



# **Convention on the Rights of the Child**

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## **Committee on the Rights of the Child**

### **Consideration of reports submitted by States parties under article 44 of the Convention**

**Second periodic report of States parties due in 1998**

**The Former Yugoslav Republic of Macedonia\***

[14 May 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## Introduction

1. Pursuant to paragraph 1 of Article 44 of the Convention on the Rights of the Child, the Republic of Macedonia acceded to by way of succession to the former SFRY, the Initial report was submitted to the Committee in 1997, and was reviewed by the Committee during its session held on January 16–17, 2000.
2. The present report on measures taken to implement the Convention on the Rights of the Child gives an account of the changes adopted by the competent departments of the Republic of Macedonia since 1998 to 2005/6.
3. The Second Periodic Report has been prepared, to the greatest possible extent, in accordance with the General Recommendations of the Committee on the Rights of the Child, in regard to the form and content of the reports that the states have committed to present according to Article 44 Paragraph 1(b) of the Convention on the Rights of the Child.
4. The Ministry of Labour and Social Policy, Ministry of Education and Science, Ministry of Culture, Ministry of Internal Affairs, Ministry of Justice, Ministry of Health, Youth Agency and the Secretariat for European Issues jointly participated in the preparation of the Report, as well as the Ombudsman (part of the contribution from this Institution is incorporated in the Report).

## I. General measures of implementation (arts. 4, 42 and 44, para. 6)

5. The proposals and recommendations of the Committee on the Rights of the Child have been taken into serious consideration. As a result, all legal reforms and interventions made after January 2000 have been directed at conforming national legislation to the standards established by the Convention.
6. In March 2006, The Government of the Republic of Macedonia adopted a National Action Plan addressing the rights of the child in the Republic of Macedonia with goals reaching to 2015. This National Action Plan aims to define policy in the Republic of Macedonia by increasing protection of children's rights, securely establishing standards against discrimination, reducing child poverty, and achieving highest standards of education, health care and social care. The Plan details short, medium and long-term strategic goals that will be completed from 2005 to 2015. The document summarizes past accomplishments and details the long-term plans of the Government to improve the rights of the child in the Republic of Macedonia by strengthening their role and by giving absolute priority to their rights and interests.
7. The National Action Plan encapsulates all tasks and goals that the Republic of Macedonia has decided to undertake to provide for the full exercise of the guaranteed rights of the children, and relies heavily on principles of equality, accessibility, quality and efficiency. The Plan is based on the following principles:
  - Ban of discrimination – Implementation will occur in legal regulations which will lawfully bind all departments and individuals dealing with the condition of children to respect the principle of non-discrimination and prescribe punitive measures for cases when this principle is not respected

- The priority of the child's best interests – This principle is of primary importance and will be given absolute priority when creating government policy, enacting concrete decisions and undertaking measures and activities related to children
- Participation of children – This element represents an obligation that the measures and activities undertaken in the legal regulations treat the children as individual entities with rights and responsibilities apart from the rights, status, and situation of their parents ... This measure will enable children to participate in the decision making of their local communities, and to publicly express opinions through peaceful gatherings, child associations, school organizations and through local self-government

8. One of the recommendations of the Committee on the Rights of the Child after the defense of the Initial Report of the Republic of Macedonia on the Convention of the Rights of the Child was that resources be allocated to establish an organization in the Republic of Macedonia to implement these goals with consistency and efficiency. As a result of these recommendations of the Committee on the Rights of the Child, and in accordance with the obligations from the World Summit on Children, a National Committee was formed in 2001, with a mandate to execute the National Action Plan for the protection of the rights of the child in the Republic of Macedonia. This issue was clearly outlined in the introduction to the National Action Plan and presented with information from the Government of the Republic of Macedonia. Although the National Committee on the Rights of the Child was appointed as an institution to carry out the National Action Plan and monitor the implementation of the Convention on the Rights of the Child in the Republic of Macedonia, this did not successfully occur. To increase the credibility of the National Committee, widen its authority and to completely enable it to optimally perform all of its functions, the Government of the Republic of Macedonia raised the level of members of the Commission to state advisors. Now, representatives from all line ministries are state advisors competent for the issue of the Convention on the Rights of the Child. It is expected that with this personnel, the National Committee will successfully undertake the role of coordinator and monitor of the implementation of the Convention in the Republic of Macedonia.

9. In this period, where the professional capacity of the Committee is being strengthened, the experiences of other countries in this area are being taken into consideration. It has been determined that the Ombudsman for children in the Republic of Macedonia, who is also a member of the Committee, shall play a large role in monitoring the implementation of the Convention; the experience and information of the Ombudsman are especially indispensable. The Ombudsman's presentation of the practical cases seen will be indicative of how the protection of the rights of the child in the Republic of Macedonia and the Convention on the Rights of the Child is functionally implemented on a daily basis.

10. Past weaknesses shall be taken into consideration and overcome so that future monitoring of implementation of the Convention can improve, as well as the implementation itself.

11. The Department on Child Rights Protection within the institution Ombudsman was founded in October 1999 with a declaration of the Ombudsman, with cooperation and support of the UNICEF Office in the Republic of Macedonia. The Department on Child Rights Protection is headed by one of the deputies of the Ombudsman.

12. The Office of the Ombudsman, as a constitutional institution where the Department on Child Rights Protection functions, competently performs on the basis of the Law on Ombudsman.

