious intolerable relations. Namely, instead of bringing children together and making them knowing each other, they began to be divided based on religious grounds.

**Recommendation 14:**

Children shall freely and based on their belief learn about religion in religious schools, but not as part of mandatory primary education.

***6.4 Freedom of association and peaceful assembly (Article 15)***

<sup>111</sup> According to the Law on Citizen Associations and Foundations children can join or cease to be members of civic associations. The new proposed law envisages provision for children of 15 years old to be able to establish civil associations. It will contribute to hear the opinion of children and also to enable their participation in policy making that concerns issues of their interest.

<sup>112</sup> This enables participation of children in civic sector and their active participation, enabling children with special needs to participate in the defence of their rights and act actively in the civic



sector, but the legislation lacks regulating the right of children to strike as well as the right of children to peaceful assembly.

<sup>113</sup> Unfortunately, the Ombudsman almost never participates in informing children about their rights and there is low interest among the educational staff to inform children about their rights.

**Recommendation 15:**

Legal adjustment of the right of the children strike, as well as the right to peaceful assembly.

### ***6.5 Right to Privacy (Article 16)***

<sup>114</sup> The Constitution of RM guarantees the security and confidentiality of personal data and supervision of the legality of processing and data protection is carried out by the Directorate for Personal Data Protection. However there are cases of violation of personal identity, and thus a violation of the privacy of children.<sup>20</sup>

<sup>115</sup> **Review of Protection of Privacy** within the family, school, state institutions and media.

- There is some progress within the family but yet there are families where there is disrespect of the privacy of children. This is confirmed by the Survey<sup>21</sup> in which the question of which rights are not respected in your family, 59.8% of respondents said that their right to privacy is not respected.
- The situation within schools in this field has seen improvement, but needs further work. Teachers should be more discrete in the section of their behaviour toward children respectively announcements in certain adverse situations. (e.g., tell the whole class that this child cannot be expected to perform better because his father is the same)
- In **public institutions** proceedings are secret, but we believe that there should be greater protection of personal data, in

---

<sup>20</sup> See Protection of privacy

<sup>21</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

this respect these data shall be available only to officials who are directly involved in the proceedings.

- The media should pay more attention while reporting about violation of children's rights. Drafting of the Code for journalists in reporting violations of the rights of children with emphasis on cases of sexual abuse of children and paedophilia is in process.<sup>22</sup>

<sup>116</sup> Journalists should respect the right of privacy of the child, especially child victims of human trafficking. Journalistic practice is reporting about identified juvenile victims of human trafficking in prime time evening schedule, while publicly announcing the initials and place of residence and place of the reference.

<sup>117</sup> This year we have received a report of a case of young people who tell about their own examples of abuse via the Internet:

- On their e-mail address through Hi5 profile (identity theft – password cracking and sharing information which are not produced by the owner of the address)
- Through Hi5 profile (unknown person with someone else's image presenting himself as owner of the address)
- Examples in the course of education in schools throughout Macedonia, where children and youth are telling experiences of cracked passwords, friendship invitations with “online friends”, usage of images on someone else's behalf, etc.

<sup>118</sup> In our country there are no specific studies and statistical data of this kind, but yet there are records of many of the received reports.

### **Recommendation 16:**

To establish regulatory body for control over the print media

To increase the power of the Council for radio-diffusion

---

<sup>22</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=AE4E3FAAF8787E4A9926AA3A18F976BA>

## ***6.6 Protection from torture or other rough, inhuman or degrading treatment or punishment (Article 37a)***

<sup>119</sup> In 2008, the European Committee for Prevention of Torture and Inhumane or Degrading Treatment or Punishment announced that in Educational-Correctional Institutes, several juveniles were stating that they were beaten by prison guards with batons, and a considerable number of them asked the delegation to remove the batons from the premises. The same case was during the visit in 2006, the delegation saw that batons and handcuffs are being kept in personnel offices (in an open area in the office of detention/isolation).

<sup>120</sup> Besides the possible indications of torture against children in closed institutions, we often encounter numerous complaints by citizens that their children are harassed by the police. Nearly out of all those procedures, the final result, is receiving a response from the Department for Internal Control and Professional Standards that complaints from citizens submitted to them are groundless and that the use of force is justified.

<sup>121</sup> The Police and places where children are imprisoned represent institutions that should take good care to protect the rights of the child based on Articles 37, 39 and 40 of the Convention on the Rights of the Child. In practice, the absence of specific obligations and procedures in dealing with children (in the regulation related to the operation of the police) and the lack of enforcement of minimum standards contained in the laws governing the accommodation and treatment of children in closed institutions, represent a cause for great number of violations of children's rights and endangerment of their life and development.

### **EXAMPLE 3:**

MOI is directly responsible for the case involving children, XX and YY. According to available data to the Helsinki Committee<sup>23</sup>, the police, at no time during their treatment regarding this case, didn't take into account the

---

<sup>23</sup> <http://www.mhc.org.mk/default-en.asp?ItemID=6A520A72E13A2146BACE0BAF78CDAD11&arc=1>

fact that it is about children and that all actions undertaken in the investigation for the death of the XX and treatment of surviving child (which appears in his capacity as a key witness, as well as a victim of the case) should be guided by the Convention on the Rights of the Child

The actions of the police should be watched through the prism of the Convention:

- \* in the process of identification and pursuing of children
- \* not offering appropriate assistance
- \* the treatment of the detained child in the police and later on during the investigation (where no support was offered to him by social worker, psychologist or doctor)
- \* lack of appropriate search after the missing child (which leads to absolute disinterest about his fate based on discrimination or attempt to hide the traces of criminal act)
- \* insufficient engagement of the Sector for Internal Control and the Institute of Court Medicine to enlighten vague moments in the case

<sup>122</sup> Moreover, in the proposal of the new Law on Police, precise provisions that would regulate the police in handling cases involving children are lacking (whether it is about suspects or victims and witnesses to committed crimes).

<sup>123</sup> The absence of such provisions means absence of awareness of the police for special treatment that children should receive, the absence of precise procedure of reporting and referring to accountability, problems of proving and impunity of inappropriate treatment.

<sup>124</sup> The issue of mixing detained children with adults is evident, even though according to the law their separation is envisaged.

**Recommendation 17:**

- Establishing independent body to control the work of the police out of the MOI frames
- Conducting an efficient investigation always when there are indications of torture or any other rough, inhumane or degrading or humiliating treatment or punishment
- Amending and supplementing the Law on Police with precise provisions which would regulate police interventions

in cases where children are involved (whether it is about suspects or for victims and witnesses of committed criminal acts).

- Establishing a special object where children would serve their detainment, in no way together with adult detainees

### ***6.7 Children deprived of liberty and punishment of juveniles (Article 37)***

#### **a) Educational and correctional facility - Tetovo**

<sup>125</sup> Educational Correctional Facility - Tetovo is half-open institution and it dates from 1962. Educational Correctional Facility- Tetovo, which is temporarily dislocated during armed conflict in Macedonia (2001), is under the jurisdiction of the prison “Skopje”. Material conditions are bad and do not meet minimum standards. Juveniles in the facility for nine years are not strictly separated from adults who are in prison Skopje and there is a real opportunity for contact with adult prisoners.<sup>24</sup>

<sup>126</sup> Juveniles residing in the facility must urgently be transferred at another institution. We are emphasizing that this problem is present for 9 years and there is no intention for its resolution in near future.

<sup>127</sup> **Besides the contact with adults, other detected problems in the facility are the following<sup>25</sup>:**

- Juveniles situated in the facility are not being treated as health insured persons, something that is against the existing legal regulations.
- The disciplinary measure “isolation” is being applied, which according to the international standards represents inhumane punishment and is against international standards.

---

<sup>24</sup> <http://www.childrensembassy.org.mk/default-mk.asp?ItemID=39F936505D9E6F4D8BAE7B9B5E76BD48>

<sup>25</sup> Хелсиншки Комитет

- Rare visits of the CSW and almost total non-cooperation with the facility, as well as the small number of judges who are visiting juveniles and taking care of their behaviour
- Inability to effectively implement the purpose of carrying out the correctional measures through existing programs within the facility, with the ultimate goal of re-socialization of juveniles and providing proper development of their personality.
- Children have only one room for all activities, which is at the same time: day-care centre, classroom, workshop for vocational courses and canteen.
- Children have no place outside or inside where they would spend their free time (there are no conditions for physical activity, no library, no conditions for outside activities).

<sup>128</sup> These observations were obtained from the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, which in its report for 2008 noted that: "In terms of the Educational Correctional Institution, The Committee for prevention of torture report on the visit of November 2002 criticized the fact that juveniles were placed in the same building with adult prisoners and were socializing with them in prison in Skopje. In July 2008, the situation remained the same. Furthermore, the spatial conditions, arrangements and agreement with the staff still do not lead to the achievement of the goal: rehabilitation of juveniles. This situation is totally unacceptable ... Immediate action, with no further promises, is now needed in order to find a suitable alternative facility. The Committee calls upon national authorities to act accordingly".

**Recommendation 18:**

- The facility has to be immediately dislocated at a location which will be adequate for suiting of juveniles
- By the time of dislocation of the facility, male juveniles in the educational – correctional facility has to be separated as soon as possible from the adult inmates in the prison in

Skopje, and female juveniles from the female department of the Correctional educational Institution (Idrizovo).

- Good quality educational programs to be organized for juveniles deprived from their liberty.
- Continuous and mandatory training of personnel
- Make immediate efforts for juveniles suited in the facility to be covered with the Law on Health Protection and health insurance, so they would be able to benefit from health services from secondary and tertiary preventive protection, if needed.
- Continuous professional training, for all employees including the wardens, for behaviour and control when performing their official duties
- Carefully selecting and hiring personnel according to their personal maturity and ability to cope with the challenges of the job, because they should be committed to working with young people and be able to manage and motivate those being under their responsibility
- Regular and mandatory visits by judges and CSW
- Using isolation as a disciplinary measure of juveniles should immediately stop, because such a practice is inhumane punishment and is contrary to international standards
- Continuing with the good initiated practices on health education through programs containing information on infectious diseases, treatment and prevention in relation to infectious transmitted diseases
- Establishment of appropriate equitable mechanism which would be outside the administrative authority of the facility and fully independent in reviewing the complaints and remarks of juveniles, which would be followed by taking appropriate actions and controls
- Macedonian authorities should allow NGOs to visit all places for observation purposes. Visits should be regular, unannounced, and organizations should be able to make private conversations with people placed in the institution as well as access to necessary documentation
- Facilities for religious purposes shall be built, and agreements with religious organizations shall be concluded,

in order to enable prisoners practice their religion because not showing of interest does not mean not having of interest.

## **6) Juvenile Detention Ohrid**

<sup>129</sup> The prison facility, "Juvenile detention Ohrid "is an institution of the closed nature. The juvenile prison itself is located in the city center in a settlement which questions the privacy protection of juveniles because of the surrounding houses, which are near the prison. The lifestyle of the juveniles themselves or their movement can be seen, their walk into the kitchen, their use of leisure time etc. Everything is on the horizon of the tenants of the surrounding houses.

<sup>130</sup> During 2008 it was found out that there are 3 persons imprisoned for deeds that were not done by them as juveniles and were not being treated as juveniles, but as adult perpetrators of criminal acts. After the visit of Helsinki Committee<sup>26</sup> and after the information went public, adults were transferred in prison in Struga.

<sup>131</sup> **List of detected specific problems<sup>27</sup>:**

- Re-education service, which plays major role in re-socialization of prisoners, is composed of only 2 persons
- Placing adult persons, which at the time of committing the criminal act have been adults and placed in prison for juveniles, is violation of the law and all international documents
- Bad conditions in the detention centre: there are enormous holes on the floor, the whole area smells dampness, detainees doesn't have natural light, and the light in cells was coming only from the lights on the corridor of the detention part, out of which some were dysfunctional
- Bad condition of isolation rooms
- No heating in the dining rooms where meals are served

---

<sup>26</sup> <http://www.mhc.org.mk/default-en.asp?ItemID=1CDA0736B733514899435455E780998C>

<sup>27</sup> Helsinki Committee



- Despite the existence of prisoners suffering from hepatitis C, other inmates and staff are not vaccinated
- Lack of regular, not to mention emergency dental examinations. Last dental examinations were performed 2 years ago and persons are visiting dentist only when needed
- Rare visits from judges and CSW
- Infringement of privacy, the prison is located in the city and the neighbouring houses are separated only by a high wall.

**Recommendation 19:**

- Dislocation of the prison
- Urgent employment of a social worker
- Urgent renovation of isolation rooms and cells in the detention
- Regular and mandatory visits by judges and CSW
- Vaccination of all persons who are serving a sentence in the prison and the staff, regular and comprehensive systematic and dental check-ups
- Heating of the dining room where meals are served
- Undertaking appropriate and realistic measures for more efficient re-socialization of persons who have previously undergone correctional programs in Educational Correctional Facility - Tetovo.

## **7. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### ***7.1 Family environment***

<sup>132</sup> The right and responsibility of parents to take care of and educate children have been stipulated in the Constitution of the Republic of Macedonia (article 40). The state provides a special protection of the family, maternity, children, juveniles, children without parents and children without parental care, provides protection of the

marriage and the family from deteriorated relations and violence in the marriage and in the family.

<sup>133</sup> In the article 2 of the Law on Family, the family is defined as a union of parents and children and other relatives if they live in a joint household. The Law envisages that the relations in the family are to be based on equality, mutual respect, mutual help as well as nourishing and protection of interests of the juveniles. This means that our legal system envisages that children are not being put under submission of the parents and they should not be only passive and disciplinable executors of the parent's orders and should be treated equally and with respect. However, the provision from the article 5 of the Convention, which stipulates that the parents, legal custodians and other persons who are legally responsible for the children are obliged to provide and guide the child to accomplish its rights, that are acknowledged with the Convention, has not been consequently implemented. There is no provision in our legislation that the parents should inform children for the rights from the Convention and to guide them towards accomplishment of those rights.

<sup>134</sup> The Center of Social Work as a competent entity to monitor the parents rights in circumstances of interest to the children warns the parents about the shortcomings in education and child development and offers assistance in this regard or it may give them recommendation to visit certain advisory, health, social or educational institutions separately or together with their child, to be offered a special assistance. Weaknesses are being registered in the practice in the accomplishment of this function of the Center of Social Work.

<sup>135</sup> There are shortcomings evidenced in regard to the decision making process by the Center of Social Work related to the assignment of the right for care and nourishing of the child during a divorce procedure. This is specifically related with the manner of decision making which assigns the custody right as well as in regard to the opinion and the will by the child for its preference of a parent.

<sup>136</sup> The Center of Social Work should also take into consideration the opinion and the needs of children at earlier age during the decision making process which is related with the assignment of the right for a complete custody. In cases when the child loses the two parents upon decision by the Center of Social Work and when this right is transferred to a close member of the family we recommend to take into consideration the child's attitude.

<sup>137</sup> Shortcomings are being identified by the Center of Social Work when a decision is made in regard to the right for seeing the child by the second parent, particularly in cases when there is a mistrust in the behavior of that parent.

<sup>138</sup> It is often envisaged that the right to see the child is exercised without supervision by the Center of Social Work as well as an insight in the condition and the behavior by the parent. There were several cases registered in the last period where children have been sexually abused by parents when exercising their right to see the child.<sup>28</sup>

**Recommendation 20:**

The Center of Social Work should take into consideration the opinion by the child as to its preference about the parent and its emotional attachment to the parent and this attitude should be equally taken into consideration alongside the material and the economical status of the parent. The children above age of 6 have an appropriate psychological and physical maturity level to decide about the parent they would like to live with.

***7.2 Alternative services for children without parental care (article 20)***

<sup>139</sup> In compliance with the official data by the Ministry of Labor and Social Policy, up to October 2006 there were, on average, 97.957 users of social assistance monthly and they have been controlled

---

<sup>28</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=49FD26EF9D199047B7FA2212FC95F97E>

and monitored by less than 500 employees in the Centers of Social Work. These employees are also engaged in many other activities, including: protection of children and issues related with family violence, adoption, issues with adopting families and social protection of refugees and asylum seekers. In this context and taking into consideration the complex criteria for obtaining the right for social assistance and the right for an allocated amount as a child support, it is no wonder that the decisions that are continuously being delayed are discriminatory and unjust.

<sup>140</sup> The Center of Social Work MUST execute its activities in the best interest of the children, thereby taking into consideration the existence of dysfunctional families and families under risk. The Center should offer the right to the parents to see their children, providing that the children would not be a target of family violence, sexual abuse and other types of violence.

<sup>141</sup> Beside the fact that the Center of Social Work has broad authorities stipulated with the Law on Family, the experience shows that these competences are rarely being practiced which leads to an offense to the rights of children. This brings high consequences as result and even to a death of children due to late reactions by the centers.

<sup>142</sup> The systems of social protection in the Republic of Macedonia are complex and in many cases they do not succeed to satisfy the basic needs of many poor families and their children who often cannot fulfill the conditions for obtaining social assistance which are sometimes very restrictive<sup>29</sup>.

<sup>143</sup> The distribution of social assistance should be improved and there are many obstacles in the access to this aid, which may lead to a discrimination of the groups of poor and the ethnic minorities.

<sup>144</sup> The centers of social work, which are the main service providers on the field, are not sufficiently equipped with personnel and there is a lack of professional staff to a large extent. At the same time,

---

<sup>29</sup> UNICEF

there is a frequent misuse of the social benefits by those who distribute them and/or by the beneficiaries themselves. There are serious reforms taking place, but the serious disconnection between the policy and its implementation continues to limit children's access to the services in the area of social care and, in particular, for the poor children.<sup>30</sup>

<sup>145</sup> The state is appraised for its efforts to provide alternative care for the children without parents from the moment they leave the care institutions to the age of 26, by providing them apartments without charge, with paid expenses for electricity and water supply.

<sup>146</sup> There is an increased need of larger number of families to take children under custody and it is required to previously train these families to accept children – victims of trafficking and children victims of different types of violence or criminal act, since it is not preferable to place them in an institution.

<sup>147</sup> There is an insufficient level of monitoring of the Center of Social Work, as well as a need for a larger field monitoring, researches that would also include the NGOs, volunteers, etc.

<sup>148</sup> There is no qualitative supervision over the institutions which accept to take care of children by the Center of Social Work and the Ministry of Labor and Social Policy.

<sup>149</sup> Based on the Report by UNICEF, Care of children in other families 2008, there are no standards in place which would improve the quality of a care. In this moment, the monitoring is limited to an occasional supervision of the centers of social work and their involvement in the provision of a care, which is performed by the Bureau of social activities. Due to the limited resources, this monitoring is not frequently done (once a year, on average). The lack of a proper monitoring and the absence of standards on the caregiving, both for the caregiving families and for the employees in the centers of social work who work on this, has a direct influence on the quality of caregiving. The absence of standards for

---

<sup>30</sup> UNICEF

the services by the professionals and for the quality of caregiving by the families, as well as the absence of indicators for the individual work makes it very difficult to conduct a monitoring.