13. The Department on Child Rights Protection is authorized to protect the constitutional and legal rights of children when state departments, administration, or other organizations with public authority have violated their rights.

14. The procedure for the protection of rights of the child can be initiated upon submitted complaint in writing, recorded oral account, by telephone fax or by electronic mail.

15. An official complaint may be initiated by any individual, which frequently occurs in cases where the rights of children have been violated.

16. The Department is not authorized to make decisions and decide on the rights of children, but represents a control mechanism that monitors the work of other institutions which are authorized to act in regard to the implementation of, laws and international acts ratified in accordance with the Constitution of the Republic of Macedonia.

17. When a violation of the rights of the child has been determined, the Ombudsman submits recommendations, proposals, opinions and suggestions on how to resolve the problem and eliminate the violation, which results in the restoration of the rights of the child as well as increased correct and lawful performance of organizations responsible for maintaining said rights. From the functioning of the Department to date, it can be concluded that generally, as well as most of the interventions related to specific cases, violations are being successfully handled by the responsible departments.

18. The Department on Child Rights Protection still operates within the national office of the Ombudsman of the Republic of Macedonia and functions on the principle of authority it has been given to act on concrete complaints for the protection of individual rights of children. In 2003 a new Law on Ombudsman was passed which strengthened the role of this Department by expanding its authority and procedural jurisdiction. Regarding the protection of the rights of the child, it is important to point out that this new law places children and helpless persons in a special category where the Ombudsman provides protection not only upon submitted complaint, but also takes initiative without requesting the consent of the parent or guardian for a child's protection. The new law also puts the Ombudsman under obligation to monitor the situation to ensure that the child has the freedom to exercise their rights, and undertake measures for their full exercise; to improve the rights of the child; to monitor legal regulations and to propose changes to existing legal regulations to more adequately represent the Constitution as well as international acts, as well as call into question existing regulations that may not fully represent the ideals of the Constitution in the Constitutional Court.

19. In order to raise the efficiency of the procedure before the Ombudsman, the new law stipulates compulsory time limits for certain actions to be undertaken by the Ombudsman and time limits in which departments are obligated to act upon the requests of the Ombudsman. In order to increase the responsibility of the departments towards the Ombudsman, the new law stipulates an obligation for all officials heading state institutions, that is, departments of the state administration, to receive the Ombudsman without delay when requested. The new law also stipulates an obligation for the departments to stop, at the request of the Ombudsman, the execution of an individual act until the appeal process is completed or until court proceedings are completed that assess that with the execution of such an individual act, irreparable, damaging consequences would occur for the child. Through this law, the Ombudsman and the Department for Child Rights Protection have obtained wider authorization regarding child rights protection, and are able to have a strengthened and increasingly effective role in child protection.

20. In order to bring closer to the citizens and enable all citizens on the territory of the Republic to have easier access to the Ombudsman, on the basis of the new law six district offices were opened in the larger cities of the state.

21. UNICEF has been active in the Republic of Macedonia since 1992 and opened its Office in Skopje in 1993. Cooperation with UNICEF is on government and non-government levels. In regard to the government, the main partners of UNICEF in the program's cooperation are the Ministry of Health, Ministry of Labour and Social Policy, the Ministry of Education, the Ministry of Justice, and the Ministry of Internal Affairs. The Ministry of Foreign Affairs acts as coordinator of the program activities. In the cooperation up to now several program cycles have been conducted: 1994–1995, 1996–1998, 1999–2001 and 2002–2004.

22. The Program Cooperation Action Plan for cooperation for the period from 2005 to 2009 was signed in 2005. It has been implemented in accordance with the Basic Cooperation Agreement from 1994, which provides the general legal framework for the cooperation between the Government and the UN Children's Fund) as well as a detailed Program Cooperation Document prepared in close coordination with the relevant ministries in Macedonia. This document was approved in June, 2004 by the Executive Board of UNICEF in New York. The programs and projects contained in the Program Cooperation Action Plan were agreed jointly in the course of 2004 and 2005 between the Macedonian Government and UNICEF.

23. The main components of the Program Cooperation Action Plan are program cooperation projects in four areas: (1) Social policy, monitoring and evaluation; (2) Prevention of HIV/AIDS and young people's health and development (3) Child protection (de-institutionalization, assisting victims of violence and children living on the street, juvenile justice reforms, and a fight against child trafficking (4) Early childhood development and education.

24. The changes in the legislation and the practice in the report period relevant for the implementation of the Convention on the Rights of the Child are given by articles.

## II. Definition of the child

### Article 1

25. The Constitution of the Republic of Macedonia provides for special protection of the children and minors according to the provisions of the Convention on the Rights of the Child.

26. According to the legislation mandated by the Constitution of the Republic of Macedonia a person is treated as adult when the person has attained 18 years of age.

27. The Law on Protection of Children ("Official Gazette of RM" No. 98/2000) states in Article 8 that a "child" is every individual up to the age of 18 years, as well as a person with impediments in the physical and psychological development, that is, according to the changes made to this Law in 2005 ("Official Gazette of RM" No. 113/2005) a person with impediments in the physical and intellectual development up to the age of 26 years is still defined as a child.

28. The provisions of the Law on Family that regulate marriage, family relations and employment of minors were explained in the Initial Report.

29. The Constitution of the Republic of Macedonia determines the lower limit for employment and according to it a person of less than 15 years of age cannot be employed.

30. The Law on Labour Relations contains provisions that regulate the special protection for persons who have been employed before attaining the age of 18 years in the sense of

stipulating a ban of certain types of work: a ban of night labour and a right to longer vacation for workers who have not yet attained the age of 18 years.