<sup>150</sup> The proper categorization of the children in the caregiving families represents a challenge for the centers of social work. There is no clear difference in the practice between the children without parents/parental care and the children who have been abused/neglected. In this moment the classification that is used by the Center of Social Work does not enable identification of the children with problematic behavior out of the total number of children in caregiving families. Beside the fact that there was an evidence of children with early signs of problematic behavior in the caregiving families, it is most likely that they have been registered as children without parents or without parental care. There is a need of improvement and continuous refreshment of the database of caregiving services, in order to enable identification of the diverse characteristics of children and the categories of children so that a proper caregiving could be provided. The non-existence of a qualitative database interferes the proper monitoring of the children who enter and the children who exit from the caregiving system. This dynamics is usual in the caregiving systems and it is very important for a good monitoring.

**EXAMPLE 4:**

The case that was reported in December 2008 when two children (brother and a sister) have been taken from their parents and placed in the Home for children without parents “11 Oktomvri” from Skopje with a Decision by the Intermunicipal center of social work .

One of the children, the boy, age 11, run away from the Home of children without parents on December 12 2008 and went to his parents’ house. He called the SOS line for children and youth in the First Children Embassy in Macedonia<sup>31</sup> and reported a violence over him and his sister (9) by the caretakers in the Home for children without parents. In his words, one of the caretakers hit his face each time he was asking to call his parents. He also said that his sister stopped asking to call her parents after she was hit

---

<sup>31</sup> <http://www.childresembassy.org.mk/default-en.asp?ItemID=6017C41137EC6F42B9ECD7A0DF2CFDD2>

several times by the caretaker. The boy also complained about the improper care and attention. He said that children were not regularly changing their underwear, no one took care of their hygiene, were afraid of the new environment and left to take care of themselves alone without an attention paid by the staff in the Home. After the boy returned home he was checked by a doctor, who diagnosed that he has been evidently upset and with a skin disease, for which he was given a particular therapy.

His sister also run away from the Home on 20.01.2009 and went to the city where her parents live. She was with dirty clothes and underwear. The girl has also confirmed that the caregivers hit them when they were asking to call their parents and when she was ordered to clean in the Home.<sup>32</sup>

There was no one responsible for the violation of the children rights in this case as well. The NGO sector has again asked for a responsibility by the relevant institutions, which were only justifying their activities and denied that there was a wrong conduct of their staff.

### **Recommendation 21:**

- Capacity building of the centers of social work and the relevant institutions in the Ministry of Labor and Social Policy by implementing personal and organizational reforms as well as a serious and continuous education of staff.
- The reforms must be followed with development of precise control mechanisms and procedures which will provide identification and sanctioning of the children rights violation.
- Establishment of professional teams in the schools and cooperation between the teaching staff and the teams within the schools.
- The employees in the centers should regularly work on field, to early detect the conditions in the families under risk and to prevent the potential violence and the abuse of children in dysfunctional families.
- Raising the awareness for increasing the number of care-giving families.
- Tailored training for the care-giving families

---

<sup>32</sup> First Children Embassy in the World – Megjasi and Helsinki Committee

### ***7.3 National and international adoption (article 21)***

<sup>151</sup> There is a rare adoption of children with mental disabilities and Roma children in Macedonia. Nothing is being undertaken in the direction of promoting the idea for adoption of these groups of children.

<sup>152</sup> Another obvious problem in the practice is the segregation of children in dormitories. Roma children and children with mental disabilities remain in the dormitory in Bitola.

<sup>153</sup> In regard to the issue of international adoption, it is recommendable for the state to sign bilateral agreements for adoption and to perform a monitoring for a certain period (until the children become mature). One of the adopters should be from the state or the region of which the child comes from, so that the child could be introduced with its origin, language and identity.

<sup>154</sup> The Ministry of Labor and Social Policy and the Center of Social Work have identified certain criteria which provide a more qualitative selection of the adopters, but the process is very slow. The dormitories of children without parents face difficulties due to administrative problems...

#### **Recommendation 22:**

- To determine stimulations for adoption of the vulnerable groups of children.
- Speeding up the procedure for adoption
- To enhance the cooperation between the state and the NGOs in regard to this issue

### ***7.4 Abuse of children, neglecting and violence (article 19)***

<sup>155</sup> The condition with violence over children in the Republic of Macedonia has become increasingly tensed. The violence towards children occurs on an everyday level and children are beaten, molested and abused.



<sup>156</sup> The child who is a victim rarely reports about the violence. The fear is one of the basic reasons to avoid talking openly for incidents of this kind and they do not believe that anyone can help them. Therefore, the violence remains uncovered for a longer period both by the community and the institutions, thus endangering the lives of children.

### **a) Violence in the education**

<sup>157</sup> The Law on Primary Education and the Law on Secondary Education forbids the physical and psychological harassment of pupils. However, these laws do not stipulate what is understood by physical and psychological harassment and there are no measures foreseen, except for fines in cases of illicit conduct.

<sup>158</sup> Several different cases were reported on physical harassment of a student by a professor during the last months. The Helsinki Committee complained to the relevant institutions about these cases, i.e. to the directors of the schools where these events happened, to the Ombudsman, the Ministry of Interior and the State educational inspectorate.

#### **EXAMPLE 5:**

The first case is in the high school in Tetovo, where the student was hit by the professor of mathematics. The professor hit the boy with his fist and then he broke a chair from the boy's back. When the boy tried to run away, the professor kicked him out of the class with force. After this incident the boy was examined in the Tetovo hospital, where wounds have been found in the head area and at the back, for which he was issued a medical proof.

In regard to the request for information submitted by the Helsinki Committee, we obtained an announcement by the Director of the School that a decision has been made to reduce 5% of the salary of this professor for a period of 6 months. We were given a copy of the Decision and the Suggestion and the Report made by the State Inspectorate of Education.

Concerning this incident, we have obtained a response by the Ministry of Interior – Tetovo, which informs us that a Request has been submitted for a criminal act.

The Proposal and the Suggestion state that there is an evidence of a physical punishment of the student by the professor of mathematics. Moreover, the professor himself informed that he hit the student and in the decision made by the director of the school it was stated: "... the professor in the first shift entered the class, after which the student entered and started to offend the professor. The professor reacted with anger and pushed aside the student with the chair".

<sup>159</sup> The relevant institutions forgot the article 142 of the Law on Criminal Procedure which envisages that the state bodies, the public authorities and other legal entities are obliged to report criminal acts for which legal measures are to be undertaken.

<sup>160</sup> The Helsinki Committee submitted a criminal form in one of the cases, but we think that this is a duty of the state bodies and it should not be avoided.

<sup>161</sup> The data from the SOS telephone line of FCEWM for children and youth 0800 1 2222 show a rapid increase of the violence over children. As a comparison, we would state that the number of calls related with abuse and violence of children has been increased. While in 2007 it was 13,4 %, it reached the level of 32,5% in 2008.

**EXAMPLE 6:**

The best interest of the child related with the violence in the schools has not also been protected in the case of the children placed in the student's dormitory "Goce Delcev" - Ljubanci. Neither one of the employees in the student's dormitory and the employees in the Primary School of Ljubanci did not react and does not react on the indications for abuse of children.

After the reports in 2006 that there were signs of a physical and psychological harassment to children by one of the educators in the student's dormitory (received by the NGO "Rubikon" and supported by the Helsinki Committee and the NGO "First Children Embassy in the World"), the Ministry of Labor and Social Policy, the Ministry of Education and Science, the Ombudsman and the Center of Social Work undertook a series of contradictory steps:

\* The intermunicipal center of social work closed the dossier in a fast manner, with an explanation that there were no harassments registered.

\* The State educational inspectorate realized that there is an “established assumption that the educator physically and psychologically harassed the children in this student’s dormitory“, and it suggested a dismissal from the work place and undertaking of a legal action against him.

Based on the latest data, the educator has not been suspended, and he has only been punished with disciplinary measures and with a deduction from his salary of 5%, in a period of 3 months. After some months, the educator has been nominated as a Director of the student’s dormitory.

## **6) Family violence**

<sup>162</sup> Beside the fact that the Committee has recommended to the state to establish exercises for the police and the staff of the Center of Social Work to register the cases of abuse of children and family violence as well as to provide a particular response, there is still no special evidence made in the centers of social work about the cases of children under family violence. Based on the visits to several centers done by the NGOs and on the work on subjects for which we requested a written information, we may come to the conclusion that they rarely require pronouncing of temporarily measures and the courts react slowly.

<sup>163</sup> The Law on Family obliges the centers of social work to deal with the cases of family violence and requires from all persons who have undertaken activities related to cases of family violence to submit the overall documentation, notes, witnessing and medical proofs to the centers of social work within 48 hours.

<sup>164</sup> When a case of family violence has been reported, the Center of Social Work is obliged to intervene through: provision of protective measures including lodging; provision of a particular psycho-social treatment; provision of continuation of the classes for the children; reporting the case to a prosecutor; provision of legal aid and legal representation; initiation of the case in the court and, if needed, a request from the court to introduce temporary protection measures.

<sup>165</sup> However, the Law on Family is oriented towards resolution of problems faced by adult women victims of family violence and it is

not particularly focused on the issues related with children as a direct or an indirect victim.

<sup>166</sup> The practice to close the cases in short term, to be silent about them or to avoid to analyze thoroughly the signals about particular cases is becoming very frequent in the work of the centers. What is of particular concern is the absence of a regular medical check up in the cases of indicated violence, as well as a particular regular procedure for reporting by the doctors to the centers if they suppose that there are signs of violence towards children. The duty to report an indicated violence to children is also not fulfilled by the teachers and the professors as well as the rest of the pedagogical staff in the schools and the other educational institutions.

<sup>167</sup> There is an insufficient level of informing by the Center of Social Work about the effects of the pronounced measures, i.e. monitoring of the implementation of the court decisions. The court procedures are long-lasting, therefore increasing the risk of violence recurrence.

<sup>168</sup> Based on the Law on Family, one of the measures which should protect the children victims of family violence is exclusion of the abuser from the home and his transfer to an advisory institution. However, it is more frequent that the children are moved from their homes and the abuser stays home, thus children become victims again. There is still no special advisory entity for the abusers.

<sup>169</sup> The issue of protecting children from abuse and violence is also regulated with the Law on Protection of Children (article 9), i.e. a physical and psychological harassment, punishment and other inhuman behavior or abuse of children are forbidden. However, this legal provision is still not proceeded in a thorough manner, i.e. there is no definition on physical and psychological harassment and beside material fines and other fines there are no other forms of punishment for the persons who commit this type of a violence to children.

<sup>170</sup> The beating of a child is a criminal act. The coalition does not have information on a number of people who were punished for beating child. Does the fact that this is an unspoken matter says that there is an absence of a formal reaction by the police in regard to this problem, because it is treated as a private matter?

<sup>171</sup> A problem we would also like to point out is the absence of a referral system of a recommendation for the victim of family violence when she/he asks for an assistance and when her/his visits of the institutions could additionally traumatize the victim.

<sup>172</sup> In the Law on Juvenile Justice there is a possibility for questioning of the child who is a victim in a separate room, i.e. in the so-called „screen room“, however this is still not a part of the practice. There aren't separate rooms for questioning of the child in the police stations and in the centers of social work as well.

<sup>173</sup> Based on the work of several NGOs, we come to the information that the vulnerable groups are being neglected in the education, neither there are additional classes to help the child to learn the lectures. Therefore, it happens that when the child comes to the 5<sup>th</sup> class it cannot incorporate in the education.

**Recommendation 23:**

- Increasing the awareness of the state institutions for an obligatory reporting on a criminal acts
- Equipping separate rooms for questioning of the child in the police stations and in the centers of social work.
- Increasing the financial resources for implementation of the programs for re-integration of the children victims of every type of violence.

## **8. HEALTH AND SOCIAL ASSISTANCE**

### ***8.1 Health and health services (article 24)***

<sup>174</sup> One of the strategic objectives of the NPA for the protection of children is treatment of the sickness related with the diet and the malnutrition. The diet in the schools is also related with this. The food quality is on a very low level and there are fast food restaurants nearby each school. We believe that it is required to provide at least one warm meal in the schools in order to improve the quality of the diet.

<sup>175</sup> Based on the program for vaccination, the general rate of the immunization in the Republic of Macedonia is 95%, but the rate of coverage of the Roma children is with a lesser volume. According to the analyses by the civil society organizations which work in this area excluded from the immunization programs are the children who are not registered in the master evidence, children who are outside of the educational system and the state does not have a special strategy which will include these children in an immunization program without charge.

<sup>176</sup> Beside the existence of a patronage service which should provide services on the field for all citizens of the country, still the conditions for work of the patronage staff is on a very unenviable level (they do not possess terrain vehicles and basic medical materials), to be able to provide qualitative services in a rural areas which are difficult to reach. Yet the field visits by the patronage staff are only formal.

<sup>177</sup> Beside the fact that the Law on Health Care guarantees a baby delivery for every woman in the hospitals without charge, still the experience shows something different. In the gynecological hospitals outside of Skopje the women are not accepted to deliver a baby without charge and if they do not have money to pay for the service their documents for personal identification are kept.

#### **Recommendation 24:**

- To improve the immunization of the children on street
- To relieve the process of children registration when they are late with issuance of a birth certificate
- Provision of a health care for ALL CHILDREN without charge.

### ***8.2 Adolescent health***

#### **a) Global research of the adolescents health condition**

<sup>178</sup> The main conclusions from the Global research for the health condition of the adolescents in the schools throughout Macedonia in 2007/2008 are the following:

<sup>179</sup> A large number of students have reported that they were drunk at least once or several times and were involved in incidents due to the drunk condition. The prevalence of drugs use, such as the marihuana, counts to 3.0%. There is a relative access of drugs in the schools regardless of the high level of education about the damages of drugs use. A large number of students had their first sexual experience on an early age. Even though the percentage of students on the age from 13 to 15 years who had a sexual intercourse is relatively small (slightly higher for the boys in comparison to girls), there should be an attention paid to this fact. The male students have had sexual intercourse with two or several partners. Relatively high number of students used condoms during the sexual intercourse. Most of the students saw advertisements on TV, radio, posters or in the daily newspapers or magazines against smoking, drinking alcohol, use of drugs or violence in the last 30 days. Most of the students from both genders were physically inactive or had irregular physical activities. They mostly seat and practice activities while seating such as: playing on their computers, because these machines are both accessible at home and in the schools.

<sup>180</sup> Absence of specific services for sexual and reproductive health supported or managed by the state.<sup>33</sup>

<sup>181</sup> Absence of an inclusion system with social services and health education as well as services provided for marginalized and vulnerable groups with HIV/AIDs and sexually transmissible infections.

**Recommendations from the Global research of the adolescents' health in the schools of the Republic of Macedonia in 2007/2008:**

Objectives should be developed and promoted for improvement of the adolescents health condition with joint activities from the health institutions, families and community institutions. The most important is the coordination role and the activities that should be implemented by the Ministry of Health and the Republic Bureau of Health Care in the Republic of Macedonia – strategic planning, implementation of training programs, monitoring and evaluation of the health of adolescents and youth.

An initial step forward would be the establishment of a strategic partnership and exchange of experiences and practices in this area with the respective ministries of health and the public health institutions in the EU countries which have more advanced programs for adolescents' health. The capacity building activities include the following:

- Improvement of the overall system of health supervision in the state, in order to provide data for the health of adolescents and their habits to serve as an instrument for supervision of the influence and efficiency measurement in the implementation of the National strategy for adolescents health;
- Building capacities of the Republic bureau for health care and the regional bureaus for health care to supervise the priority health risk behaviors of the adolescents in the state, through regular health examinations each three years;
- More specific identification of the geographic regions and sub-groups of adolescents where there are serious health problems and to

---

<sup>33</sup> The Association for health education and research H.E.R.A. maintains and manages the two youth friendly services *I want to know* for four years. In the first two years it was in partnership with the Zdravstven dom Skopje and the partnership was based on provision of premises and health workers, while in the last two years there is no contribution by the state institutions towards the maintenance of these centers.



influence the development of adequate health interventions where necessary;

- Timely dissemination of information for the ongoing public health problems which concern the adolescents to the public health professionals;
- Improvement of the public financing of the programs for health habits of the adolescents;
- Improvement of the human resources capacities for design and implementation of training programs;
- To establish services – friends of the youth under the umbrella of the National strategy for adolescents' health.

### **6) Activities for prevention of HIV/AIDS**

<sup>182</sup> Regardless of the inclusion of youth as a target group in the previous grant of the Global Fund for HIV/AIDS 2007 – 2012 and the special activities planned for them, they were excluded in the last grant with an explanation that they are not a risk group for HIV/AIDS. The research shows the opposite, i.e. the youth do not have enough information on HIV/AIDS and more comprehensive programs are required targeted to the youth exactly.

<sup>183</sup> In June of 2008 a quantitative research of the knowledge on HIV/AIDS among high school students as well as on their attitudes about the access to education on sexual and reproductive health was implemented in the City of Skopje. The research was conducted by the team of peer education of HERA. A total of 1,024 youngsters were included in the research with a standardized questionnaire, which included the UNGAS indicators which assess the knowledgew about HIV/AIDS among the youtn population. The research had an objective to realize the necessity of a more comprehensive informing of youth within the educational program on topics relatesd with the sexual and the reproductive health and the access to the education. Based on the UNGAS indicators the research has shown an insufficient level of informing of the youth on HIV/AIDS, whereby only 16,3% of the youth have complete knowledge about the HIV/AIDS. This data is also a proof about the results of the behavioral study of the Republic Bureau of Health Care for the insufficient informing on HIV/AIDS among the

youngsters, which undoubtedly points out to the need of continuous prevention and education on HIV/AIDS among the young population, by using different approaches and strategies. Still, there is a solid knowledge about the ways of transferring the HIV and the ways of protection, however the young population is not well informed about the manners of HIV infection transfer, which could be interpreted as a consequence to the existence of prejudices and the stigma towards particular situations and not as result of insufficient informing. In regard to the access the youth who attended a peer education would almost equally like to be educated by peer educators and doctors, while the youth who did not attend a peer education mostly prefer an education by doctors. The youth has a lesser interest in the issue of abortion, contraception, gender equality and sexual violence, which is a basis for another profound analysis with an objective to identify the reasons for this indifference. 80% of the respondents are for the idea of introducing the subject of sexual education in the high school curricula.

<sup>184</sup> The centers of public health have budgets for implementing education of youth, however this is not implemented on field. Even though it is possible to implement these programs by NGOs, still the access to the funds is very difficult.

#### **Recommendation 25:**

- To develop a special prevention program in the Ministry of Health on adolescents' health
- The centers of public health should open tenders for the NGOs to implement the education planned on HIV/AIDS among youth.