### **III. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination (art. 2)**

31. Regarding the comments of the Committee provided after the submittal of the Initial Report in connection to the prescribed right of the child to receive child allowance, changes have been made in the legal provisions according to the principle of non-discrimination. With the changes to the Law on Child Protection adopted in the year 2000, a right to a child allowance for all children up to the age of 18 years when regularly attending school was provided. The previous legal provisions provided this right to child allowance only for the first three children in the family. (This change directly addresses the recommendation of the Committee on the Rights of the Child contained in paragraph 17 of the Concluding remarks).

#### **Best interests of the child (art. 3)**

32. The Constitution of the Republic of Macedonia has determined it the right and duty of the parents to support and raise their children. The principle of best interests of the child has been applied and fully incorporated in the Law on Family of the Republic of Macedonia. In 2004 significant changes and amendments were made to the Law on Family enacted in 1992, with the aim of protecting the rights and interests of the child in accordance with the provisions of the Convention on the Rights of the Child. With the changes to the law, new provisions were introduced and have contributed for the child to be treated as entity in the proceeding with the aim of protecting the best interests of the individual. For that purpose the Law prescribes, besides the right and duty of the parents to support their children, that the child has the right to be supported by his/her parents, to be taken care of, to have life and health protected, to be trained for independent life and work, to be provided with optimum conditions for his/her upbringing, education and professional training, as made possible by the condition of the family. In the segment related to maintaining personal involvement and direct contact between children and parents not living together, it was determined that a child has a right to maintain contact with parents the child does not live with. Regarding the representation of children in court and administrative proceedings, the Law on Family determined that not only was it the right and duty of the parents to represent their minors, it is the child's right to be represented by parents or guardians.

33. The parents exercise their rights as parents jointly and by agreement. In cases where the parents of the child do not live together and cannot agree on the manner in which the personal and direct contacts would be maintained, and with the aim of overcoming the problems that might lead to breaking the parent-child relationship, the changes of the Law determine that in case the parents of the child are unable reach an agreement on the way contact is to be maintained with the within a two months period, the Centre for Social Welfare shall pass a decision that takes into consideration the best interest of the child depending on his/her age and level of development.

34. Supervision over the exercise of parental right is done by the social welfare centre as the authoritative department for custody and is able to undertake measures and activities for the protection of the rights and interests of the child.

35. Regarding the right of the child to be supported by his/her parents and the right to maintain personal relations and direct contacts with both parents, with the changes and amendments to the Law on Family it has been determined that “the social welfare centre may pass a decision to limit the right of the parent who has not provided support for the child for more than three months to maintain personal involvement and direct contact with the child until he/she fulfils the obligations towards the child”.

“The social welfare centre shall pass a decision limiting the right of the parent who has not been given custody of the child to personal interaction and contact with the child when they have repeatedly (three times or more) disrespected the decision of the social welfare centre.”

“The social welfare centre may pass a decision to allow the child to stay with a parent who had not been given custody of the child for a period no longer than 15 days, in the event that the other parent has, without justification, disrespected the decision of the social welfare centre more than two times in a row.”

“The social welfare centre has the right to make a decision to limit the right of the parent to maintain personal interaction and contact with the child for a certain time period, but for not more than six months, in the event that the parent broken a previously reached agreement on the duration of time they were to care for the child.”

“The social welfare centre shall pass a decision to temporarily give the child to the care of other parent, put a child in foster care or an institution as last resort if there is evidence that the personal parent-child relationship has been seriously interrupted for more than two months because of a parent’s disrespect of the social welfare centre, or other conditions that are observed to have a damaging effect on the development of the child.”

In these cases the social welfare centre shall place the parents under obligation to attend adequate counselling.

36. In case of abuse or severe neglect in the performance of parental duties, upon receipt of an opinion from the social welfare centre, the court has the authority to revoke parental rights for all or some of the parent’s children.

37. The changes and amendments to the Law on Family adopted in 2004 determine in more detail that abuse or severe neglect of parental duties shall be considered when the parent commits physical or emotional violence against a child, sexually abuses a child, forces a child to do work that is not suitable for his/her age, allows a child to consume alcoholic beverages, drugs or other psychotropic substances, forces the child to engage in socially unacceptable behaviour, abandons the child and does not take care of the child for more than three months or in any other way severely violates the rights of the child.

38. With the goal of maintaining the best interests of the child, a new element was introduced in the Law on Family banning the use of any kind of domestic violence gender or age specific. Introduction of these provision in the law defined family violence, who can be victim of family violence, who is the perpetrator of domestic violence, which state departments are authorized to act in case of family violence, as well as temporary legal measures that can be executed to protect the family violence victim.

39. With the changes and amendments to the Law on Family, adopted in 2004, important changes have been made in the segment related to adoption. The main change in the Law is related to the procedure for adoption where a compulsory adaptation period has been introduced, namely placement of the child in the family of the future adoptive parents. This was accomplished to standardize the Law on Family with international conventions in the field of adoption to which the Republic of Macedonia has become a member. With the

changes made, an adoption is processed before a Committee with the authority to legalize an adoption at the Ministry of Labour and Social Policy, which consists of 5 members appointed by the Minister of Labour and Social Policy. In doing so the professional work done at the social welfare centre has been separated from the decision making that is under the jurisdiction of the committee and a unique registry of possible adoptive parents and children for adoption has been introduced. Another new measure in the Law on Family in the field of adoption mandates that the age difference between prospective parents and the child they intend to adopt cannot be more than 45 years.