### ***8.3 Children with special needs (article 23)***

<sup>185</sup> Although the new Law on Social Care from June 24 2009 made drastic changes in regard to the previous laws (i.e. by increasing the allocated amount /the current financial aid, the assistance for care-giving by another person and the compensation for shortened working hours for the mother who cares about a child with physical

or intellectual disability) still these compensations are small, especially in comparison with the needs of the children with special needs.

<sup>186</sup> The absence of the right to generate revenues for personal needs is still the main reason for the children with special needs to remain closed in their homes without an opportunity for education and access to education, employment and integration in the society. The amount of the financial aid is still conditioned by the volume of the need for assistance and the socio-economic character of the family.

<sup>187</sup> The situation with the access and the availability of the health institutions for the children with special needs is still concerning and they are limited to get an efficient health care. Based on the new Law on Health Care from 2008 the first obtaining of orthopedic devices is guaranteed, and the rest of it is paid depending on the amount (50% of the value of all dentures, orthopedic devices and other devices and 20% for hearing, teeth-protection and other devices).

<sup>188</sup> In the regulation book for orthopedic devices for the children with cerebral paralysis the tricycle is not listed as an orthopedic device. The children up to the age of 14 are released from a personal participation in the prices and the medicines, and those at age of 14 to 18 participate with 5%.

<sup>189</sup> There is an urgent need to touch the issues of access, quality and efficiency in the health sector. The problems of the institutional management and the weak technical and managerial capacity, especially within the Fund for Health Insurance, challenge the reasonable service delivery. The mechanisms of transparency are improper and even though there are a series of regulation laws they are not systematically implemented.<sup>34</sup>

<sup>190</sup> An issue that remains is the participation in the health care of the children that need particular medical treatment outside of the national boundaries when this medical treatment is not possible in

---

<sup>34</sup> UNICEF

the Republic of Macedonia. It is legally binding that the state should finance 80% of the financial resources, and the patient should finance 20%. These 20 % are frequently a problem for the family of the child that needs to be treated and because of the impossibility to provide these resources the right of health care of the children is often endangered.

<sup>191</sup> In the part for the hospital health care the following is provided: lodging and a diet of a supporter when a child to the age of 3 needs to be accompanied during hospital treatment, but up to 30 days the most.

**Recommendation 26:**

- Release from participation in the health care for ALL CHILDREN and provision of a health care for ALL CHILDREN without charge.
- During the hospitalization of a child with special needs and depending on the degree of the special needs and the capacity of the child with special needs, there should be a right given for an accompanying person without age limitation.
- Adoption of a special act which will determine which type of health services that are not included in the obligatory health insurance and which are important for improvement of the health condition of the children with special needs will be considered as basic health services.
- Development of a national rehabilitation program for children with special needs;
- Setting up of standards and procedures for good rehabilitation centers.

#### ***8.4 Social insurance and services and institutions for social care of the children (article 18.3 and 26)***

<sup>192</sup> Even though the article 5 of the Law on Social Care emphasizes that the care for prevention of social risk is exercised by undertaking measures in the tax policy, employment, policy of scholarships, policy on apartments and families, health, education and other areas, still a small number of these measures are implemented in the practice.

<sup>193</sup> Although a small decrease of 1,3 percents has been registered recently, the level of unemployment in the Republic of Macedonia and its structural reasons are a serious reason for concern. The unemployment has a direct influence over the levels of poverty and the children with unemployed parents, especially those with a long history of unemployment, face poverty, social exclusion as consequence of the financial difficulties of their families.<sup>35</sup>

<sup>194</sup> A large percent of the working force in the Republic of Macedonia has been discriminated in its efforts to get an employment, based on the political party affiliation and the age. Therefore, this part of the population is unable to provide a guaranteed revenue for a decent family life.

<sup>195</sup> The Roma are further on the most underprivileged ethnical group. The unemployment of Roma is still on the highest level (even 73% in comparison with about 30% of the general population). The Roma have the lowest revenues (about 63% live below the line of poverty) and the highest rate of death. It is estimated that two thirds of the Roma households live below the line of poverty.<sup>36</sup>

<sup>196</sup> The Roma people have never had the smallest rate of employment compared to the other groups since '90-ties. This rate of unemployment of the Roma community is above 70% and the

---

<sup>35</sup> UNICEF

<sup>36</sup> This text is quoted by the European Commission on the progress of Macedonia in 2009.

current analysis<sup>37</sup> shows a threatening figure of unemployment of 73% of the Roma people in Macedonia.

<sup>197</sup> Therefore, the feelings of inequality in the employment arise, as well as for the unequal implementation of the Ohrid Framework Agreement, which envisages an equal ethnical representation in the state institutions. 63% Roma live under the line of poverty which leads to death due to the way of living, the diet and the health conditions.

<sup>198</sup> The unemployed parents ask for help in the centers of social work which offer a very small amount of social assistance, that is being continuously reduced .

<sup>199</sup> The degree of social assistance is determined based on the period of usage of the right, i.e.:

- In the first two years the right is exercised with a full amount;
- During the third, fourth and fifth year 70% of the determined level is paid;
- After the expiry of the fifth year the 50% of the determined level is paid.

	<b>Amount of the social assistance for 2009</b>		
	<b>100%</b>	<b>70%</b>	<b>50%</b>
<b>Person</b>	<b>2.173,00 MKD</b>	<b>1.521,00 MKD.</b>	<b>1.086,50 MKD</b>
<b>Family and household of two members</b>	<b>2.810,50 MKD</b>	<b>1.967,00 MKD.</b>	<b>1.405,00 MKD</b>
<b>Family and household of three members</b>	<b>3.578,00 MKD</b>	<b>2.505,50 MKD</b>	<b>1.789,00 MKD</b>
<b>Family and household of four members</b>	<b>4.600,00 MKD</b>	<b>3.220,00 MKD</b>	<b>2.300,50 MKD</b>
<b>Family and household of five and more members</b>	<b>5.366,50 MKD</b>	<b>3.756,50 MKD</b>	<b>2.683,00 MKD</b>

**Table 4: Amount of the social assistance for 2009**

<sup>37</sup> NGO Mesecina Gostivar

<sup>200</sup> The low monthly amount for social assistance offered by the state as an assistance is really of small help for the families under risk. The longer functioning of the family system with a minimum of financial resources causes dissatisfaction of the needs and ruining of the family balance.

<sup>201</sup> It is concluded that there is a large number of administrative procedures in the provisions that regulate the right to social assistance in the Law on Social Care which limit the right of the child to get an efficient care.

<sup>202</sup> Based on the Regulation book for the manner and the conditions for exercising the right for a financial compensation for an assistance and care by another person (Official gazette 102/06) it is necessary to submit 26 documents which are issued by different relevant institutions.

<sup>203</sup> The situation is not much different with the other rights as well, such as the right to a social care, the right for an additional amount for children, the right to a special additional amount, etc.

**Recommendation 27:**

Decreasing the number of the documents required for the right to a social assistance, introduction of a one-stop-shop system, as well as establishment of a separate administrative office which would regulate the documentation for the children with special needs and the children with intellectual disability.

***8.5 Life standard (article 27)***

<sup>204</sup> Although the real increase of the Gross Domestic Product has been increased, there is an enormous increase and a high concentration of poverty in the families with children. About 7% of all children on the age of 0- 9 are not covered with the scheme for public health insurance.

<sup>205</sup> In the mostly poor families 24,5 % of the children at age of 8 - 9 months have missed at least one of the eight recommended

vaccinations. These children mainly come from the rural areas and the Roma and ethnic Albanian communities. The death rate in the rural areas below the age of five is almost six times higher than the rate in the urban areas. Only 1 out of 10 children on the age of 36-59 months attends pre-school activities.

<sup>206</sup> This data<sup>38</sup> gives a picture for the insufficient public investments in the area of health, education and social care. There is a significant difference between the rural and the urban areas in regard to the access to basic services. There is a lack of policies for benefit of the child development, especially targeting the families with children. The compensation for social assistance, including the compensation related with children insufficiently include the children and families exposed to highest risk of poverty.

<sup>207</sup> The Center of Social Work does not conduct a supervision over the exercising of the duty for support of the child by the divorced parent.

<sup>208</sup> The allocated amount for the children is provided to cover part of the expenses in the raising and the development of the child.

<sup>209</sup> The right to an allocated amount for children can be obtained by parents with different categories of employment, as well as unemployed persons who get some type of a revenue (laid off workers). In this way, the allocated amount for the children is treated as additional revenue for the family.

<sup>210</sup> It is typical that this right cannot be obtained by unemployed parents who do not generate revenues. Therefore, the endangered families who are under risk due to the unemployment cannot obtain an elementary support by the state for their children. This injustice causes an enormous bitterness of these families.

<sup>211</sup> There are unclear facts in the Law in regard to the right of allocated amount for children. In one part of the changes it is stated that a holder of the right is the child, and in the other part holder of

---

<sup>38</sup> UNICEF



the right is the mother?! The Helsinki Committee pointed out to the fact that the best solution is to have the child as a holder of the right<sup>39</sup> so that it cannot be exempted if his parents do not fulfill the conditions.

**Recommendation 28:**

- Holder of the right to an allocated money for children and the money for a third child should be the child itself
- The right to an allocated money for children should be also obtained by families in which the parents are unemployed i.e. they are registered in the Agency of Employment.
- Eligible for obtaining allocated money for children should be the families with children who use a social assistance.

## **9. EDUCATION, FREE TIME AND CULTURAL ACTIVITIES (article 28, 29 and 31)**

### ***9.1 Primary education***

<sup>212</sup> Although there is an intention to provide educational activity for the children with special needs through the Law on Primary Education (article 25), still this provision is opposite to the principles of inclusive education and it is conducted in separate schools and separate classes in the primary schools.

<sup>213</sup> According to the State Bureau of Statistics, announcement number 2.1.9.10, when the total number of pupils in the primary school is divided with the total number of classes we get the average number of pupils in one class, which is 21 pupil. This number is 29 pupils in one class in the secondary education. This number reaches up to 35 children in particular schools, depending on the number of pupils and in some schools up to 40. In order to provide a qualitative education, it is necessary to reduce the number of pupils

---

<sup>39</sup> <http://www.mhc.org.mk/default-en.asp?ItemID=0C9343CE09692E4498A27E111B797EAE>

to the maximum of 25 in a class, beside the additional training and education of the teaching staff.

<sup>214</sup> The Law on Education envisages for the schools which have above 900 pupils to have 2 members of the psychological – pedagogical service, and those schools with a number below the above mentioned to have only one member. There should be a multi-disciplinary team comprised of a psychologist, social worker, pedagogue and a defectologist where necessary. For example, the school in Batinci does not have a professional team. There is no complete team in any of the schools.

<sup>215</sup> The practice shows that most of the psychological – pedagogical services and the directors as managers of the schools do not monitor the educational activities by the teaching staff, they do not have an insight in the teaching process, do not try to include children that are not included in the education.

<sup>216</sup> There is a lack of creative usage of the free time by organizing of workshops through a non-formal education that will be implemented by teachers or NGOs and if the schools are open for this kind of a cooperation.

<sup>217</sup> Only 9% of the pre-school population with special needs are included in the pre-schools institutions<sup>40</sup>. It is necessary for the children to be included in the pre-school education in order to involve children from the marginalized environments and to create healthy habits and solve the issue of children exclusion from the primary education.

<sup>218</sup> The number of Roma children who attend school is still low and the rate of leaving school is high. There is still segregation registered of the Roma pupils. The practice of sending Roma children with difficulties in special institutions for persons with special needs continues further on.<sup>41</sup>

---

<sup>40</sup> Polio Plus

<sup>41</sup> This text is taken from the report of the European Commission for the progress of Macedonia in 2009.

<sup>219</sup> The primary education is obligatory and without charge, guaranteed with the Constitution of the Republic of Macedonia. The Government has announced provision of school books for all children without charge for the school year 2009/2010. However, the process of providing books did not overlap with the start of the school year, namely most of the school books were late for more than 2 months.

<sup>220</sup> There are fines established for the parents who do not send their children in the primary education, however this measure is not functional for many years now, which questions the efficiency of the fine of Euro 1000 if parents do not send their children in secondary school. It is an ideal situation of the overall population has a secondary school completed, but it is difficult to reach until there is 18 500 children<sup>42</sup> who are not included in the primary education. This is a reality and a sad condition we have repeated for several times and we strive to convince the institutions of the system to put efforts in improvement of the state with inclusion of all children in the primary education.

<sup>221</sup> We especially salute the adoption of the Law on Education of adults. The Ministry of Education promised that all persons who did not complete a primary education will be included, regardless of their age, however this Law is unfortunately still not practically enacted because large number of the children who do not attend school are at age of 7 to 14 years and are still out of the schools because there is a legal inconsistency for this group.<sup>43</sup>

<sup>222</sup> For the children who are not included in the education and whose number is 5% of the total number of children at age of primary school, based on the data by the Ministry of Education and Science, there is no law provided which would provide for the children up to the age of 14 to be included in the educational process. According to the Law on Education of Adults these children could involve in

---

<sup>42</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=D95B0FBFAFE45C459EAD43BFB28A5711>

<sup>43</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=FA126F304E9D0E41AD298BAC80CB5784>

the education at an age of 14 years. The children who fulfill this condition frequently lose their interest for studying and become victims of the worst forms of abuse of children labor (prostitution, begging, etc.).

<sup>223</sup> Those who succeed to enter the schools face the issue of lack of money to buy books, school supplies and bus tickets, i.e. they are not eligible for the legal regulations that cover the children in the regular system of education and which provide a transport or school books without charge. In this way, these children remain outside of the circle further on and they are not eligible for the rights enjoyed by the other children.

<sup>224</sup> The children in hospitals or those who stay at home due to different health and other reasons do not accomplish their right to an education.

<sup>225</sup> Based on the experiences of the parents and the teachers, the curricula in the primary education is overburdened, improper for the age of the children and entails a lot of data. One lesson usually consists minimum of 10 to 20 new unfamiliar words. 12 obligatory courses in one class, which are being taught at least twice a week, require from the children at age of 10 to memorize many new information. The check of their knowledge is reduced to oral responding by repeating the memorized data. Namely, the learning is reduced to memorizing of facts which is being considered as the lowest or the first stage of learning and gaining of knowledge in the process of learning. The higher degrees of learning, such as thinking, connecting the data and development of projects in group or individually, are rarely part of the everyday learning.

<sup>226</sup> **The additional lessons and sections** in the primary schools, which were part of the previous system in the educational process, have rarely been hold in the last ten years. The private schools for languages, musical skills or the private lessons in mathematics and other courses have replaced the sections and the additional classes, which are an obligatory part in the primary school.

<sup>227</sup> The duty to organize and hold additional lessons for the courses that are required for the pupils with weak grades is avoided, since the teachers ask for additional financial stimulation, although this is their legal responsibility. Unfortunately, the Ministry of Education and Science and the State Bureau of Education are blind monitors of this condition.

<sup>228</sup> The program for talented children, which was part of the educational process in the previous system, is rarely being accomplished in the last ten years. The organization Narodna tehnika does not work with its full potential as it was a case in the previous system. The competitions in certain fields in the last ten years are very rare. The children do not have forms available to fill them out and verify their extra knowledge.

## ***9.2 Secondary education***

<sup>229</sup> There is no significant progress in the education, except the Law on obligatory secondary school education which is to be saluted. However, there are no concrete programs by far to stimulate and give scholarships to children in the secondary education.

<sup>230</sup> There are still no concrete programs for giving scholarships to Romas in the secondary and high education, there are no changes in the educational programs, which will make the Roma language an obligatory course in the education of Roma pupils. This course is taught as an elective one by far.

<sup>231</sup> The recommendation for the Roma language to become a major course in the education of the Roma students was submitted to the Ministry of Education since 19.02.2009 in a written form, as a conclusion and a recommendation from the Permanent committee on the protection of freedom and the rights of the citizen after the discussions at the session of this Committee held on 17.02.2009. This was discussed after the report by the European Commission for the progress of the Republic of Macedonia in 2008, with an objective to complete one of the essential duties which resulted from the Ohrid Framework Agreement in regard to the use of the language in the education.

<sup>232</sup> In this regard, there is still no information about the opportunity to establish a department on Roma language at the Faculty of Philology at the University „St. Cyril and Methodius“ in Skopje, and by the establishment of a second module in the curricula for the Roma language and literature a relevant teach staff would be provided for the education of Roma children (regardless of the fact that was presented in the Encyclopedia about Macedonia promoted as a false one by the Macedonian Academy of Sciences and Arts).

<sup>233</sup> There are also interethnic conflicts in the schools frequently registered, which are not always based on the interethnic and religious hatred among students, but come as a consequence of the instrumentalization and the manipulization by particular political parties for the purpose of accomplishing of their goals among their voters.

<sup>234</sup> The data from the research<sup>44</sup> say that 20% of the children feel discriminated because of their ethnical original. Out of them the boys (27%) feel more discriminated in comparison to the girls (16%). The research shows that this type of discrimination is most frequently presented among the children. The unequal treatment is experienced by the children from their friends (46%) and the same generation of students (30,8%).

<sup>235</sup> The discrimination of ethnical origin is most frequent in the towns of Tetovo (31%) and Kicevo (32%), parallel to the language discrimination which points out to the need of measures which would reduce this situation, especially by introducing particular school curricula. You can find more details about this topic in the OPAC report.

<sup>236</sup> It is urgently needed to stop the segregation of Roma students in the primary and the secondary schools, such as in the local schools Mustafa Kemal Atataturk Bajnica Gostivar, the school Baskimi – Edinstvo – Birlik in Ciglana Gostivar, Avram Pisevski in the village of Bardovci municipality of Karpos, Skopje Ckonje. There is also a

---

<sup>44</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

segregation noticed in the primary schools in Bitola, especially in the primary school Gjorgji Sugarev<sup>45</sup>, Prilep, in the secondary school of economy in Gostivar, etc.

<sup>237</sup> In the school and the student's dormitory Maca Ovcarova and some other there is an inappropriate categorization of children with slight level of disability in order to use the benefits (lodging without charge, meals, education and a health care) and the services of this dormitory, upon agreement by the parents.

<sup>238</sup> Although the Republic of Macedonia has adopted a National Strategy for development of the education, still there is a segregated system in the education of the children with special needs noticed, particularly in the special primary schools and in special classes in the regular schools. An issue noticed is the low level of usage of the sign language, the Braille alphabet and the computer technology in the educational process. There is a lack of literature printed in the Braille alphabet for the blind and the partially sighted students, as well as an interpretation of the sign language for the students with damaged hearing apparatus. Beside the defectolog and the introduction of a personal assistant, it is necessary to find an interpreter of the sign language and other professionals in the assistance to the children with special needs and the provision of efficient education for them.

<sup>239</sup> The architectonic barriers still do not enable inclusion in the educational system of children with physical disabilities.

<sup>240</sup> the programs for secondary education and working qualifications for the persons with special needs are old fashioned ones and the work places which qualify them most frequently correspond with the opportunities at the labor market.