40. A special law on juvenile justice has been put into effect for adoption which prescribes preventive measures for the protection of children at risk, alternative measures and sanctions, as well as measures for re-socialization and rehabilitation if deemed in the best interests of the child.

### **Right to life, survival and development (art. 6)**

41. The information regarding this article is contained in the answers given on several other articles of this report.

### **Respect for the views of the child (art. 12)**

42. The Convention on the Rights of the Child allows for the child to express his/her views. These views must be given appropriate consideration in all issues and procedures related to the child. In order for the principles set down in the Law on Family to become everyday practice in the Republic of Macedonia, the social welfare centre, the department responsible for child custody, must intentionally enquire as to the child's personal views on the issue and give full consideration to these views in all matters affecting the child. In this sense, the Law on Family stipulates that in the procedures to determine the manner in which the personal relationship of the child with the parent is to be conducted, the social welfare centre should inform the child and give full consideration to his/her views and opinions and inform him/her about the possible consequences of decisions, in accordance with the age and maturity of the child.

43. With the changes and amendments to the Law on Family adopted in 2004 in the field of adoption there is a change regarding the age of the child: for adoption of a child over twelve years of age consent of the child is required. According to article 123 of the Law on Family "The consent of both birth parents of the adoptive child, as well as of the child being adopted when older than twelve years is needed for the adoption. The presence of the both adoptive parents, legal guardians, as well as the child being adopted is required for the adoption."

## **IV. Civil rights and freedoms (arts. 7, 8, 13, 14, 15, 16, 17 and 37(a) of the Convention)**

### **Name and nationality (art. 7)**

44. According to the Law on Registry (Official Gazette of RM number 8/95, 38/02), the conditions for registration immediately upon birth are clearly determined.

45. According to Article 6 of the Law on Birth Registry "Birth of a child is reported in writing or orally in minutes at the registry office of the region where the child was born, within a time limit of 15 days after the birth. The birth of a child in a transportation vehicle

is reported to the registry office of the region where the trip of the mother ended. In case of a stillborn, this is reported within 24 hours of the birth.”

46. According to Article 7 of the same Law “The health organization is obligated to report the birth of a child in the organization. For a child that was not born in a health organization the registration is done by the father of the child, that is, by the persons in whose dwelling the child was born, the mother as soon as capable of doing it or by the health worker who participated in the delivery. In case there are no such persons or they are not able to register, the birth of the child can be registered by the person who has learned about it.”

47. A child of unknown parents is registered in the Birth Registry in the place where it was found. The registration is done on the basis of a decision of the institution responsible for custody, and it shall contain: the name and gender of the child; hour, day, month, year and place of birth of the child according to the place where the child was found.

48. According to Article 22 of the Law on Birth Registration “when the birth or death is reported 30 days after the event, the registration in the registry shall be done only on the basis of a decision.”

49. All data, facts and notes written in the registries have to be backed up by evidence of value that can be confirmed when needed to ensure that accurate information is being recorded. Accurate data is of extreme importance since data in the registry books is the primary means of establishing the identity of a person that can be later used in the other identification documents, such as an identity card or passport.

50. The Ministry of Internal Affairs has undertaken intensive measures to inform the citizens of the Republic of Macedonia through public information and media about the legal obligation to register the birth of a child.

51. For this purpose the Ministry of Internal Affairs has prepared brochures in several languages and distributed them to the regional departments of the Ministry of Internal Affairs and to the Ministry of Foreign Affairs.

52. Regarding the issue of citizenship, besides what has already been presented in the Initial Report, it should be singled out that with the adoption of changes and amendments to the Law on Citizenship of the Republic of Macedonia (“Official Gazette of RM” number 8/04) the definition of citizenship has been taken over from the European Convention on Citizenship according to which “Citizenship is a legal connection between people and the state, and is not determined by ethnic origin of the people applying for citizenship.” The Law eliminates any discrimination on the grounds of gender, religion, race, and national and ethnic origin.

### **Preservation of identity (art. 8)**

53. There are no changes with respect to the Initial Report.

### **Freedom of expression (art. 13)**

54. There are no changes with respect to the Initial Report.

### **Freedom of thought, conscience and religion (art. 14)**

55. According to the Law on Religious Communities and Religious Groups enacted in 1997, it is prohibited to force or prevent a citizen from becoming or being a member of a

religious community or religious group or to force or outlaw participation in religious rituals or other forms of expression of faith. A citizen cannot be deprived of the rights that he/she has according to the Constitution and the laws of the Republic of Macedonia because of religious belief, belonging to a religious community or religious group, performing or participation in the performing of religious rituals or other forms of expression of faith. It is strictly forbidden to use religious gatherings, religious rituals, religious press, religious instruction, religious schools and other forms of expression of faith for political purposes, or to instigate religious, national or otherwise intolerant actions forbidden by law.

56. The foundation of religious schools by religious communities and religious groups is allowed according to procedures and conditions stipulated by law.

57. The law allows for religious traditions such as christening and circumcision to be performed on a minor only with the consent of the parents, that is the guardian, and when the minor is more than 10 years old his consent is also required. The necessary hygiene, health and other conditions must be secured for the performance of these rituals.