---

<sup>45</sup> Report by the Helsinki Committee on the segregation of Roma in Bitola

### ***9.3 Recreation, sports and cultural activities***

<sup>241</sup> The research<sup>46</sup> shows that the children at the age of 10 to 17 years give a positive answer (70%) to the question whether they get sufficient information in the area of culture and sports 70 %.

<sup>242</sup> Still, it is necessary to mention that the sport and cultural activities are outside of the school activities, as part of private sport clubs or drama and schools of music, where each lesson is being paid for. It means that only a particular number of children can afford a free time, sport and a recreation. The school curricula include visits of sport and cultural events, but each visit is paid for. Very often those children who cannot pay do not apply for the visits or they are do not obliged.

<sup>243</sup> There are many children festivals, but very often they serve for commercial objectives and if a child wants to participate at the festival it needs to pay from euro 500 to 000 evpa for a song (text and arrangement).<sup>47</sup>

#### **Recommendation 29:**

- A complete implementation of the Strategy for inclusive education by developing and implementation of programs for inclusive education of children with special needs.
- Strategic planning and a technical preparation when creating educational programs for inclusive education by involving special educators (special educators) in the educational process of children with special educational needs.
- Introduction of modern technologies and technical devices in the educational process.
- Introduction of modern technologies as a support in the educational process of children with intellectual disabilities.
- Promotion of a non-formal education which will enable an additional qualification for work places which are actual at the labor market.

---

<sup>46</sup> <http://www.childresembassy.org.mk/default-en.asp?ItemID=862D8413F56DC242A8469C4ECF8E95C1>

<sup>47</sup> Little Bitola Monmartr



- Development of programs for acquiring of a non-formal education of children with special needs;
- A training, an additional training and professional development and promotion of the teaching staff which works with children with special needs in the regular education system is needed, as well as an affirmation of the teamwork of the teaching staff and the professional services in the educational institutions, especially in the professional special educators service.
- Strengthened supervision in the work of the psychological – pedagogical service in regard to their educational and psycho-social work in the school for their engagement as assistants in the administrative office.
- Promotion of the current legal framework for education (primary, secondary and high education). Development of programs for the current special educational institutions for children with special needs.
- A continuous promotion of the current curricula with an objective the raise the awareness about the issue with the persons with special needs.
- Promotion of the legal framework about the construction of buildings which will enable access in the buildings for the persons with special needs.
- It is needed to create an architectonic access at the educational institutions: adaptation and a reconstruction of the current facilities, construction of new buildings with fulfillment of the standards for access.

## **10. Special protection measures**

### ***10.1 Refugees and internally displaced children (Article 22)***

<sup>244</sup> During the armed conflict in the Republic of Macedonia, there were 72 000 internally displaced people (mainly from Macedonian nationality from Tetovo, Kumanovo and the villages around these two towns). In the same time, over 58 000 refugees (mainly from Albanian nationality) cross in Kosovo, Southern Serbia and Turkey. After the signing of the Framework Agreement many of the

refugees (over 35 000) and the internally displaced people (40 000) returned back in their places of residence. The Government develops a strategy for complete and fast returning of all displaced people. In opposition to the international standards, there is collective and individual pressure to these people to return to their places of residence, regardless their will, in places where the basic living safety is not met, where the rule of law is not achieved and where no minimal returning conditions exist (unreconstructed houses, lack of electricity, water, unreconstructed ambulances and schools). Such attitude provokes strong resistance of the internally displaced people and creates additional tensions. Many of the internally displaced people are not taken care of in the appropriate manner and many of their basic human rights are violated (education, social protection, health care, family consolidation).

<sup>245</sup> The situation after the conflict of 2001 is that there are internally displaced people who still live in shelters (around 800). It has been offered to them to reconstruct their homes, which some of them have accepted, while others have alienated these homes.

<sup>246</sup> The Ministry of Labor and Social Policy is directly responsible for the violation of the rights of children- internally displaced people. According to the data of the Helsinki Committee, five years after the armed conflict on the territory of the Republic of Macedonia (year 2001), 160 children were present in the collective shelter centers in 2006: 50 at age of 6 years; 70 at age from 6 to 14 years and 40 over 15 years.

### ***10.2 Economic exploitation (Article 32)***

<sup>247</sup> The general conclusion is that, unfortunately, still most of the employers lack the basic knowledge, understanding and abidance for the Law on Working Relations, which is explicit that it is forbidden to employ children under age of 15, as well as the Convention 182 against the worst forms of child labor, ratified by the Parliament of the Republic of Macedonia in 2001.

<sup>248</sup> The issue of illegal work-abuse of child's labor in the grey economy is an issue that has not been at all researched and analyzed, while at the same time, it has negative implications on children's rights.

**EXAMPLE 8:**

In 2007, 13 years old child XX from Gostivar, died while working at a car wash.<sup>48</sup> This tragic case is one more confirmation that the abuse of children's labor is a reality in the Republic of Macedonia. This is an extreme example of violation of the provisions of the Convention for Protection of Children's Rights, the Convention against the worst forms of child labor (182) and the national laws.

<sup>249</sup> Convention 182 is ratified, but is not adequately and sufficiently implemented in practice.

<sup>250</sup> The phenomena of human trafficking mostly appears related to sexual exploitation, but the practice shows that human trafficking could be manifested in other ways or other forms, such as labor exploitation, debt slavery, forced marriages, forced bagging, coercion for conducting criminal acts and organs trafficking. In this category, children appear to be frequently abused, because of their penal irresponsibility.

<sup>251</sup> Recognizing the problem of labor exploitation, Open Gate conducted a research<sup>49</sup> aiming to strengthen the public opinion for the exploitation of child labor and deliver a clear message to the wider public for the causes and consequences of child trafficking related to labor exploitation and organized begging. To achieve this, the researchers conducted interviews at the streets, contacted governmental and nongovernmental institutions and asked for their views and opinions for the implementation of the laws in the Republic of Macedonia.<sup>50</sup>

---

<sup>48</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=C8108D9D1771C3459CDE0E04FAE195B5>

<sup>49</sup> Research conducted by NGO Open Gate in 2008, with 120 children respondents and 16 institutions, yet not published

<sup>50</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=C8108D9D1771C3459CDE0E04FAE195B5>

<sup>252</sup> The modern trends of labor exploitation of children who are forced to work on the streets, in the restaurants, at the landfills, exposed to extreme climate conditions, street violence, dalliance, danger of exhaust fumes of the street vehicles, life without basic hygiene conditions, irregular nutrition, being easy target for becoming involved in criminal activities, children spend their time out of the education process in order to earn money. Street children often are not orphans, they have parents and in most cases those parents are the ones who support the begging and trafficking. These children are subject to dual negligence-by the state and by their parents.

<sup>253</sup> The reasons for the frequent labor exploitation of children are addressed at the low economic standard of large part of the population, family indigence, child abuse by the parents and other people, bad living conditions at the home, etc. The researches done by Open Gate showed that several forms of child exploitation, group bargaining for money and food exist.

**Recommendation 30:**

It is needed to conduct researches and precise statistics for participation of children in the grey economy.

**a) Street children**

<sup>254</sup> During September 2008, the Ministry of Interior in cooperation with the Ministry of Labor and Social Policy and the relevant centers for social work, conducted an action called “Begging”. Considering the fact that it involves socially vulnerable group, which uses the begging as one the ways to earn income for living, Helsinki Committee requested information whether certain financial benefits are envisioned for these people, mostly related to receiving financial support for covering the everyday living costs, and then, providing financial support for enabling these people to send their children to school?

<sup>255</sup> The fact that most of them are users of the social financial benefits package is not sufficient, since it is obvious that it does not cover even the everyday costs, and therefore, can not be sufficient

for covering the costs that are to be made for sending their children to school.

<sup>256</sup> Very little is done by the responsible institutions to address the key issue of bad financial situation of these families. Again, they ignore the fact that providing free school books and financial social benefits package does not solve this problem. Besides the school books, needed are additional costs so that the parents could send their children to school, and illogical are all the threats addressed to them if they do not have the material means to do that.

<sup>257</sup> The abuse of children for involvement in criminal or illegal activities is mostly directed towards acquisition of unlawful property for the organized crime. According to the level of the social danger from these illegal activities, the child abuse could be divided in conducting activities that could be characterized as breaches and child abuse for committing criminal acts. The first case includes begging, either individually or within an organized network, at locations with large frequency of people.

<sup>258</sup> Daily centers, formed under the authority of the Ministry of Labor and Social Policy (2) and established by NGOs (2), on daily bases gather children who, due to various reasons, are not included in the regular education process. Most of these children belong to Roma population. Their families do not have permanent domicile and almost no conditions for personal hygiene (toilets). Most of them are not registered and do not have birth certificates and are part of the risk group of children, who spend most of the day out on the streets, practicing begging.

<sup>259</sup> In the daily center, these children carry out the basic hygienic needs (take a bath), are given clothes, one meal and basic educational and behavioral activities. The daily centers are not a permanent solution for providing their basic rights of home and education.<sup>51</sup>

---

<sup>51</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=94DE8BD22E18EB45AE52826069C0E350>  
<http://www.childrensembassy.org.mk/default-en.asp?ItemID=A1704B56103AE04B9F4E817A7F5275A6>

<sup>260</sup> The number of Roma children left to the street is constantly increasing.<sup>52</sup> No concrete program for street children exist, which will completely resolve their social, educational and health status. Therefore, these children are mostly taken to shelter centers that provide short-term solutions, where they get cooked meal, clothes and non-formal education, which means that they do not get certificates for completed year of studies.

<sup>261</sup> In most of the cases, these children after few weeks or months again end up at the streets. The reason for this is not their wish or that they do not enjoy the children games in the shelter centers. Their reason is that at home (if we could say so) they have older or younger brothers and sisters waiting for them, unemployed and uneducated parents, for whom the state does not have programs for their adaptation and canalization of their non-formal everyday activities (collection of waste for recycling, such as iron, plastic, etc.).

**Recommendation 31:**

- Establishing shelter centers that will take care of whole families, and therefore provide minimum living conditions that will result with removing the children from the streets and their involvement in the education system
- Development of a strategy for support of families
- Increasing the capacities of the state social institutions for support of street children
- Direct intervention and help to street children and their families

***10.3 Sexual exploitation and child trafficking (Articles 34 and 35)***

<sup>262</sup> The committee was concerned that the incidents of sexual abuse and domestic violence are not adequately identified. As we have already elaborated in the chapter related to data collection, such data are lacking, which does not allow for creating a picture on the real conditions in the country.

---

<sup>52</sup> The text is copied from the report of the European Commission on the progress of Macedonia in 2009.

<sup>263</sup> The Government of the Republic of Macedonia has developed a special Program for re-socialization and reintegration of children victims of human trafficking. This program anticipates reintegration of children-victims of human trafficking, support of their development, respecting the principle of equal development opportunities, by taking care of child's best interest, as well as activities for raising the awareness of parents and family members.

<sup>264</sup> This program has special provisions on the cases where the child-victim is not accompanied by a parent/guardian, which anticipates urgent assigning of a guardian and urgent reconnection with the family, if that is in his/her best interest. In cases where the returning to the family is not safe, the program anticipates implementation of special measures for protection of child's rights and interests, in accordance with the legal regulation. It also anticipates respecting the opinion of the child (if he/she is able to express it) for the undertaken measures of protection and support; undertaking measures for protection of the privacy and identity of the child-victim; adopting special individual programs for protection and support of children-victims of human trafficking, related to their physical, psychological, educational, health care and housing, as well as a responsibility of the Centers for Social Work to appoint a person for accompanying the child, who will be engaged in cooperation with the nongovernmental organizations. Also, the program anticipates connection and development of a network of relevant experts (in social protection, health care, education, police, judiciary and the nongovernmental sector) and implementation of a unified model for institutional intervention by provided cooperation, coordination and continuity. The re-socialization and reintegration of the child should be achieved through individual treatment.

<sup>265</sup> Human trafficking, together with the children trafficking, is being recorded to decrease in the last few years, as a result of Republic of Romania and Republic of Bulgaria joining the European Union, which transferred the illegal transit over these two countries.

<sup>266</sup> But, human trafficking still exists and recorded is increased number of internal (domestic) victims, while, in the same time, decrease of foreign victims of human trafficking. Internal human trafficking is defined as pandering of juveniles for prostitution and other forms of exploitation, as well as forced marriages. More detailed, this topic is explained in the Report for the Facultative protocol for child trafficking, child prostitution and child pornography.

#### ***10.4 Child abuse in illegal production and trade of drugs (Article 33)***

<sup>267</sup> In the last six months, at the center managed by HOPS in Shuto Orizari, registered were ten (10) juvenile users of injected drugs, who were coming accompanied by major users, and some of them accompanied by their parents. Out of these, nine (9) are male and one (1) is a female. They are now at age from 9 to 16 years old, and some of them begun injecting heroin at the age of 8. Based on the information we possess, some of the juvenile users originate from families of users. In one case it was brothers or sisters who abused drugs, while in two cases of children users, one of the parents (the father) was a drug user.

#### **EXAMPLE 7:**

After a long social intervention with the parent of a child that injects drugs, which included discussions and motivation for treatment of the child, agreement was made with the parents to take the child for a treatment (the child begun to inject heroin at the age of 9 and is active drug user for two years now).

On October 1<sup>st</sup>, 2009, provided was a written confirmation that neither the parent nor the child are subject to health care insurance under any condition. The next day, on October 2<sup>nd</sup>, 2009, in agreement with the father of the child, accompanied by the team of HOPS and his major sister, the juvenile was taken to the Clinic Center in Skopje. First, the child was taken to the Clinic of Psychiatry, where they rejected to accept him, by explaining that they do not have authority over such cases, cannot accept him and redirected the child to the Clinic for Child Diseases. At this clinic, they also rejected to the child, explaining that they do not treat



drug users, that so far they did not have such case and redirected the child to the Clinic of Toxicology. At the Clinic of Toxicology, the child was again rejected, with the explanation that they do not accept children under the age of 14, and the child was redirected at the Clinic for Child Diseases.

After persistent insisting of the team from HOPS, and after a long persuasion that there is no other health institution that could take care of this child, he was accepted and hospitalized at the Department of pulmology and toxicology at the Clinic for Child Diseases. While accepting the child, the clinic conditioned the child to purchase ampoules of vitamins C and B on his own, because they do not have them at the clinic and they are necessary for his treatment. Since the family was not able to purchase these ampoules, they were purchased by HOPS. The child was supposed to attend a three-day detoxification program and then be removed for a treatment at the Clinic of Psychiatry.

Because for children over 3 years parental accompanying during the hospitalization is not compulsory, the father did not agree to accompany him during these three days at the Clinic for Child Diseases. After a few hours after the hospitalization, because he was left without supervision, he removed the infusion and started to bleed. After this, the personnel of the Clinic for Child Diseases called the social workers from HOPS to “return back the child”, labeling him as problematic child who distracts other hospitalized children. The team from HOPS talked to the father and on his request returned the child at his home. Now, the child continues to inject drugs.

<sup>268</sup> Despite all efforts to reach the parents and guardians of these children, it is very difficult thing to do, because of their non-permanent residences, fear of some of the parents that will face possible eviction of parental authority, false information provided by the juveniles caused by the fear from the parents’ reaction, etc.

<sup>269</sup> In the Republic of Macedonia no special program exists for treatment and rehabilitation of juvenile drug users. The inter-municipal center for social work in Shuto Orizari has being informed about this problem on many occasions, but nothing has been undertaken to solve the issue. On the other hand, we are unable to do something, because we need full consent and cooperation with the family. Even if that is achieved, we do not have a precise

location to go to, since as we have mentioned earlier, no program exists that will address this issue.

<sup>270</sup> Additional problem is the lack of possibility for juvenile drug users to use the services of the drug harm reduction programs without a consent of their parent or guardian. In this way, they are deprived of the possibility to obtain counseling services, education, motivation for treatment, etc.

<sup>271</sup> In the meanwhile, the number of juvenile drug users is increasing, while the obstacles to work with them cause practicing of risk behavior-usage of non-sterile injecting tools, unsafe injecting, practicing unsafe sex, etc. This, at the same time, increases the risks of overdosing and transmitting of HIV and Hepatitis C, as well as other through blood and sexually transmitted infections.

<sup>272</sup> There is no institution that is willing to take care of the children addicted to heroin and glue. The parents and children are left alone, as no institution is willing to take care of juvenile aged from 5 to 14 years, who are heroin and glue addicted for several years. From the Center for Mental Health they claim that they can not help, because they work only with cases of “children who try to use drugs”, not with children who are drug addicts. These juveniles need constant medical and psychological help, but there is no institution that is ready to help them because of their age. The police is familiar with these cases because of the frequent criminal activities they become involved in. They are familiar that these children buy heroin for only 100 denars, but no strategy exist to prevent that.<sup>53</sup>

<sup>273</sup> The problem of increased number of people who use narcotics requires systematic approach by the relevant institutions (schools, centers, ministries, health care institutions).

---

<sup>53</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=EF562CCFEB1C0D4D9416FF943DE1EC7D>

<sup>274</sup> Rehabilitation of children does not exist in the country. Children who have such problem are taken to the center for addiction treatment for adults.

<sup>275</sup> By Article 6 of the Law on changes and amendments to the Law on protection of children (Official Gazette of the Republic of Macedonia, number 83/09 from July 3<sup>rd</sup>, 2009) Article 9 of the current Law on protection of children is changed and states: **Paragraph 3)** “The state and institutions of the system are undertaking all measures for protection of children from illegal use and other forms of abuse of children in illegal production and trafficking in drugs, psychotropic substances and precursors.”

### **a) Adolescents who inject drugs**

<sup>276</sup> The adolescents who inject drugs (AID) are not trying to contact the centers for social work, nor are familiar with their function and the services they provide. The only connection they make to the centers is through the financial support, known as “social help”, which their parents get because of the low social status.

<sup>277</sup> The few AID who contact the centers for social work, were brought to there because of juvenile delinquency, domestic violence or similar social problem, and afterwards, during the discussion it is determined that they use/inject drugs. The services provided by the centers for social care (according to the changes of the Law on social protection from 2004 for people injecting drugs, including AID) are: daily care of “people who use or abuse drugs and other psychotropic substances and their family members, counseling services, informing, counseling and education, work engagement, cultural, entertainment and recreation activities” (Trajanoski, 2005: 48). But, the impression is that the few AID involved in this program are forced to attend the counseling, because of certain legal penal liability and always accompanied by a parent.

<sup>278</sup> According to the Constitution of the Republic of Macedonia, each citizen is guaranteed the right of health protection and in the same time, it determines the citizen’s obligation to take care of and

improve his/her own health and the health of the others (Article 39 of the bylaw). The AIDs involved in the research rarely express a need for health treatments which are not related to the drug use and the harm caused by drug injection. In the rare cases of appearance of skin wounds (apceses, trombophlemitis) and other similar health disorders, caused by long-term and inappropriate injection, AID approach the harm reduction programs. It should be noted here that such programs exist in the towns covered with the research, but they do not exist in all towns where presence of AID is confirmed. For the usual health disorders (such as flues) they get help from their family doctors. Also are noted cases where medical workers, who are familiar with their habits, argue with them or try to give them advices, but in a manner which is unpopular for the AIDs. None of the respondents covered with the research has been rejected while requesting medical help, but they are mentioning examples of other people who inject drugs who have been rejected for receiving medical help.

<sup>279</sup> Not all AID have a need to be treated for their addiction, and part of those who have attended some treatment were treated on insisting of their parents, without usage of substitute therapy, popularly called “dry detoxification”, but without long-term results. There are cases when parents insist to convince their children to be treated by their own therapy, stressing the role of the strong will. There are no many AID who are treated by substitute therapy, popularly known as “methadone therapy”, mostly because of the lack of need for treating the addiction, but also because of the high roof for acceptance for these treatments for the AID (Gajdadzis-Knezevik at al., 48). Additional difficulties in the methadone treatment are the lack of programs for substitute treatment in the towns throughout Macedonia with people who inject drugs, or the limited capacities of the existing programs. In Kumanovo, such program was opened in 2005, in Gostivar such program for treatment with substitute therapy does not exist, while the oldest program of this type, which operates in Skopje for a few years now is closed for accepting new drug users. All past efforts to open several new centers in Skopje were unsuccessful. These initiatives face resistance by all factors of the society live, starting from medical workers, local self-

governments and the residents. In a situation of omnipresent stigmatization of people who inject drugs, including the AIDs, not only that the conditions for their successful treatment become more difficult, but also their rights for health protection are violated and a risk increases for spreading HIV/AIDS, Hepatitis B and C and other sexually transmitted infections.

<sup>280</sup> A need exists to expand the school educational health programs to increase students' knowledge for the food, nutrition, hygiene, violence and unintended injuries, mental health, use of tobacco, use of alcohol and other drugs, sexual behavior which can cause infection with HIV and other sexually transmitted infections, as well as unwanted pregnancy, physical activity and protection factors for changing risk behavior.

**Recommendation 32:**

- Urgent establishment of a separate Center for treatment of juvenile drug users, isolated from the adult users
- Development of programs for prevention of drug use, with a special focus at the children who are not included in the regular education system
- Education of teams from the social centers who will be constantly present in the field, will detect these juveniles and will undertake all needed steps for their treatment.

***10.5 Juvenile justice (Article 37, 39 and 40)***

<sup>281</sup> We acknowledge the Government for adopting the Law on Juvenile Justice, which was enacted in 2007 and started to be implemented in as of September 1<sup>st</sup>, 2009. In accordance with the Law on Juvenile Justice, it is anticipated that children will give two, or maximum three statements. But, in direction of the best interest of the children we think that it is sufficient that children give only one statement in a separate specialized screen room, with presence of a team of professionals (psychologist, pedagogue, social worker).

<sup>282</sup> We have to note that since the beginning of the implementation of this law, in the smaller towns problems occurred regarding the

number of juvenile judges. As a result, in several courts there is only one juvenile judge and it happens that the same judge decides during the first instance procedure, and afterwards, the same judge decides upon the appeal on his own decision, when a decision is made by the criminal council of that court. One of the options that are being recommended by the experts is to request exemption of the judge, but this will only prolong the procedure. It is necessary that all courts with extended jurisdiction employ minimum two juvenile judges.

<sup>283</sup> Despite the proclamation of the principle of promotion of dignity and values of all children and respect of the human rights and basic freedom, according to the report of the Helsinki Committee on the human rights in the Republic of Macedonia from August 28<sup>th</sup>, 2006, the police stations and places where children serve a prison sentence are institutions which should take remarkably big care for protection of children's rights based on the articles 37, 39 and 40 of the Convention for Children's Rights. According to the Report, in practice, the lack of precisely defined obligations and procedures in proceedings with children (in the regulation related to the work of the police) and the lack of implementation of minimum standards provided by the laws that regulate the accommodation and treatment of children in the closed institutions, cause numerous violations of children's rights and treat for their life and development.<sup>54</sup>

<sup>284</sup> The Law on Juvenile Justice does not provide concrete definition of a child. Instead of providing the same provisions as in the Law on Protection of Children, which determines that child is each person up to the age of 18, and then make a distinction of the terms based on the child's age, the legislator decides for a complicated approach, using several different terms.

<sup>285</sup> The state should provide broader measures (re-socialization and reintegration) for integrating these people in the system after the sentence is served.

---

<sup>54</sup> Report of the Helsinki Committee for human rights in the Republic of Macedonia from August 28<sup>th</sup>, 2006.

<sup>286</sup> The Law on Free Legal Assistance, despite the fact that has been prepared for a long time, is in Parliamentary procedure. But, this law excludes the cases which are being managed based on the Law on juvenile justice.

**Recommendation 33:**

- Terminological harmonization of the Law on Juvenile Justice with the Convention for Children's Rights and usage of the term child for persons up to the age of 18 years.
- It is necessary that all courts with extended jurisdiction employ minimum two juvenile judges.

***10.6 Children belonging to the minorities***

<sup>287</sup> The country has ratified the Convention for elimination of all forms of racial discrimination. The Law on combating discrimination is in a process of preparation and it is expected that it will provide for a solid background for combating discrimination of the minority groups. But, despite all this, Roma children do not enjoy all their rights (in many situations they do not enjoy even the basic rights, which is explained in details in the specific chapters of the report).

## **GENERAL RECOMMENDATIONS:**

### **GENERAL RECOMMENDATIONS**

- *Establishing of a Children's Ombudsman as a separate institution which will be completely committed to protection of children's rights;*
- *Ratification of the Convention of the Council of Europe on protection of children from sexual exploitation and sexual abuse;*
- *Ratification of the Convention for protection of the rights of people with special needs within the UN;*
- *Adoption of the Law on protection from discrimination, through which measures will be designed to eliminate all possible gaps which tolerate any form of discrimination;*
- *Incorporate the principle of child's best interest in the legislation as a guiding principle (concretely, it is not present in the Family Law);*
- *Improving of the Law on Social Protection in direction of increasing the provided financial support;*
- *Improvement of the legal framework for inclusive education, as well as developing mechanisms for its implementation;*
- *Improvement of the legislation which guarantees the right of access to services, not only in a sense of physical access, but also fundamental access to services. This problem appears through all the issues and problems of children (people) with special needs in the realization of their rights; and*
- *Legislative changes in direction of regulating the obligation of the state to register the children immediately after the birth.*

### **SPECIFIC RECOMMENDATIONS**

- *Exemption from paying the fee (participation) when realizing the right of health protection for ALL children;*



- *Inclusion of ALL children in the compulsory primary education;*
- *Increasing the capacities of the centers for social work and the responsible authorities at the Ministry of Labor and Social Policy through implementation of a fundamental personnel and organizational reform, as well as serious and continuous education of the personnel;*
- *24 hours accessibility of all centers for social work;*
- *Compulsory employment of social workers and defectologists in ALL primary schools;*
- *Direct implementation of the Convention;*
- *The employees of the Centers for social work should be in the field on daily bases, to early detect the conditions of the families in risk and prevent possible violence and abuse of the children in dysfunctional families;*
- *For a better prevention of family violence, Centers for social work should practice the mechanism of enhanced supervision over the parental authority or foreclosure of parental authority;*
- *Expediting the process of deinstitutionalization and promotion of the concept of independent living;*
- *Urgent dislocation of the detention center in Tetovo at a more appropriate location. Urgent separation of the juvenile males in the detention center from the adult prisoners in the prison in Skopje. The same applies for the juvenile females from the women department of the prison Idrizovo;*
- *The Government should develop criteria and conditions for equal financing of the NGOs that work on protection of children's rights, that practice children's participation and respect children's opinion and should increase the funding for citizen's organizations that work with children; and*
- *Providing regular trainings for the state institutions, local self-governments, schools, parents, media and civil servants who implement the Convention for Children's Rights.*

***National alliance for Children's Rights  
Republic of Macedonia***  
*Coordinated by the First Children's Embassy in the World*  
**MEGJASHI**  
*1000 Skopje, Kosta Novakoviq 22 a, Macedonia*  
*Tel. +389 2 2465 316; e-mail/fax +389 2 2463 900*  
[info@childresembassy.org.mk](mailto:info@childresembassy.org.mk)  
[www.childresembassy.org.mk](http://www.childresembassy.org.mk)

## **ALTERNATIVE REPORT**

**of the non-profit organizations to the Initial Report of  
Republic of Macedonia after the Optional Protocol to  
the Convention on the Rights of the Child on Sale of  
Children, Child Prostitution and Child Pornography**

**(From March 2008)**

**Skopje, 2009**

## TABLE OF ACRONYMS

<b>AOSS</b>	Adolescents who offer sexual services
<b>IOM</b>	International Organization for Migration
<b>MOI</b>	Ministry of Interior
<b>MLSP</b>	Ministry of Labor and Social Policy
<b>MCSR</b>	Inter-Municipal Center for Social Work
<b>NGO</b>	Non-governmental organization
<b>OPSC</b>	Optional Protocol for the Sale of Children, Child Prostitution and Child Pornography
<b>OG</b>	Non-governmental organization Open Gate
<b>RM</b>	Republic of Macedonia
<b>STIs</b>	Sexually Transmitted Infections
<b>UNICEF</b>	Fund for Children of the United Nations
<b>CSW</b>	Center for Social Work

## **1. INTRODUCTION**

The Alternative Report by the non-profit organizations to the Initial child State Report of Republic of Macedonia after the Optional Protocol to the Convention on the Children's Rights of the on the sale of children, child prostitution and child pornography has been prepared by the National Alliance for Children's Rights - Republic of Macedonia - NACR (non-formal Alliance established in 1997) as part of a project activity of the First Children's Embassy in the World MEGJASHI. For the needs to prepare the report in 2009, this NACR was renewed and extended with new member organizations and two coalitions (all of them are new, except for the Council for Prevention of Juvenile Delinquency from Kavadarci and the First Children's Embassy in the World MEGJASHI).

21 civil society organizations and 2 coalitions of civil society organizations took part in the process of preparation of the Alternative Report:

- 1. Association for Democratic Initiative (ADI) - Gostivar**
- 2. Association for Health Education and Research - HERA - Skopje**
- 3. Coalition All for Fair Trials - Skopje (a coalition of 17 NGOs)**
- 4. Council for Prevention of Juvenile Delinquency – Kavadarci**
- 5. Center for Balkan Cooperation "LOJA" - Tetovo**
- 6. Center for Civic Initiative - Prilep**
- 7. Center for Human Rights and Conflict Resolution – Skopje**
- 8. Center for Sustainable Development Porta - Strumica**
- 9. First Children's Embassy in the World Megjashi - Skopje**
- 10. Helsinki Committee for Human Rights of the Republic of Macedonia - Skopje**
- 11. HOPS Options for Healthy Life - Skopje**
- 12. Humanitarian Association Mother - Kumanovo**

- 13. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Gostivar**
- 14. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Debar**
- 15. Lifestart - Bitola**
- 16. Macedonia Without Discrimination (Union of 11 NGOs)**
- 17. Open Gate - La Strada - Skopje**
- 18. Open the Windows - Skopje**
- 19. Post Polio Support Group Polio Plus - Skopje**
- 20. Phurt – Delcevo**
- 21. Shelter Center - Skopje**
- 22. Women's Civic Initiative Antico - Kicevo**
- 23. Youth Educational Forum - Skopje**

During this report preparation in relation to the Optional Protocol to the Convention on the Children's Rights on the sale of children, child prostitution and child pornography has been included only the State, not the non-governmental organizations. The report is composed through data and everyday practices which are arising from the experience of 23 non-governmental organizations which took part in providing of the report.

Although the Optional Protocol to the Convention on the Children's Rights on the sale of children, child prostitution and child pornography was adopted in New York, on 25 May 2000, and was ratified by the Republic of Macedonia on 17 October 2003, still is not widespread in public. The public institutions (schools, health institutions, courts, centers for social work, etc.) are not acquainted with this Optional Protocol and in accordance with this they are not using these practices.

The parents and children also generally not acquainted with this protocol, which represent a huge failure by the Government, because they are directly concerned in the articles prescribed by this protocol.

## 2. GENERAL DIRECTIONS

The coalition compliments the bringing of The National Plan for Action for child protection from sexual abuse and pedophilia and the Government's efforts for fast and efficient implementation. However we must emphasize the insufficient transparency and no affirmation of this National Plan, as well as no affirmation of the Optional protocol on the sale of children, child prostitution and child pornography. Also, it should be mentioned that the National Plan for Action is not incorporated into the implementation of the specific obligations arising from the OPSC, neither is taken into consideration the Declaration and Agenda for action and global commitment adopted at the first and second World Congress against Commercial Sexual Exploitation of Children. (Stockholm, 1996; Yokohama 2001).

There is no appropriate care about the children, victims of sexual abuse, pedophilia and human trafficking. Often, the child who is victim is going back in his family, in the same place where he had previously suffered. That means to endure additional pressure from the domestic family for the violence – rape and possibility therefore to be forced to stay silent. Macedonia does not have special State institutions for children who are victims of sexual abuse, for the victims of domestic violence and sexual abuse.

### **EXAMPLE 1:**

Such was the case with the xx person who was victim of human trafficking in Zhelino, country near to Tetovo. After she was discovered and was submitting criminal act against executants, the little girl was restored in her home, in the same home that she escaped of and by the information from the Center of social work which provided unofficial data that her parents has been included in that networking of trade. Nether with the girl or with her parents has been worked by the competent services because of the lack of technical equipment and about invitations for discussions which have been send, nobody has not answered.

It is necessary for the institutions of the system to be carefull towards the children victims of sexual abuse. If the procedure among the competent institutions is inappropriate and

unprofessional performed or if the child is exposed with the factor of the violence - represents replication of the violence, child has stand additional mental violence and from the mental institution itself or from individual professional persons involved in the procedure. We recommended attestation in special screen room in presence of a judge, social worker and police inspector in civilian clothes. The judge will be allowed by the video materials and argumentation to not expose the victim with the factor of the violence even at the insistence of the defense. Also the court punishment is achieving the legal minimum often and always isn't correspondent.

### **3. DATA, ANALYSIS AND STATISTICS**

#### ***3.1 Secret Prostitution and Human Trafficking***

The results of the survey "Assessment of the views and findings of the pupils in secondary schools for the phenomenon of hidden prostitution and human trafficking " was confirmed the hidden prostitution among youth: 33.2% replied that they know persons that for some certain material or other compensation offered sexual services, of which 58.7% responded that it is about peer. 5.1% of the total number confirmed that they had been personally offered with material compensation for sexual services.

The presumptions have been verified that large number of young people believes that would have a better future abroad (65.1%) and 33.6% already consider the chance for work abroad. Therefore, a large part of the young people are not aware of the risks with whom they can confront if they leave abroad and is mainly rely on information that circulate within their group of peers, thereto without completely clear picture of the differences in voluntary prostitution and human trafficking, considering that a huge part of victims of human trafficking are fault of their own (47.1%), so because of that they don't believe that may become a victim of human trafficking (75,8%).

Unfortunately, so far the public is rather asked about existence of these appearance, nor is signaled that need to act in this direction, so because of that there is lack of actions for the prevention of them.

**Recommendation 1:**

Creation of preventive activities that would be directed by the following:

- Organizing public campaign in order to open the question about hidden prostitution and human trafficking among youth in the public and increase awareness for the existence of these appearance
- Initiate coordination of multi sectoral approaches to the problem of hidden prostitution and human trafficking among high-school population on the principle of shared responsibility with inclusion of all relevant stakeholders (parents, educational institutions, relevant ministries, local non-governmental organizations and international organizations who have been worked on the problem and etc)
- Training and inclusion of the media as an most powerful instrument in actualization of the problem
- Developing specific programs directed towards the neutralization of the social and economic factors that lead to dissatisfaction, lack of perspective and need to head abroad - poverty, unemployment, etc.

The past few years the problem with human trafficking has experienced with change. Macedonia was transit and destination country for victims of human trafficking of South-Eastern Europe mainly because of the sexual exploitation. According to the information from the Ministry of Interior, in the past few years was reduced the number of foreign citizens, victims of human trafficking, on account of the increasing number of Macedonian citizens who are trafficked in Macedonia. It's a question of interior human trafficking, where the Macedonian girls, mainly juvenile is one of the trade in other regions of Macedonia.



During the 2008, was discovered ten offenses and 25 offenders, of which nine are crimes of "trafficking with a juvenile, committed by 21 offender and one criminal act of "human trafficking", made of four offenders. The discovered cases in this area, comparative with last year have trend of increasing for three times.

In 2007 has been discovered a few acts of "human trafficking". In all cases, most of the victims are Macedonian citizens and they are between 8 and 17 years.

The largest number of the girls from Skopje – is eight, and the other are from Gevgelija, Stip, Kavadarci and Resen. In all cases, most of the victims were exploited by the owners of restaurants and worked as waitresses, dancers or chaperon of the guests, four of them were sexually exploited and physically harassed and, in one case, two of the victims were sexually exploited with the permission of the parent, while in the last implemented case, the girl since has been taken abroad, was sexually exploited and physically abused by "supposed" husband and his relatives.

The study in 2006, conducted by UNICEF, has concluded on the basis of all available data that between 2002 and 2006 about 85 children with Macedonian origin have been subject of human trafficking within Macedonia or in other destinations. In the study, it has been said that Macedonia is not the only destination and country of transit, but is also a country of origin where the illegal children trafficking exist. According to all children-victims of illegal trafficking, the study assumes that the total victims of illegal trafficking are about 155 (85 Macedonian foreign and 70 children). In relation with the statistical data from International Organization for Migration (IOM) in Macedonia up till now have been registered 771 cases of human trafficking of which 100 (or 12.9 per cent) are juveniles.

However, it must be mentioned that there are differences in the criteria used for identification of the victims of human trafficking by the government, NGOs and multilateral agencies, which

sometimes lead to differences in the statistics about the number of victims in the country.

This fact has been confirmed by the statistics of the Open Gate for 2008. Namely, from total 11 accommodated and assisted wards, 10 were juvenile Macedonian citizens, with different nationalities and they come from poor and dysfunctional families.

**State institutions have not developed psycho-social programs for children victims of human trafficking.**

The NGO is providing psycho-social assistance and support through different individual programs to the children victims of human trafficking, and they are housed in place secured by Open Gate. For each child has been prepared an individual plan with all segments (basis for basic hygiene, how to behave towards peers and older people, style for dressing, mutual tolerance and tolerance to another person, return to normal flow of living (these persons has disturbed bioritam), regular diet, inclusion in the education process and point out the need for education, establishment of contacts with family and close relatives, going back to the environment and her acceptance.)