58. As in the previous legal solution, it is allowed for a religious instruction to be performed only in public facilities where religious rituals and religious work is done, whereas the consent of the parent or guardian, as well as the consent of the minor when over 10 years of age is required for a visit to these facilities. Religious instruction can be performed with pupils only when there is no regular instruction in the schools, and participating students have already completed their elementary education. Religious instruction can also be given to individuals for whom the obligation of compulsory elementary education has expired by law.

59. The Law on Religious Communities and Religious Groups stipulates that religious communities and religious groups have the right to open religious schools for all levels of education, with the exception of elementary education, for the education of religious officials, as well as boarding houses for the accommodation of persons educated in those institutions. The curriculum and accommodations must be in accordance with the Constitution and the laws, and the Ministry of Education and Physical Training has the right to make inspections.

60. In 1998 the Constitutional Court of the Republic of Macedonia abolished the provision in Article 10 according to which a religious group with seat in the Republic of Macedonia must be founded by at least 50 individuals of age, who are citizens of the Republic of Macedonia, with permanent residence in the Republic of Macedonia. According to the Constitutional Court, the high census represents a limitation of the right to religious belief and freedom of association of citizens for the exercise and protection of their individual rights and beliefs.

61. With the Law on Organization and Work of State Administrative Departments enacted in 2000 a Committee for relations with religious communities and religious groups was established. The Committee is an independent state department performing activities related to the legal position of the religious communities and religious groups, as well as activities related to the relations between the state and the religious communities and religious groups. The Assembly elects the members of the Committee in which there are representatives of both political parties and religious communities.

62. A Law on Religious Communities and Religious Groups that would have built on the recommendations of OSCE/ODIHR was being elaborated at the time this Report was prepared.

## **Freedom of association and of peaceful assembly (art. 15)**

63. The Law on Associations of Citizens and Foundations enacted in 1998 mandated that citizens can freely gather in associations and establish foundations for the exercise and protection of economic, social, cultural, scientific, professional, technical, humanitarian, educational, sport and other rights, interests and beliefs in accordance with the Constitution and the laws.

64. According to the provisions of the Law, founders of an association of citizens can be at least 5 adult citizens of the Republic of Macedonia. A child may willingly join or stop being a member of the association of citizens.

65. The Law also regulates the establishment of foundations where founders are domestic and foreign physical and legal entities.

66. In the Republic of Macedonia there are many associations of citizens, in which children can actively participate, that are engaged in the protection of the rights of the child in general, as well as for the protection of the rights of the children with special needs. On the other hand, there are also numerous associations that aim at providing children with desirable extracurricular activities in many cultural, educational, and athletic areas.

67. In order to hear the opinion of the children, that is, to give them the opportunity to participate with their proposals and views on the schools, the Ombudsman, with the support of the UNICEF Office in Skopje, established in 2004 the Board of Children. The Board of Children is comprised of children in elementary and secondary education programs from different communities in the Republic of Macedonia. Regular meetings are held with the Board of Children, the children attend training where they are presented the rights guaranteed by the Convention on the Rights of the Child, with a special review of their implementation based on the Constitution of the Republic of Macedonia and the legislation. They are informed about the authority of the Ombudsman and the way the Ombudsman works, especially the Department for Child Rights Protection, and the ways in which they can address this Department and how the Department can protect their rights.

## **Protection of privacy (art. 16)**

68. The issue of the protection of the privacy of children may be reviewed from several aspects. Within the family, even though progress can be observed, due to traditional family ideas, in practice there are still occurrences of violation of the privacy of children, especially the privacy of adolescents.

69. Media coverage of acts where children are victims is of special importance in raising the public awareness in this area. According to the Codex of Journalists "The journalist shall respect the privacy of the person, except when it is against the public interest. The journalist cannot interview or photograph children under 16 years of age without the consent of the parents or guardian, except when it is in accordance with the rights of the child." Nevertheless, there are cases where the perpetrator of a criminal act is identified and media attention leads to the identification of the child-victim, which can have additional negative effects on the development of the child.

70. The court proceedings for divorces, adoptions, determination or contestation of paternity and maternity, in relation to minors and the criminal procedure against minors are secret with the aim of protecting the dignity and reputation of the minor. The principle of secrecy is applied also in the way data on registration, citizenship, adoption and other personal data are issued and used.

**Access to appropriate information (art. 17)**

71. The Broadcasting Council, as an independent regulatory body in the area of broadcasting monitors the work of the electronic media from the aspect of meeting the obligations stipulated in the Law on Broadcasting Activity. In this sense, on the basis of Articles: 70, 71, 75 and 88 of the Law on Broadcasting, the Council looks after the protection of children and minors from audio-visual contents that are potentially damaging to their physical, psychological and moral development.

72. On March 5, 2003, the Broadcasting Council adopted Recommendation for the protection of minors from contents that could have damaging effects on their physical, intellectual or moral development, yet, even though these non-binding documents were distributed to all electronic media broadcasters, their classification instructions have been accepted and used only by the First Program of MTV. According to the obligations stipulated in Article 71 paragraph 3, the Council is already working on the final phase in the preparation of a binding Rulebook on adequate categorization of programs aimed for minors.

73. Besides the aforementioned provisions of the Law on Broadcasting, the provisions of the Directive "Television without Boundaries" of the European Union and the "Convention on Cross Border Television" of the Council of Europe in the segment on protection of minors have been taken as a basis for the elaboration of the Rulebook aimed to establish program standards and mechanisms for the protection of minors.