**Recommendation 2:**

The implementation of the preventive programs for increasing the public sense is necessary and should be undertaken activities for functioning directly to the basic agent of children trafficking, such as poverty, social inclusion, insufficient access to education and other services.

It is necessary to establish specialized centers for the children who are victim of human trafficking where they will have appropriate programs for rehabilitation and reintegration.

### ***3.2 Sexual violence and Pedophilia***

According to the information which we have registered in public and from the calls of SOS phone for children and youth 0800 1 2222 by the First children's embassy in the world Megjashi, there is two or three cases of sexual violence and pedophilia in week on average against children in Macedonia. The number is alarming. Especially we are concerned by the fact that this year are detected cases with incest from the closest relatives of the victims or the parents.

In such case, the child victim is faced with a chaos and the chaos is getting bigger if the person who made the violence is not in prison, if the child is returned to the family which made pressure to dismiss the statement, if the child goes through hard and long process of giving statements several times for the rape, if is not taken in some other environment where he can be protected maximum.

It is necessary for the child to be placed in some institution appropriate for children victims of sexual abuse and domestic violence or family home. And exactly, centers for Social Work have key role. First, in the early detecting on the situation in families, and secondly finding appropriate place for the child victim of sexual abuse on time, and then in their rehabilitation, resocialization and reintegration in society.

During 2008, from the total number of calls (360) on the free-line SOS for children and young people, 39.5% are related with some kind of form of violence against children.

In 2009, we have call for case of young people which have stressed their own examples of abuse through internet:

- on their e-mail address through Hi5 profile (stealing the identity - drilling the password and provide information that can not be written by the author of address)

- Through Hi5 profile (placing strange photos and is presenting himself as an author of the address)
- examples during the educations in schools through Macedonia, where children and young shared experience in drilled passwords, invitations of online acquired friends for meeting, using photos with other name, etc..

There are no such researches and concrete statistical data about this matter in our country, but there is already evidence of increased number of reports upon this matter.

### **Recommendation 3:**

- Higher and stringent penalties to be brought by the judges for the people who made sexual violence - life imprisonment;
- Ruling stricter and higher sentences for the child sexual abusers – life prison term by the judges;
- Implementing additional measures for child protection from paedophiles returned from prison by using experiences from around the world;
- Building a central register for evidencing all reported cases and child sexual felonies;
- Social work centres to be mobile and effective in detecting families at risk and their continuous monitoring, as in overtaking appropriate measures in order to act preventively. They can give great contribution in child abuse prevention;
- Creating a system for early abuse detection and enforcing the services for providing direct help to the children – victims of abuse;
- Opening special centres for children – victims of sexual abuse and paedophilia and providing care and rehabilitation especially in the first 72 hours;
- 24 hours active work and participation of the SWC with the children – victims of sexual abuse;
- Forming guardian families for the children – victims of sexual abuse, paedophilia and incest in all of the RM cities.

## **4. GENERAL IMPLEMENTATION MEASURES**

In spite of the ever frequently exposure and taking paedophiles in custody by the police, as well as the recent changes in Criminal Law which provide far more severe punishments, the judges still grant minimal verdicts. The media constantly reports about these cases, but it is insufficient.

The fight against paedophilia requires for team and multidisciplinary approach, through collaboration with the civil society organizations and state institutions, especially the Social work centres, judiciary, the Ombudsman, police and schools. This requires synchronized and joint preventive acting of all factors that have influence on the education and care of children, such as the family, state institutions, civil organizations.

Day care centres are not a solution for the problem with children living on the streets in direction of child labour elimination. They only help to secure the children for some period of time, to feed, wash and dress them, and to help them acquire some basic hygiene habits. However, after leaving the day care centres, they find themselves on the streets again; they are again abused for their labour, and in most cases that is done by their parents. Many of them do not even possess a birth certificate. Until some employment is provided, at least for one of the parents and those children are included in the education system, the problem with the children on the streets will not be solved.<sup>55</sup>

## **5. PREVENTION**

Concerning the prevention area, it has to be pointed out that very little is done by the state organs. There is no education about this issue in the school system. The preventive function, which the Social work Centre is legally abided to do, in practice is nonexistent. The Social work Centres need to equip a team for fast

---

<sup>55</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=A1704B56103AE04B9F4E817A7F5275A6>

discovering and early detection of the families at risk, where the children that are potential abuse victims will be secured. This team should include special educator (for the handicapped individuals) who would work on discovering, intervention, accepting and rehabilitation treatment for the children with special needs. The Social work centres are not available after regular working hours or during the week-ends or holidays and the victims are not provided help at that times.

At the moment, preventive programs for working with paedophiles or children are not being implemented. There is no secure working treatment for paedophiles while they are imprisoned, no secure monitoring after they leave penitentiary, they do not sign up at the SWC and without medical treatment for controlling the instinct and libido and without CSW and police's supervision, paedophiles are likely to repeat the deed.

**EXAMPLE 2:**

That was the case with person XX, who committed this deed for the third time. He kidnapped two protected children from the Children home 11<sup>th</sup> of October and kept one as hostage for 23 days. He violated this child's integrity in a most cruel way and the ones responsible did not know where their children were. Nobody from this institution claimed responsibility and for the first time in Macedonia, the person XX was sentenced to 15 years of prison.<sup>56</sup>

Both, the Law for social protection and the Law for child protection do not treat children who are prostituting themselves, are victims of human trafficking of paedophilia. Only in the Law for juvenile justice, act 12, takes into consideration the child prostitution and classifies them as "children at risk". The Social work Centre is in charge of this issue, but they do not have comprehensive or solid programs for protecting these children.

---

<sup>56</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=97D3BAF968DC814D84FA401D1CDB0230>  
<http://www.childrensembassy.org.mk/default-en.asp?ItemID=9657B2C475191E4AA01C845F24B95855>  
<http://www.childrensembassy.org.mk/default-en.asp?ItemID=052182123798F34DA4D22E8776BCC01B>

In mapping and a study based upon the researches in adolescent communities under highest risk of HIV/AIDS/STDs, realized by UNICEF, social and health services that should take care of adolescents vulnerable of HIV and STDs are being localized.

During that study, the acquired information showed that, in most cases, the reports about the existence of Adolescents Offering Sexual Services (AOSS) are obtained from the police, prosecutor, parent or the school. Most often, these adolescents have been contacted upon other matter and during the procedure it was came across their provision of sexual services. Actually, in most of the cases, these adolescents have been contacted by the police because of some criminal deed or asocial behaviour, for which the police is legally abided to call the CSW for preliminary discussion with the minor. However, that happens rarely in practice, that is, the police first interrogates the adolescent, without the CSW presence and after that is done, they call the Centre in order to meet the legal procedure. Before that procedure, they have the AOSS sent at the Clinic for infective diseases and febrile conditions for control. Measures being taken during the process are: opening procedure against the parents for child neglecting, parents' motivation and family counselling. SWC and court's most typical verdict in these cases is reinforced surveillance of the parents or the custody organ. If the parents show neglection afterwards and during control, adolescent's progress isn't determined, then the same is placed into an institution. The SWC has no power over the court, besides from giving opinion during the decision making process.

Information was received that the SWC in Strumica do not have a separate AOSS register, but that they encounter such cases during their work. Often, a minor runs from home, after which the parents start an investigation process and that is how the collaboration with the police and SWC start. After the minor's discovery, the police, together with a representative from the SWC, return the minor at home. Afterwards, the social worker makes the initial contact first and then, the other experts from the team step in. Interview is made and an estimation of the minor and his/her family's personality, and potentials in the family for improving of the situation are being

searched for. Tests for personality estimation are being given, a family's genogram is being made with the relations in it, pedagogical styles and authorities, and after completing all this, a plan and programme for monitoring of the case is being created.

Again, from the abovementioned, we can confirm again that, in most cases, the issue of AOSS evidencing during the procedure is raised under other bases, not because of sexual exchange.

## **6. PROHIBITS**

If child pornography is distributed, presented and projected in front of children or adults, it is liable to punishment according to Article 193 from the Criminal Law. In Republic of Macedonia, the distribution of pornographic material, its presentation and manufacture is punishable, but its possession is not. Although, the Penal Code is supplemented with such regulative in the Article 193 with the changes and supplements from 14.09.2009, their implementation starts in March 1010.

Also, the Police should pay special attention on distribution, presentation and availability of child pornography in the internet cafes.

The availability of violent, erotic and pornographic content to the child's eyes in Republic of Macedonia is a serious problem. The children in Macedonia face these contents on daily bases, just because they are at their reach. The daily newspapers are abundant with photographs and hot line advertisements, agencies that explicitly offer sex contacts, sex shops' products and porn movies. The pornographic and erotic magazines are publicly placed in the vendors, and not only they are noticeable by the children, but their distribution to the minors is not being sanctioned.

The movies being aired on TV do not always have parental control sign, nor are parents warned about the time of the day that these movies will be presented. Very often, the radio and TV commercials



use the female body to promote different products. This is the factual situation in all Macedonia.

All this negatively reflects on the healthy child development. Most of what children learn, especially during their earliest development stage, happens through observation and imitation of the behaviour in their closest surroundings.

#### **Recommendation 4**

Eliminate violent, erotic and pornographic contents from children's perspective.

## **7. PROTECTION OF THE VICTIM'S RIGHTS**

The fact that almost every week we register 1-2 reports of paedophile, child sexual abuse of incest cases is disturbing. In some cases, the court allows confrontation of the child victim with the offender and sometimes even with the parent charged of abuse.<sup>57</sup>

The reporting of the rapists by the children and their closest is becoming more frequently. The children and ones closest to them are encouraged to report the abuser. But sometimes we know that the court procedure might last longer in some cases, that the child is stigmatized in the process of proofing the rapist's guilt and that during the main hearing, with the defence's insistence, the facing of the child – victim with the defendant is allowed. That causes a permanent psychological injury and the distrust in the efficiency and effectiveness of the system for child protection is multiply increased.

In the process of fighting against pedophiles and sexual abuse and its punishment, we sometimes forget about the child – victim. Through education and creating preventive programs for work with the child victims, we should be able to put them under special care. When children decided to talk about what had happened to them and do that under all circumstances and pressure, we have to extract

---

<sup>57</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=00AF5CA86BFD174D8268197DF9C8A8CA>

them from the surroundings where the deed happened. The educational institutions, the Ministry of internal affairs and especially the Social work centers and the courts have to be mobilized and to recognize that having responsible parents who would protect the children from the sexual offenders and pedophiles is not always the case.

There isn't a place intended for taking care of the children - victims of sexual abuse and incest. If a child, under pressure, changes the original statement about having been sexually injured and the judge allows confrontation with the offender, then what can be expected as an outcome? During that, the child gives a statement at three different places; at the police, at the Centre for social work and in court, which causes permanent psychological trauma that will follow her/him throughout all her/his life.

The responsible authorities have to pay special attention when the child witness or victim is being interviewed. The process has to take place in a relaxed atmosphere, in special screen rooms. If needed, it can last for more hours with provided video evidence. The judge, in presence of a psychologist, pedagogue and social worker will take that into consideration and will not allow confrontation of the child with the offender.

The Social work centers possess equipped rooms for hearing of the children – victims, but they have not been used. They are positioned at inappropriate places, inside the centers themselves, which is a problem for the children. There are very few social workers trained for working with these children and no expert teams that would constantly work with the children. Teams shouldn't be formed only when there is a need for it. There is insufficient number of teams (teams change continuously) for hearing the children – victims of sexual abuse, that would be available to them for 24 hours.

The country still hasn't provided an appropriate placement for the children – victims of human trafficking, the child – victims (over 12) are directed to the shelter centre “Open Gate”, which has an

area for children, but it is not physically separated from the adults' area. Also, the shelter is not financially supported by the state.

The children – victims (under 12) are directed to the orphanages as a permanent solution, which is not in the child's best interest, because no specialized services exist there for overcoming the experienced trauma.

From the evidenced cases, based on which the non governmental organizations are creating this report, an impression is formed that the children – victims of sexual abuse and incest are not protected because:

- The children – victims of incest, after revelling their situation are left on themselves, in an even more complicated situation;
- Usually the child stays with the other parent, who sometimes refuses to face the truth and admits that the violence happened. This behavior is often a result of the material conditions because the parent – rapist is likely to loose the working place and that way the family is left with (sometimes) fundamental incomes.
- The parent left with the child – victim, faced with the occurred problems, manifests violent behaviour, abuses the child emotionally and psychologically, wishing to punish him/her for what had happened, considering it as a reason for the recent family situation.
- The original problem of the child – victim multiplies, with him/her having to face a line of new serious problems (among which the hearings and the several court assessments, face to face with the abuser). That deepens the trauma even more and the trust in the system meant to protect them is completely lost.
- The child is abandoned by the family and stigmatized by the community where he/she lives and in stead of being encouraged for not being silent, he/she becomes condemned for the shown honesty.
- At the end, not being able to deal with the whole situation, the child buries the secret deep inside him/her and is worried about the family's future, even for the parent – rapist; whether he goes to prison or not?

- The child withdraws the statement!\*

### **EXAMPLE 3**

The Children's Embassy Megjashi has been reported to about a rape case over a girl (9 years), by unknown person, and physical attack by her mother. When the girl came to school she was all swollen and could hardly move. The school authorities called the CSW Struga, but they replied that they didn't have a vehicle to come. They went to make estimation two weeks after the report of this case. The mother lives with five minors and acts violently with all of them, without any care and protection. The girl weights only 15 kg and is starved and traumatized. It has been suspected that the mother deals with prostitution and a possibility that she submits the children to it. The First Children Embassy in the world registered the case on **30.01.2009** over the free SOS telephone for children and youth 0800 1 2222. The minor S lives with her mother and four brothers and sisters. When this case was reported to us, we reacted immediately to the local police station in village Labunishta and to the police station in Struga. We also addressed the Struga hospital, but they couldn't give away such information and they directed us to the SWC Struga, but nobody from there answered our calls. Therefore, we had a written request sent to the Inter-municipality social work centre in Struga to inform us whether they are familiar with this girl's condition, if the offender is reported to the police, and of course, the measures taken. Until this day, the First children's embassy in the world Megjashi hasn't received an answer upon this matter by the Centre for Social Work – Struga. The answer that the girl hurt herself with a rolling-pin by accidentally sitting on it at 23 hours, before midnight, for us is unacceptable!

We hope that by actualizing this case in front of the media, we will contribute towards investigating this case and rising valuable matters regarding the (un)protection of the children in Republic of Macedonia and (un)care of the appropriate institutions of the system, but unfortunately, instead of support, the Children Embassy Megjashi received an announcement for exceptional inspectoral surveillance by the state Direction for protection of personal information. Although personal information was not published in the media, according to the Direction for protection of personal information, the Children Embassy Megjashi had broken the law for protection of personal information! The Children embassy reacted to the Direction with a note that with these methods of state institutions not only the child protection is obstructed, but one of the

fundamental principles is being violated – the best interest of the child. That is just one of the links disabling child protection. This case remains covered with mystery, where besides the evident injuries of the child's rights, with severe psycho – physical consequences to the girl, nobody is being sanctioned!

**EXAMPLE 4:**

This is a case where the child retreats the statement; the school teacher in an elementary school in Kicevo (who called the children's embassy Megjashi in 2009<sup>th</sup>), after inviting the girl to talk, received a confession that her father coerced her into oral sex. The father has performed sexual acts over his daughter (he took her clothes off, touched her breast and sexual organs and asked her to touch his sex organ, after which they had oral sex). The father has been taken into custody, but not having a shelter family, the SWC returns the girl to the family. The girl's mother and uncle put pressure into persuading her to change her statement. She does so. But the teacher believes on the first statement and calls in the court's behalf. The court accepts for the teacher to testify, but the judge allows confrontation of the girl with the father on the main hearing. The court takes into consideration the teacher's testimony and verdicts a jail sentence of 2 years and six months. Under pressure from the family and closest to her, the girl changes the statement, saying that the previous one was false and that she gave it because she had been afraid of her father, because of her being a bad student, and that way she wanted to hurt him not knowing that he might go to prison. As a result of the two inconsistent statements, the center's representatives thought that in order to determine which of the statements is true, there has to be a neuro – psychiatric estimation made.<sup>58</sup>

Although the MLSP programme for reintegration of the children – victims human trafficking has been developed and compound of diverse activities, the fact that it is not yet financed by the appropriate Ministry is worrying. That means that it cannot be implemented into practice. Having in mind the special physical, psychological and social consequences these children suffer from, as a result of their abuse and exploitation, undertaking proper

---

<sup>58</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=BFDB516668E1E845803BAE8A2377687F>  
<http://www.osgostivar.mk/Odluki.aspx?odluka=6>

measures and methods in accordance to their age and best interest, is much needed for their protection and help.

The journalists should respect the privacy right of the child, especially of the children – victims of human trafficking. It has become a practice for them to report about the identified minors – victims of human trafficking in their most viewed period of day, during which the victim's initials are publicly announced, so is the place of living and the place where the victim was directed.

**Recommendation 5:**

- In case when the child – victim is not accompanied by a parent/guardian, one is to be declared immediately and to reconnection with the family in shortest terms, if it is in the child's best interest;
- When returning to family is not suitable, specific measures for protecting the rights and interests of the child should be undertaken, in accordance with the legislations;
- To respect the child's opinion (if the child is in a position to claim it) for engaging in protection and help activities;
- Taking measures for protecting the privacy and identity of the child - victim
- Creating separate individual programs for protection and support of the children – victims, related to their physical, psychological, health assistance and housing;
- The Social work centers should declare a person in charge of accompanying the child during the engagement with cooperation with the non governmental organizations;
- To respect the identity and integrity of the children – victims or witnesses of all violent acts and secure them from further victimization, which could happen through giving away personal data in the media such as name, parent's name, address, personal information related to the case, one or more specific marks revealing the child's physical, mental, economic, cultural and social identity, ethnicity, etc..