74. In the reality of this legislative context, with the goal of protecting the minors against program content not suitable to their psycho-physical age, the Broadcasting Council has conducted several measures from the beginning of 2006 due to reaction of citizens and their own regular monitoring of programs of broadcasting companies.

75. According to Article 70 of the Law on Broadcasting Activity, programs of broadcasting companies cannot contain pornography, excessive violence, or other programs that could seriously threaten the physical, psychological and moral development of the children and youth.

76. Excessive violence is defined as dissemination of textual, verbal and visual messages in programs accessible by minors that glorify physical, verbal or psychological forms of sadism or similar types of violence that are an end in themselves and cannot be justified either by context of the genre or by the motives of the dramatic action of the broadcasted program.

77. The public communication networks can broadcast program services with pornographic contents only in an encoded form.

78. According to Article 71 of the same Law program contents that could threaten the physical, psychological and moral development of children and youth but are not stipulated in Article 70 of this Law, can only be broadcasted in the period from 00 to 05 hours.

79. The type of programs mentioned in Paragraph 1 of Article 71 should be marked before the beginning of the broadcast, with acoustic and visual warning stating that they are not recommended for certain individuals of the public.

80. The Broadcasting Council determines the forms of acoustic and visual broadcast, as well as the time periods according to Paragraph 1 of Article 71, when content that could have a damaging effect on the physical, psychological and moral development of children and youth can be broadcast with the Broadcasting Council has established binding rules in accordance with this Law and the international agreements that the Republic of Macedonia has ratified. The broadcasting companies are obligated to respect the rules stipulated in Paragraph 3.

81. According to Article 75 of the same Law the use of telephone services with special charges is not allowed in the programs of public broadcasting services and non-profit broadcasting institutions.

82. By way of exception from Paragraph 1 of this Article, the public broadcasting service may use telephone services with special charges for the needs of television voting when broadcasting events of great importance.

83. In the programs of trade broadcasting companies, telephone services with special charges and cost, including the television voting, cannot be used in news, information and education programs and programs for children.

84. According to Article 88, marketing and television shopping directed at children or those in which children participate may not contain messages that could hurt their interests and damage the children in development due to their youth. Television shopping cannot encourage minors to enter into agreements for sale or rental of goods or services. Advertising and television shopping must not:

- Directly encourage minors to buy products or services taking advantage of their inexperience
- Directly encourage minors to demand from their parents or other persons funds to purchase advertised products and service
- Take advantage of the special trust that minors have in parents, teachers or other persons and
- Show minors involved in dangerous situations

Minors may not be involved in paid political advertisements during and outside the election campaign period.

85. The Broadcasting Council has enacted precise directives regarding the Instruction for categorization of contents, program planning and notifications regarding the recommendation for protection of minors against contents that could have damaging influence on their physical, mental or moral development.

### **The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37, para. (a))**

86. In the resolution of criminal legislation, special attention was given to the finalization of the legal framework for prevention and punishment of torture and inhuman or degrading treatment or punishment. The recommendations of the Committee against Torture and the ratified international conventions and recommendations from the cooperation with the European Committee on Prevention of Torture have been built in the formulation of the legal solutions.

87. One of the characteristics of the amendment to the Criminal Code adopted in March 2004 is a stricter criminal-legal posture of acts of torture, cruel, inhuman or degrading treatment or punishment through:

- The introduction of a new criminal act in Article 142 which enlarges the spectrum of acts defined as incriminating in regard to torture and other cruel, inhuman or degrading treatment and
- The establishment of criminal responsibility also for the person who has been stated by the official or on the basis of whose consent the actions stipulated in article 142 have been perpetrated

88. A criminal act as stipulated by Article 142, Paragraph 1 corresponds with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It reads: A government official who uses any illegal means including force, threats, and intimidation to exhort a confession or statement from an accused individual, witness, a forensic specialist or any other person involved in an investigation that causes physical or emotional suffering to the individual is subject to a prison sentence of up to five years.

89. In the adapted form of the act in Paragraph 2 actions that “cause severe physical injury or especially severe consequences to the victim”, are classified as incriminating actions due to the act stipulated in Paragraph 1.

90. The Law on Public Prosecution adopted in 2004 is also falls under this category. Namely, in Article 20 Paragraph 4 of the Law it is stipulated that a public prosecutor, in performing his function to prosecute perpetrators of criminal acts and other punishable acts as determined by law, is responsible to care for the protection of the rights of persons against whom criminal measures have been pronounced.

91. The provisions which function to prevent torture have been built in the changes and amendments to the criminal procedure legislation of 2004. In Article 204 Paragraphs 7 and 8 of the Law on Criminal Proceeding, which regulate treatment of detained persons, it is stipulated that the presiding official should keep a detailed record in which the following information is recorded: day and hour of arrest, reasons for arrest, reasons for detention, time when the detainee was advised of his rights, any signs of visible injury, sickness, mental disorder, when the family, the attorney, doctor, diplomatic-consular representation were contacted, data on when he/she was interviewed, whether the detainee was transferred to another police station, released or taken to court. The arrestee shall sign this recorded information regarding the hour and date of arrest, the hour and date of release and the availability of an attorney. The absence of signature from the arrested person must be explained by the admission officer when releasing the person or handing him/her to the investigative judge.

92. In accordance with the changes and amendments to the Law on Criminal Procedure, detainees, subject to approval of the investigative judge, may be visited and talked to by representatives of the European Committee on Prevention of Torture. Upon request of the Committee, the investigative judge is obligated to approve a visit and talk with the persons in custody.

93. Within the framework of the cooperation between the Government of the Republic of Macedonia and the European Committee Against Torture three regular visits were made in 1998, 2001 and 2002, as well as three extraordinary visits in July 2001, 2002 and 2004. The last visit was made in May 2006.

94. More information regarding the issue of juvenile justice is contained in Chapter VIII b.

## **V. Family environment and alternative care (arts. 5, 9, 10, 11, 18, paras. 1 and 2, 19, 20, 21, 25, 27, paras. 4, and 39)**

### **Parental guidance (art. 5)**

95. The Constitution of the Republic of Macedonia determines the right and obligation of parents to take care of the development and upbringing of their children. This right is elaborated in detail in the Law on Family of the Republic of Macedonia and according to it the family represents a living community of parents and children and other relatives if they

live together. According to the Law the state provides special protection for the family, motherhood, children, children without parents and children without parental care. The Law also provides protection for the marriage and family against dysfunctional relations and violence in the marriage and the family. The parental right that the parents jointly exercise relates to their right and duty to care for the upbringing, care, education and support of the children. Regarding the parent-child relationship, with the changes to the Law on Family adopted in 2004 it is determined that besides the rights of the parents, the children also have the right to be supported by their parents, the right to maintain contacts with the parent they do not live with, as well as a right to be represented by the parents. This way the child has been successfully treated as an entity in the proceedings that are related to him/her.

96. Children born in marriage and children born outside a marriage are equal in the legal system of the Republic of Macedonia. Namely, according to Article 9 of the Law on Family, the rights and duties of the parents and of the other relatives towards the children, as well as the rights and duties of the children towards the parents and the other relatives are equal regardless of whether the children are born in or outside a marriage.

97. In case of divorce of the parents, the parental right shall be exercised by agreement. In cases where the parents cannot agree on the care, upbringing and support of the child, the court where the marriage is being dissolved shall decide about the care of the child upon receipt of an opinion issued by the social welfare centre.

Table 1

**Concluded marriages and divorces, 1999–2003**

| <i>Year</i> | <i>Number of marriages concluded</i> | <i>Number of divorces</i> |
|-------------|--------------------------------------|---------------------------|
| 1999        | 14 172                               | 1 045                     |
| 2000        | 14 255                               | 1 325                     |
| 2001        | 13 267                               | 1 448                     |
| 2002        | 14 522                               | 1 310                     |
| 2003        | 14 402                               | 1 405                     |

*Source:* State Statistical Office of the Republic of Macedonia.

98. In the Republic of Macedonia, in the period from 1999 to 2003 a tendency of increased number of divorces has been noted. Most of the marriages that ended in divorce have children. In most of these cases the children's upbringing and care is entrusted to the mother, and only in exceptional cases to the father. Parents usually agree for the children to stay with the mother after the marriage has ended in divorce.

99. In the Republic of Macedonia there are 27 social welfare centres with marriage and family departments that have counselling services where methodological, expert, counselling and interdisciplinary teamwork helps parents and children overcome their family problems. The Ministry is making efforts to improve the services that are provided by the social welfare centres, for example: establishment of expert teams to work with child victims of family violence. In the centres there are around 500 employees who have the duty to work with children and with adults, as well as in giving material assistance to beneficiaries from all groups and ages. In the Social Welfare Centre in Skopje alone, in the course of the year 2005, they worked with around 1000 families who actively participated in the proceedings undertaken in the Centre.

100. Trained, specialized teams work in these counselling services performing their tasks and activities for family protection by applying modern work methods and techniques. For example, methods are used to professionally work with individuals, groups, families, and children to provide for the psychological and social intervention needed for families in

crisis. Different techniques like diagnostic interviews, counselling service work, mediation, elements of the Gestalt therapy, elements of Transactional analysis, and other special methods and techniques for work with children are applied. In order to obtain a more in-depth view in the dynamics of family relations and to protect, above all, the interests of the child, direct visits to the families are made.

101. On the basis of the experiences relayed by the professional workers in the social welfare centres who directly work on this matter, the need to organize professional training seminars and other training activities is imposed as a necessity. This enables employees to improve the quality of their work and be updated on the newest achievements in the field.

102. In the Republic of Macedonia there are also private counselling services working within non-governmental organizations that provide assistance to children and their parents in overcoming family problems, problems in school, and problems in conduct.

### **Parental responsibilities (art. 18, paras. 1 and 2)**

103. According to the Law on Family, the parental right is exercised by agreement. The parents have equal responsibility in the education, upbringing and care of their children. In cases of divorce, the court will base its decision on the opinions of the social welfare centre, as the ruling custody department, as to which parent will care for the ongoing education, care, and upbringing of the children. The parents will jointly decide on the way in which the personal relationship and direct contact of the child with the parent he/she does not live with shall be maintained. In the cases where such an agreement does not exist, the decision is made by the social welfare centre. With the changes to the Law on Family adopted in 2004, in order for the child to have regular contact and interaction with both parents, provisions have been made for measures that the social welfare centre may undertake, based on the right of the centre to supervise the parental rights and in accordance with the principle of best interests of the child.

104. According to the aforementioned in Article 90 Paragraphs 2, 3, 4, 5 and 6 of the Law on Family, it has been determined that, "The Social Welfare Centre may pass a decision by which the right to maintain a personal relationship and direct contact with the child shall be restricted to the parent who has not provided support for the child for more than three months until the parent meets obligations towards the child."