## GENERAL RECCOMENDATIONS

- *Ratification of European Council's Convention for protection of children from sexual exploitation*
- *The judges and officials making contact with the child – victim should be extremely careful towards the child. The statement that the child gives should be done only one time, in a relaxed atmosphere in the presence of a judge, psychologist, pedagogue and a representative from the social work centre*
- *The state should start continuous campaigns for rising the awareness, education and training programs for OPSC regulations, predestined for the children – victims of human trafficking, the pedagogical staff, medical people, journalists, social workers, lawyers, judges*
- *Forming special shelter centers for protecting children - victims of sexual abuse and adopting the victims of domestic violence and sexual abuse, financially supported by the state*
- *Supporting the existent NGOs shelters for victims of child trafficking*
- *The Social work Centres need to equip a team for fast discovering and early detection of the families at risk, where the children that are potential abuse victims will be secured. This team should include special educators (for the handicapped individuals) who would work on discovering, intervention, accepting and rehabilitation treatment for the children with special needs.*
- *Providing 24 hour availability of the social work centers with direct contacts to the shelter centers for the children – victims of all shapes of abuse*
- *Working with the children – victims and their rehabilitation, re-socialization and reintegration in the society*
- *Creating data base and collecting statistics about the children – victims of all shapes of sexual abuse*

- *Implementation of preventive programs for working with pedophiles and their rehabilitation, treatment and re-socialization, which at the same time will disable further deed recidivism*
- *Strict surveillance by the police and SWC over paedophiles*
- *More rigid paedophile sentences*
- *Implementing preventive programs in schools, within families and in front of media which will result in child protection from trafficking, prostitution and pornography;*
- *Applying additional measures for protection of the children from pedophiles returned from penitentiary, using the experiences from around the world (surveillance from the police and the Social work centers over those pedophiles)*
- *Respecting the children – victims of abuse or abuse witnesses' identity and integrity and their protection from additional victimization through exposing personal data in the media: names, parents' names, address, personal information related to the case, one or several characteristics specific about the child's physical, mental, economic, cultural or social identity, ethnic background etc.*
- *Forming state shelters for children – victims of sexual abuse, at least in the bigger cities, under the Macedonian Ministry of labor and social politics' directive, for accepting the victims of sexual abuse and domestic violence.*
- *Training for the public institutions' personnel (schools, health institutions, courts, municipalities, social work centres, etc.) for this facultative protocol.*



***National Alliance for Children's Rights  
Republic of Macedonia***

*Coordinated by the First Children's Embassy in the World*

**MEGJASHI**

*1000 Skopje, Kosta Novakoviq 22 a, Macedonia*

*Tel. +389 2 2465 316; e-mail/fax +389 2 2463 900*

[info@childresembassy.org.mk](mailto:info@childresembassy.org.mk)

[www.childresembassy.org.mk](http://www.childresembassy.org.mk)

**ALTERNATIVE REPORT  
of the nongovernmental organizations to the Initial  
Report of the Republic of Macedonia under the  
Optional Protocol towards the Convention on  
Children's Rights on involvement of children in armed  
conflicts (from November 2008)**

**Skopje, 2009**

## TABLE OF ACRONYMS

<b>ACHP</b>	Albanian Center for Human Rights - Tirana
<b>ARM</b>	Army of the Republic of Macedonia
<b>IDPs</b>	Internally Displaced People
<b>Convention 182</b>	Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
<b>CP</b>	Criminal Penal Code
<b>MLSP</b>	Ministry of Labor and Social Policy
<b>NATO</b>	North Atlantic Alliance Organization
<b>OPAC</b>	Optional Protocol on the involvement of children in armed conflicts and acts
<b>FCEWM</b>	The First Children's Embassy in the World Megjashi
<b>RM</b>	Republic of Macedonia
<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees
<b>CCI</b>	NGO Center for Civic Initiative
<b>CSW</b>	Center for Social Work

## **1. INTRODUCTION**

The Alternative NGO report regarding the state initial report of the Republic of Macedonia under the Optional Protocol towards the Convention on Children's Rights on involvement of children in armed conflicts (from November 2008.) is prepared by the National Alliance for Children's Rights - Republic of Macedonia - NACR (non-formal Alliance established in 1997) as part of a project activity of the First Children's Embassy in the World MEGJASHI. For the needs to prepare the report in 2009, this NACR was renewed and extended with new member organizations and two coalitions (all of them are new, except for the Council for Prevention of Juvenile Delinquency from Kavadarci and the First Children's Embassy in the World MEGJASHI).

21 civil society organizations and 2 coalitions of civil society organizations took part in the process of preparation of the Alternative Report:

- 1. Association for Democratic Initiative (ADI) - Gostivar**
- 2. Association for Health Education and Research - HERA - Skopje**
- 3. Coalition All for Fair Trials - Skopje (a coalition of 17 NGOs)**
- 4. Council for Prevention of Juvenile Delinquency – Kavadarci**
- 5. Center for Balkan Cooperation "LOJA" - Tetovo**
- 6. Center for Civic Initiative - Prilep**
- 7. Center for Human Rights and Conflict Resolution – Skopje**
- 8. Center for Sustainable Development Porta - Strumica**
- 9. First Children's Embassy in the World Megjashi - Skopje**
- 10. Helsinki Committee for Human Rights of the Republic of Macedonia - Skopje**
- 11. HOPS Options for Healthy Life - Skopje**
- 12. Humanitarian Association Mother - Kumanovo**

- 13. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Gostivar**
- 14. Humanitarian and Charitable Association of Roma in Macedonia Mesechina - Debar**
- 15. Lifestart - Bitola**
- 16. Macedonia Without Discrimination (Union of 11 NGOs)**
- 17. Open Gate - La Strada - Skopje**
- 18. Open the Windows - Skopje**
- 19. Post Polio Support Group Polio Plus - Skopje**
- 20. Phurt – Delcevo**
- 21. Shelter Center - Skopje**
- 22. Women's Civic Initiative Antico – Kicevo**
- 23. Youth Educational Forum - Skopje**

The process of preparation of the state initial report of the Republic of Macedonia after the Optional Protocol to the Convention on Children's Rights on involvement of children in armed conflicts did not involve or consult civil society organizations.

Referring to the report which was submitted by the Government of Macedonia, it has to be noted that it is too general, abstract and gives incomplete picture of the conditions, as for the years it reports about. Also, no official statistical data is cited on any of the topics reported with the report. The report does not provide information on concrete implementation measures. It is concerning that the report does not mention children refugees from the armed conflict in Kosovo, neither does mention the displaced children from the conflict in 2001 and the consequences of conflict in 2001. It does not mention the institutions that will implement the protection measures, rehabilitation and reintegration, not mentioning the protocol for treatment of children victims of violence is not yet developed, nor does it provide specific measures (rehabilitation, reintegration) during extradition. Also, the Report does not mention the implementation of Convention 182 of the ILO on urgent prevention of the worst forms of child labor and the recommendation of the ILO.

The armed conflict that occurred in the Republic of Macedonia in

2001 created even greater disunity in the society and disrupted the sense of trust and peaceful life. This situation has a huge impact on the behavior and communication between the young people from the two major ethnic groups: Macedonian and Albanian.

The state did not completely investigate the indications for participation of children in the armed conflict in 2001. In this way, the problem is not brought to light and no assistance is provided to children who had special needs for re-socialization and support.

Resolving the status of children who suffer the consequences of the conflict over the past eight years is being continuously transferred from the Government of the Ministry of Labor and Social Policy and vice versa<sup>59</sup>.

Although the state report emphasizes that the Law on Health Records will also anticipate records of children in armed conflicts, still, such statistics does not appear in the law.

Regarding children who are asylum seekers and migrants, besides the data obtained by the UNHCR, no other statistics exist which could determine how many of them are children. Children asylum seekers and migrants are accommodated together with the adults and no rehabilitation center exist that would provide them with the appropriate assistance.

## **2. PREVENTION**

Domestic legislation strictly prohibits involvement of juveniles in armed conflicts and their recruitment in units that carry out military and other activities. The basic entry level for recruitment and involvement is the age of 18 years, when the person reaches adulthood.

According to the Criminal Code, as a war crime against civilians, it sanctions persons who during the war, armed conflict or occupation

---

<sup>59</sup> Helsinki Committee

violate the rules of the international law, by ordering performing of enrollment and recruitment of juveniles below the age of 15 years in the armed forces or using them through active participation in armed actions. The prosecution of such incriminated activities does not desuetude and it anticipates a condemning sentence of at least ten years or life imprisonment. The First Children's Embassy in the World Megjashi advocates that persons under the age of 18 years can not be recruited, mobilized and used in armed actions, war or emergency war circumstances.

The education system of the Republic of Macedonia does not provide for adequate attention to many highly important issues related to the rights of children, especially related to their involvement in armed conflicts. Therefore, a need arises for different types of prevention initiatives and activities, which will be designed in the spirit of interethnic understanding, respect for the differences and cooperation.

This area is lacking an Action Plan for preventive (educational) measures and education on various topics for all age groups, such as: nonviolent communication, constructive conflict resolution, stereotypes and prejudices<sup>60</sup>.

The personnel of pedagogues in most cases do not undertake their own responsibility for such situation and therefore, by their passiveness also support and tolerate violence between members of different ethnic groups. Thereby, the basic human needs for peace, safety and respect for the identities remain unsatisfied. Still incidents happen among high school students, as well as fights in the public transportation, assaults, etc.

Also, the personnel of pedagogues in the schools who are interested in supporting nonviolent communication among children and protection of their rights is not trained, networked and organized. Modest attempts for networking were made by the project

---

<sup>60</sup> <http://www.megjashi.org.mk/WBStorage/Files/Brosura%20EIDHR%202005.pdf>

“Friendship through multiethnic cooperation in five multiethnic clubs in the high schools in Skopje, Tetovo and Kumanovo”.<sup>61</sup>

Macedonia has ratified the Convention 182 of the ILO (Convention for prohibition and elimination of the worst kinds of child labor) upon recommendation of the Committee on Children’s Rights, but has not yet adopted the Action Plan anticipated by Article 6 of the Convention. The Action Plans should be urgently developed and implemented in consultation with relevant government institutions and organizations of employers and employees, taking into consideration the interests of children who are directly involved in the worst kinds of child labor, their families and other relevant groups that are committed to the goals of the Convention and this Recommendation. Such programs should focus at:

- a) Identification and rejecting the worst kinds of child labor;
- b) Prevention activities during involvement of children in the worst kinds of child labor or their removal from the worst kinds of child labor, by protecting them from revenge and providing support to their rehabilitation and social integration through measures that are consistent with their educational, physical and psychological needs;
- c) Special attention should be given to:
  - younger children
  - girls
  - the problem of covert work situations, a special risk for the girls
  - other groups of children, particularly those who are unprotected or with special needs
- d) Identification, support and mutual cooperation with communities where children are at special risk;
- e) Information, awareness raising and mobilization of the public opinion and the groups of interest, including children and their families.

---

<sup>61</sup> <http://www.childrensembassy.org.mk/WBStorage/Files/Newsletter%20No%2023.pdf>

Serious problem of the state is the use of video games with violent contents. No video game has ever been forbidden, although the researches throughout the world have confirmed their negative effect on the psyche of the young people. Also, it is concluded that the instructions for restrictions of use of the video games by certain age groups are not being respected. (Wolfenstein 3D, Asheron's Call 2, Doom...)

### **3. PROTECTION, REHABILITATION AND REINTEGRATION**

Given that the National Report does not mention at all the refugees from Kosovo from 1999 and internally displaced people from 2001, this Alternative Report contains more detailed information exactly for these two groups, specifically for children who were found in that situation.

#### ***3.1. Refugees from Kosovo***

With the beginning of the events in 1999 in Kosovo, and the emergence of a huge wave of Kosovo refugees in Macedonia, the Center for Civic Initiative - Prilep (CCI) started to work on a project focused on this issue.

Refugees from Kosovo were accommodated in refugee camps and foster families in several towns in Macedonia, situated at the border zone with Kosovo and Albania. The tragedy that was happening to them caused series of negative effects both individually and on collective level, endangering their social and civilization values, with a tendency of continuous de-socialization and separation, away the time in which others live. Mostly endangered were children, for whom it is the most difficult to face the consequences. Their careless life until then, did not prepare them for existence outside of the home environment, in an environment full of trauma and stress.

Most of the refugees present in the urban areas inhabited Tetovo, where were placed around 20,000 refugees.



Now, 2,136 people from Kosovo still live in Macedonia, representing asylum seekers, former humanitarian assisted persons and future persons with a refugee status.<sup>62</sup>

### ***3.2 Internally displaced people (IDPs)***

The country does not demonstrate interest and care for the displaced people from the conflict, including children, which causes existence of centers for displaced people, where children live in poor conditions, without social and health care and barriers in the implementation of the education process.

The Ministry of Labor and Social Policy is directly responsible for violation of the rights of children - internally displaced persons. According to data provided by the Helsinki Committee, five years after the armed conflict on the territory of the Republic of Macedonia (2001), in the collective care centers in March 2006 were placed 160 children: 50 aged 6 years; 70 aged from 6 to 14 years and 40 over 15 years. From a total of 1,130 IDPs in the Republic of Macedonia, more than 60% are mothers and children. They are accommodated in collective centers, in inappropriate conditions for meeting the basic living needs.

Since the beginning of the crisis in the Republic of Macedonia, until now, many of the internally displaced children were accommodated in collective centers in which:

\* Accommodation in most of the cases is inappropriate to the number of members of individual families - the children lived (and some of them still live) in rooms of 6-12 square meters, visibly ruined, with high humidity and insufficient light. In one room, 4-6 people live together (including parents and children).

\* Not provided healthy and hygienic living conditions (in all centers hygiene is at a lowest possible level, disgust smell is spread all around, use common bathrooms, which are in a very bad condition).

---

<sup>62</sup> <http://www.childrensembassy.org.mk/WBStorage/Files/Newsletter%20No%202021.pdf>

\* Not provided minimum conditions for a proper development of children (the food was repeatable, without any standards that would set the appropriate quality and quantity for children's needs, while on several occasions the food delivered was with expired date). Milk and dairy products are constantly being decreased, while food is not delivered to illegitimate children, who are also exempted from the records of IDPs.

\* Unknown is the exact number of newborn babies and they do not receive special protection and better living conditions.

\* The families that are being removed from the register by letters from the Ministry (from different reasons, often without explanation and inappropriate reasons) are forced to leave the centers, by excluding them from the food delivery. Each removal from the registry also involved certain number of children who were left without the minimum protection afforded by the collective centers.

\* By removal from the registry, children are forcibly returned to unsafe environments (according to the parents: in the schools they attend, they are subject to daily threats, even beating, they have no conditions to lectures in Macedonian language, do not feel safe to move freely in their place of living, and in the same time they are not provided with the minimum material conditions for existence and survival).

Access to basic health services, including immunization of children and sanitation services, never existed. Also, no presence of a physician or other medical personnel were ever noted, neither temporarily, and not to mention permanent presence. Medical examinations were never conducted.

The Ministry of Labor and Social Policy provides the right to health and medical care, by issuing annual registry document, which is not being recognized in some public health institutions. For this reason, often, IDPs pay for their health services, and many of the medications they buy from their own funds.

The solution is again being sought in closing of cases at any cost

and rejection of responsibility without taking care about the situation of the children.

For this situation with the IDPs were constantly informed all state authorities, the Red Cross, the Ombudsman, but their problem has not yet been resolved. Although the official figures show a reduction of the IDP, it is to be noted that much of this is due to the forced removal from the registry<sup>63</sup>.

**EXAMPLE 1:**

On September 2<sup>nd</sup>, 2005, the First Children's Embassy in the World Megjashi, received a notification from the Ministry of Labor and Social Policy that based on the conclusion of the Government of RM from the 18<sup>th</sup> session held on February 17<sup>th</sup>, 2003, the 16 internally displaced persons accommodated in the Megjashi's shelter, "have met the conditions for returning to their homes". Therefore, their status of internally displaced people is being removed, together with all the benefits related to this status. Despite this decision of the Government, they stayed in the shelter for additional twelve months, because, although their homes are rebuilt, according to them they do not feel safe to return back to Aracinovo, and could not leave the shelter because their new homes in other places around Skopje were under construction.<sup>64</sup>

### ***3.3 Protection Measures***

The institutions that will implement the protection measures, rehabilitation and reintegration are not precisely determined. It is not legally regulated whether it will be the Centers for Social Work or other bodies.

**EXAMPLE 2:**

Regarding the protection of children, we would like to mention as a negative example the photography of a child holding a firearm at a celebration on the occasion of the Day of the Army of the Republic of Macedonia in August 2009. A question arisen for all of us whether the state works for the best interest of the child and what exactly it

---

<sup>63</sup> <http://www.mhc.org.mk/default-en.asp?ItemID=03128F0BDE1C1E44B1F5A7E4C384A7D8>

<sup>64</sup> <http://www.childrensembassy.org.mk/WBStorage/Files/Newsletter%20No%2022.pdf>

propagates by allowing the children to take photos with army weapons, being further publicly announced and distributed.

Also, the First children's embassy in the world Megjashi reacted over the abuse of children in political goals, during the celebration of the Day of ARM. Children were included in advocating and political campaigning for Macedonia's entry into NATO at 40 degrees Celsius.<sup>65</sup>

#### **4. DISTRIBUTION OF THE PROTOCOL AND TRAINING**

The state still has not translated the Protocol into all languages used in the Republic of Macedonia and it is not distributed to the wider public. The Protocol should be introduced to children, parents, schools, municipalities and all state institutions, which directly or indirectly work to protect children's rights.

In practice, evident is the lack of training for all target groups, to better acquaint with the rights and obligations anticipated in the Optional Protocol.

---

<sup>65</sup> <http://www.childrensembassy.org.mk/default-en.asp?ItemID=3D17C91FEB58A34B9BDAD86F29F6689B>  
[http://www.mhc.org.mk/WBStorage/Files/Report\\_2007\\_07\\_08.pdf](http://www.mhc.org.mk/WBStorage/Files/Report_2007_07_08.pdf)

## RECOMMENDATIONS

- Amend the Criminal Code so that it states that war crime against the civilian population would be considered recruiting, mobilization and use of persons under 18 years, instead of the current 15 years.
- Amend the Criminal Code so it states that a war crime against the civilian population would be considered recruiting children not only in armed actions, but also in extraordinary circumstances.
- Increase the awareness in the country for the existence and contents of the Optional Protocol on Children's Rights concerning the involvement of children in armed conflicts (OPAC), in a sense that the state undertakes continuous awareness raising campaigns, educational and training programs for the provisions of OPAC, focusing on children refugees, migrants, asylum seekers, the pedagogical staff, medical workers, journalists, social workers, jurists, judges, lawyers.
- Resolving the situation of internally displaced people and in that context, also the children among internally displaced people.
- Supplementation of the education system of the Republic of Macedonia with topics such as: nonviolent communication, constructive conflict resolution, stereotypes and prejudices.
- Include peace education to become part of the curriculum, as well as study of violence as a phenomenon and the possibilities for its transformation in a constructive non-violent way. Provide training to pedagogical personnel for nonviolent conflict resolution and provide education to all children and all teachers at all levels of education, starting from kindergarten.
- Legally regulate the body that will implement the protection measures, rehabilitation and reintegration.
- Create rehabilitation center for children who are asylum seekers and migrants, which will provide appropriate assistance. Adoption of action programs aimed at identifying and rejecting

the worst kinds of child labor and providing preventive action during inclusion of children in the worst kinds of child labor.

- Prohibit the use of video games which are proved to have negative effect on the psyche of young people.

# **INFORMATION ABOUT THE ORGANIZATIONS – MEMBERS OF THE NATIONAL ALLIANCE ON CHILDREN’S RIGHTS**

## **1. Association for Democratic Initiatives (ADI) - Gostivar**

**Association for Democratic Initiatives (ADI)** is an NGO which aims to integrate human rights in political, economic and social development of the societies in South-Eastern Europe. ADI aims to protect and promote international standards and values on human rights, to build and strengthen civil society, and to support citizens, refugees, migrants, IDPs, youth, media, government, private sector and other NGOs through advocacy, participation and educational activities. The Association for Democratic Initiatives (ADI) is determined to become one of the key leaders in the development of democracy, freedom and stability in South-Eastern Europe. ADI predicts a future in which every individual or group is able to freely participate in all spheres of society, based on the principles of internationally recognized human rights and values.

Contact:

Blvd. Braka Ginovski 61

Entrance No.3, 3rd Floor

1230 Gostivar, Macedonia

Tel: +389 42 22 11 00

Fax: +389 42 22 11 02

E-mail: [albert@adi.org.mk](mailto:albert@adi.org.mk)

Web: [www.adi-macedonia.org](http://www.adi-macedonia.org)

## **2. Association for Health Education and Research - HERA - Skopje**

**H.E.R.A. - Association for Health Education and Research** is a nonprofit organization formed by free association of citizens, to achieve basic human rights of women, men and youth to be informed and be able to freely exercise their choice regarding to

sexual and reproductive health, as well as for advocating to ensure that right.

Doing this, H.E.R.A. puts special emphasis on informing, advocacy, provision of services, or forwarding to services to promote sexual and reproductive health, HIV/AIDS, sexually transmitted infections and blood infections, unwanted pregnancy and avoidance of unsafe abortion. H.E.R.A.'s activities are directed towards the general population, with particular attention to youth, poor and those without access to services and without exercising of their rights.

Contact:

Dame Gruev 1/3-15, 1000 Skopje, Macedonia

Tel / Fax: + 389 2 3290 395

E-mail: [hera@hera.org.mk](mailto:hera@hera.org.mk)

Web: [www.hera.org.mk](http://www.hera.org.mk) ; [www.sakamdaznam.org.mk](http://www.sakamdaznam.org.mk)

### **3. Women's Civic Initiative Antiko - Kicevo**

**Antiko** is women's citizen initiative, interethnic network of leaders and active women of the civil society in Macedonia. Its mission is to promote culture of peace and non-violence through social engagement of women. Women's Civic Initiative Antiko actively works in the area of anti-discrimination and protection of human/women's rights - the affirmation of the importance and safety of every individual in all its dimensions: physical security, socio-economic, respect for human rights and dignity and the right of identity and inclusion. Nonviolence, tolerance, solidarity, multiculturalism, equality, sustainable development, networking, civic activism and social justice are the core values that make the foundation of Antiko's ten years active work in local communities of the Republic of Macedonia.

Contact:

Tale Hristov, building 1, local 9

1000 Skopje, Macedonia

Tel: + 389 (0) 2 2 614 641

Fax: +389 (0) 2 2 60 11 12



E-mail: [contact@antiko.org.mk](mailto:contact@antiko.org.mk)

Web: [www.antiko.org.mk](http://www.antiko.org.mk)

#### **4. Coalition All for Fair Trials-Skopje (a coalition of 17 NGOs)**

**Coalition "All for Fair Trials"** is a network of 17 civic associations and was founded in 2003. The main mission of the Coalition is: Monitoring and respect of human rights and freedoms, particularly the international standards for fair trials, through various forms of action in the endeavor to increase the level of their implementation, to initiate institutional and legal reforms and to return citizens' trust in the judiciary and other institutions of the system.

Contact:

Street Macedonia 11/2-10, 1000 Skopje

E-mail: [contact@all4fairtrials.org.mk](mailto:contact@all4fairtrials.org.mk)

Web: [www.all4fairtrials.org.mk](http://www.all4fairtrials.org.mk)

#### **5. Life Start- Bitola**

**NGO Life Start** from Bitola is an organization founded in 1998. Since the beginning, its work is directed towards projects that deal with education of parents and children of school and preschool age. In the past period were realized the following projects: "We grow and learn together", "Early childhood development", "Vavilon", "Adult literacy", "Social development of the community". The evaluation showed that these projects significantly help children from preschool age to obtain the necessary knowledge to be prepared to start school. Parents become aware of all changes that follow the growth and development of their children and are informed about different ways to handle with these changes and positively influence their children.

Contact:

Vasko Karangelevski bb

Faculty for teachers

PO Box 137, Bitola

Tel/Fax: +389 (0) 47 253 637  
E-mail: [lifestartmk@yahoo.com](mailto:lifestartmk@yahoo.com)

## **6. Macedonia without Discrimination (alliance of 11 NGOs)**

On June 16<sup>th</sup>, 2009 organized was the founding assembly of the union **Macedonia without Discrimination**. Macedonia without Discrimination functioned as an informal union since March 2008. The decision to formalize this union came as a result of the needs for more organized action in the promotion of equal opportunities and protection from discrimination in the Republic of Macedonia. Macedonia without Discrimination aims to contribute to a rightful society, without discrimination, where all people enjoy equal opportunities, as well as the benefits of the differences.

## **7. Youth Educational Forum - Skopje**

Association of citizens “**Youth Educational Forum**” is a nongovernmental, nonpartisan and nonprofit organization established in June 1999. The mission of the association is to offer opportunities and ways to university students, high school students, their teachers and parents, to actively and arguably participate in public discussions on issues concerning them and the wider community and in that way contribute to establishing open and democratic society.

The basic objectives of the association are:

- Education of youth aged 15 to 25 years;
- Promotion of alternative ways of educating young people through the application of interactive methods in the lectures;
- Promotion of critical thinking and tolerance among high school students;
- Public speaking (rhetoric), teamwork, logic, arguable presentation of viewpoints, problem solving;
- Anticipation of the contrasting opinions as equally valuable to the personally presented opinions;
- Openness to ideas and opinions contrary to the generally accepted;
- Protection and promotion of students’ interests and rights;

-Promotion of the concepts of justice and rule of law as basic democratic principles.

Contact:

Blvd. Partizanski Odredi 21-2/4, Skopje

Tel: +389 2 3139 692

E-mail: [info@mof.org.mk](mailto:info@mof.org.mk)

Web: [www.mof.org.mk](http://www.mof.org.mk)

## **8. Open Gate - La Strada - Skopje**

**Open Gate La Strada - Macedonia** is a nongovernmental, non-profit organization registered in September under the full name **Women's Lobby and Action Against Violence and Women Trafficking**. Open Gate, as a member of La Strada International (European network for prevention of human trafficking in Central and Eastern Europe), works on prevention, protection and psychosocial assistance destined for victims of human trafficking. The main objective of the organization is to improve the position of women, promote their rights including the right to migrate and work abroad, and to protect women from violence and abuse.

Contact:

PO Box: 110, 1000 Skopje

Tel: +389 2 2700 107

E-mail: [lastrada@on.net.mk](mailto:lastrada@on.net.mk)

Web: [www.lastrada.org.mk](http://www.lastrada.org.mk)

## **9. Open the Windows – Citizens' association for support and promotion of accessible information technology for people with disability - Skopje**

**Open the Windows** is a service center for people with disability, where users have access to computers and internet, with the help of adapted and adjusted technology according to their needs. The mission of Open the Windows is to provide people with disability with access to Information Technology,

using the computer as a tool for communication, education and employment. Open the Windows is working with the idea that new technologies should overcome existing barriers, and not create new ones. We work to create a world in which people with disabilities will have opportunities – both educational and professional - for greater independence and inclusion in the society.

Contact:

Blvd. Partizanski Odredi 62/1-16

1000 Skopje, Macedonia

Tel / fax: +389 (0) 2 3068 630

E-mail: [contact@openthewindows.org](mailto:contact@openthewindows.org)

Web: [www.openthewindows.org](http://www.openthewindows.org)

## **10. Post Polio Support Group - Polio Plus - Skopje**

**Polio Plus** is Macedonian multiethnic, multi-religious citizens' organization of people with and without disabilities, which works on fundamental connection and full exercise of the basic human rights and freedoms of people with disabilities. Our mission is strengthening the confidence of people with disabilities and creating a society with equal opportunities for all. We accomplish this mission through advocacy and lobbying for change and improvement of legislation, education, employment and independent living of people with disabilities on one hand, as well as raising public awareness, affirmation of their creativity and contribution to the community, on the other hand.

"Polio Plus does not travel alone". Our mission is being implemented together with other stakeholders in the society.

Contact:

Blvd. AVNOJ No. 64, building 2

1000 Skopje, Macedonia

Tel: +389 02 2400-544

Fax: +389 02 2400-544

E-mail: [polioplus@polioplus.org.mk](mailto:polioplus@polioplus.org.mk)

Web: [www.polioplus.org.mk](http://www.polioplus.org.mk)

## **11. First Children's Embassy in the World Megjashi - Skopje**

**The First Children's Embassy in the World Megjashi - Republic of Macedonia was founded on April 29<sup>th</sup>, 1992** as an international nongovernmental organization for protection of children's rights. Children's Embassy Megjashi advocates for respecting children's personality through protection of their rights, advocating children's interests and enhancement of life with contents that make childhood secure and creative. Megjashi, with its activities, contributed in developing and strengthening of civic awareness for children's rights. It has broken the silence on children's suffering, especially physical, sexual and economic abuse of children, revealing to the public many cases of abuse and directly engaging in establishing more efficient mechanisms for protection of children.

Contact:

Kosta Novakovic 22a, 1000 Skopje

Republic of Macedonia

Tel. +389 2 2465 316

Fax. +389 2 2463 900

E-mail: [info@childrensembassy.org.mk](mailto:info@childrensembassy.org.mk)

Web: [www.childrensembassy.org.mk](http://www.childrensembassy.org.mk)

## **12. Phurt - Delcevo**

**Phurt Delcevo** is a nongovernmental and nonprofit organization that works to promote and protect human and children's rights, domestic violence and human trafficking.

Contact:

Skopska No.3

2320 Delcevo, Macedonia

Tel: +389 (0) 33 412 337

Fax: +389 (0) 33 413 041  
E-mail: [phurt@t-home.mk](mailto:phurt@t-home.mk)

### **13. Council for Prevention of Juvenile Delinquency (CPJD) - Kavadarci**

**CPJD** was founded in 1996. Its major activities focus on combating all forms of asocial and other behaviors of young people in Kavadarci. The work of CPJD is mainly divided into two sectors:

- The legal sector, which works to improve the situation of minors within the juvenile justice system, through changes and improvements to juvenile justice, legal framework, as well as the relevant further implementation;
- Youth sector, whose goal is to organize the free time of young people in Kavadarci and surrounding areas, by providing opportunities to engage in various forms of informal education and activities.

Contact:

Sports Hall "Jasmin", Brakja Hadzi Tefovi 28  
Kavadarci, Macedonia

Tel/Fax: +389 (0) 93 412 947

E-mail: [sppmd@mt.net.mk](mailto:sppmd@mt.net.mk) , [contact@sppmd.org.mk](mailto:contact@sppmd.org.mk)

Web: [www.sppmd.org.mk](http://www.sppmd.org.mk)

### **14. Helsinki Committee for Human Rights of the Republic of Macedonia - Skopje**

**Helsinki Committee for Human Rights of the Republic of Macedonia (MHK)** is a nongovernmental organization for promotion and protection of human rights, without political and religious orientation. MHK monitors the situation with human rights, offers legal assistance to citizens in cases of violation or limitation of their rights and freedoms, and cooperates with other organizations and state institutions in direction of increasing the promotion, respect and protection of human rights and freedoms. MHK seeks to contribute in increasing the respect

for human rights and freedoms and improving the conditions for their exercising and protection, which contributes to the development of democracy and ensuring peace.

Contact:

Dame Gruev No.8 / 5 1000 Skopje,

Republic of Macedonia

Tel / Fax: + 389 (0) 2 3119 073, + 389 (0) 2 3290 469

E-mail: [helkom@mhc.org.mk](mailto:helkom@mhc.org.mk)

Web: [www.mhc.org.mk](http://www.mhc.org.mk)

### **15. HOPS Options for Healthy Life - Skopje**

**HOPS - Options for Healthy Life** is a nongovernmental, nonprofit and nonpartisan organization, which began operation as the first needle exchange project in the Republic of Macedonia in 1997. Since then, HOPS has developed programs for: harm reduction from drug use, HIV/AIDS and other sexually and blood transmitted diseases, social reintegration and re-socialization of youth and other vulnerable groups in the Republic of Macedonia.

Contact:

Web: [www.hops.org.mk](http://www.hops.org.mk)

### **16. Humanitarian Association "Mother" - Kumanovo**

**Humanitarian association "Mother"** from Kumanovo functions since 1992. Formed in response to the need to help during the time of the dissolution of former Yugoslavia, "Mother" organized numerous humanitarian actions for refugees in the wars in Bosnia and Herzegovina, Kosovo and the crisis in Macedonia. For the displaced people in the regions of Kumanovo, Kriva Palanka and the surrounding areas, "Mother" organized activities for distribution of food, medicines and other basic necessities. They also organized accommodation of families in hosting homes, reconstruction of damaged houses and re-socialization of children and women, while after the

conflict in 2001, they also organized psychosocial workshops for women.

Contact:

Gorce Petrov No. 33

Kumanovo

Tel. +389 (0) 31 421 341

Fax +389 (0) 31 411 088

E-mail: [yavku@fremail.com.mk](mailto:yavku@fremail.com.mk)

### **17. Humanitarian and Charitable Association of Roma in Macedonia “Mesecina” - Gostivar**

**Humanitarian and Charitable Association of Roma “Mesecina” Gostivar** is citizen association formed to contribute to social integration, effective participation and equal participation in the democratic rights and potentials for the Roma community, on national and local level, through capacity building, direct support and advocacy for the Roma.

”Mesecina” founds its work in four sectors:

- Education;
- Socio-economic integration and additional education of marginalized groups;
- Human rights and interethnic relations, tolerance and dialogue; and
- Information, coordination and development of public awareness and policy.

Contact:

Braka Ginoski 26

1230 Gostivar, Macedonia

Tel: +389 (0) 42 22 22 71

Tel / Fax: +389 (0) 42 22 22 72

E-mail: [mesecina@mt.net.mk](mailto:mesecina@mt.net.mk)



## **18. Humanitarian and Charitable Association of Roma in Macedonia “Mesecina” – Debar**

”Mesecina” Debar is a citizens’ apolitical nonprofit humanitarian organization whose mission is: Development of human and material resources and their distribution to the target group in the area of work through projects and programs financed by various donors from the country and abroad. “Mesecina” works in the following (sectors) programs: education, human rights and youth and interethnic relations and dialogue, economic integration of marginalized groups and additional education, environmental program, information, coordination in the country and building public awareness and public policy, department for urgent assistance (this sector works only during natural or other disasters).

Contact:

Velko Vlahovic bb

1250 Debar, Macedonia

Tel: +389 (0) 46 631 496

Fax: +389 (0) 46 631 496

E-mail: [mesecina.d@yahoo.com](mailto:mесecina.d@yahoo.com)

## **19. Center for Balkan Cooperation “Loja” - Tetovo**

**Center for Balkan Cooperation “Loja”** began working as a nongovernmental organization in Tetovo in 1999. During its ten years of work, “Loja” focuses on two main areas: culture and education. Within the sphere of culture it organizes exhibitions of paintings and photography, produces short documentaries and organizes movie projections, providing the only place where the citizens of Tetovo can visit a cinema. Within the education area, it works on various projects that promote informal education. These projects target from preschool children to university professors. One of the main goals and the mission of the organization is through its activities to promote interethnic cooperation, respect and tolerance. The organization also works on international level, directly

participating in organizing several international exchanges, targeting young people.

Contact:

Ilindenska 18-a, Tetovo  
Tel: +389 (0) 44 352 970  
[cbcloja@cbcloja.org.mk](mailto:cbcloja@cbcloja.org.mk)

## **20. Center for Civic Initiative - Prilep**

**Center for Civic Initiative (CCI)** in collaboration with nongovernmental organizations, governmental organizations and business sector motivates citizens to work on building civil society in the Republic of Macedonia and beyond. The ultimate goal of CCI is that all citizens have equal human rights, are involved in decision-making processes and have equal access to education. CCI organizes various activities and projects to achieve these goals, increasing the participation of Macedonian citizens in the process of building a better and more open democratic society.

Contact:

Dimo Narednikot bb (building Erik)  
7500 Prilep, Macedonia  
Tel: +389 (0) 48 400 480  
Fax: +389 (0) 48 425 125  
E-mail: [ccimk@t-home.mk](mailto:ccimk@t-home.mk)  
Web: [www.cgimk.org.mk](http://www.cgimk.org.mk)

## **21. Center for Human Rights and Conflict Resolution - Skopje**

**Center for Human Rights and Conflict Resolution** is an organization that primarily deals with research and education based on the following main objectives:

- To help the citizens of the Republic of Macedonia to take an active role in resolving the seemingly unsolvable conflicts, rooted in ethnic and other differences; and
- Promoting the concept of human rights and basic freedoms as an essential part of the political, judicial and social transformation that takes place in the country.

The achievement of these fundamental objectives is based on the initiation of various activities within three key areas: human rights, conflict resolution and interethnic relations.

Contact:

Dame Gruev 8, Skopje

Tel: +389 2 3290 377

E-mail: [ecrp@mol.com.mk](mailto:ecrp@mol.com.mk)

## **22. Center for Sustainable Development Porta - Strumica**

**Center for Sustainable Development “Porta” Strumica** is an association of citizens, the successor of the NGO Support Center Strumica, which was a project of the Foundation Open Society Institute Macedonia and the European Agency for Reconstruction in the period 2003-2006. The organization was founded in 2006. The mission of the organization is economic development of Strumica region through supporting the development of civil society, development of agriculture and the popularization of the cultural and historical monuments and natural resources.

Contact:

Blagoj Jankov Muceto bb

(Army Hall) 2400 Strumica

Tel: +389 34 326 832

Fax: +389 34 326 831

E - mail: [mnikolov@sonet.com.mk](mailto:mnikolov@sonet.com.mk)

[rstevanov@sonet.com.mk](mailto:rstevanov@sonet.com.mk)

[ruzica\\_matkova@hotmail.com](mailto:ruzica_matkova@hotmail.com)

## **23. Shelter Center - Skopje**

The objective of the **Shelter Center** is to contribute to improving the long-lasting neglect of women's human rights in Macedonian society by providing support, guidance, protection and promotion of the development of social, political and legal system in which human rights are respected, and women's rights are protected .

Our activities are based on the following programs:

- Domestic violence;

- Sexual abuse and reproductive health;
- Center for women's rights; and
- Women's economic development.

Contact:

Bozidar Adzijata 1-1/6;

1000 Skopje, Macedonia

Tel: +389 2 2772-400; 75 520-639

E - mail: [contact@sheltercentar.com.mk](mailto:contact@sheltercentar.com.mk) ; [contact@mwrc.com.mk](mailto:contact@mwrc.com.mk)

Web: [www.sheltercentar.com.mk](http://www.sheltercentar.com.mk) ; [www.mwrc.com.mk](http://www.mwrc.com.mk)