"The Social Welfare Centre may pass a decision by which the right of the parent who was not given custody of the child to maintain a personal relationship and regular contact with the child shall be restricted when, without justification, the parent had not respected the decision of the social welfare centre more than three consecutive times."

105. The social welfare centre may pass a decision by which it shall allow the child to stay, for a period no longer than 15 days, with the parent not awarded custody of the child in the event that the other parent has disrespected the decisions of the social welfare centre more than two consecutive times.

"The social welfare centre may make a decision limiting the right of the parent to maintain a personal relationship and regular contact with the child for up to six months in the event that the parent has kept the child longer than agreed upon with the social welfare centre, or has made the decision to take the child to an unknown location."

"The social welfare centre shall pass a decision by which it will place the child in the temporary custody of the other parent, a third person, foster care, or a state institution as last resort if the centre had gained information that the personal

relationship and regular contact between the parent and child has been disrespected or impaired, causing a effect detrimental to the child's development."

In these cases the social welfare centre shall put the parents under the obligation to visit an adequate counselling service.

106. Regarding the protection of children who live with one parent, the Law on Social Protection determines a right to financial support of continuous cash payment to single parents when they have a child up to three years of age and have no income.

107. The Law on Child Protection establishes a right to child allowance depending on the income of the parents in order to provide financial security for the child. With the changes to the Law on Child Protection adopted in 2000, this right may be exercised by all children up to the age of 18 years when they regularly attend school, in contrast to the previous legal provision that gave this right only for the first three children in the family.

108. The right to child allowance is executed as a cash payment to cover part of the costs related to the upbringing and development of the child. The right is exercised depending on the age of the child and the financial condition of the family. Every child up to the age of 15 years has the right to child allowance, and after this age if regularly attending school, until the age of 18 years. The right to child allowance terminates when the child is placed in an institution. The child allowance is given to the parent or guardian of the child. Children are still eligible for allowance even if placed in foster care. The amount of the child allowance for a child up to 15 years of age is 5.50% of the average wage paid to a worker in the Republic of Macedonia the pervious year; for a child from 15 to 18 years of age it is 8.50% of the average wage.

109. The state enables child care assistance to parents by creating the opportunity for their children's placement in day care, for children at the age of 9 months to 5 years, and children at the age of 5 to 7 years attend the so called preparatory groups for school. In the day care, the children are permitted to stay all day or for a half day, and are provided with different non-institutional activities and projects in which to be involved. For the stay in the day care parents, pay an adequate economic price determined by the Ministry of Labour and Social Policy.

110. The state also aims to improve quality of life in families by creating new daycares facilities, providing services in these facilities, caring for children with disabilities, covering children from all geographic and demographic areas, providing living capabilities for these children, training professional staff workers to assist the physically and mentally challenged, protecting the rights of children and fighting against child abuse, exploitation and violence while providing best care for each child.

## **Separation from parents (art. 9)**

111. According to the Law on Family, minors have the right to live with their parents. The Law determines that children may live separated from their parents only when it is in the interest of the children or when it is in common interest of the children and the parents.

112. In the cases when the parents of the children do not live together, the parents agree on who will be the primary caregiver for the child. When they cannot agree or if their agreement is not in the best interests of the child, the decision shall be made by the social welfare centre.

113. According to the Law on Family of the Republic of Macedonia, maintaining a personal relationship and direct contact between parents and their children does not only represent a right of the parents; it as also represents a right of the child.

114. Minors have the right to maintain direct contact with grandparents and other close relatives of a deceased parent, or a parent who has been deprived of parental right or is, for other reasons, unable to exercise their parental rights.

115. In cases when the parents of the child do not live together, they agree on the way in which the personal relationship and direct contact with the child shall be maintained. In case the parents of the child do not agree within two months on the way the personal relationship and direct contact with the child shall be maintained, the social welfare centres shall pass a decision on the matter. Maintenance of personal relationships and direct contact of the children with the parents may be limited or temporarily prohibited only in view of protecting the health and other interests of the child. In such cases, and with the aim of preventing a break of the parent-child relationship, when the parents do not live together, the changes to the Law on Family enacted in 2004 stipulate measures that the social welfare centre may undertake based on the right to supervision over the parental right. For that reason, the Law on Family determines that the social welfare centre shall pass a decision by which it shall limit the right of the parent who does not have custody of the child to maintain a personal relationship and contact with the child in case he/she has not respected the decision of the social welfare centre without justification three consecutive times. The social welfare centre may pass a decision by which it shall give the child to stay with the parent who does not have custody of the child for a certain period of time, not longer than 15 days, in case the other parent has disrespected the decision of the social welfare centre more than two consecutive times. According to the Law, the social welfare centre shall pass a decision limiting the right of the parent to maintain a personal relationship and direct contact with the child and prohibit them for a certain period of time, but not longer than six months, in case the parent had not returned or had kept the child for a longer period of time than the time determined in the decision or has taken the child to an undisclosed location. On the basis of the right to supervision over the exercise of the parental right, in cases when the centre has knowledge that the personal relationship and direct contact have been interrupted for more than two months due to breach of the social welfare centre's decision on the part of the parent who has custody of the child or due to impaired partner relations that have detrimental effect on the development of the child, the Centre shall pass a decision to entrust the child to the other parent, third person or shall place the child in foster care or in an adequate institution, as a last resort.

116. In such cases the social welfare centre shall put the parents under obligation to visit an adequate counselling service.

117. In case of abuse or severe neglect of the exercise of parental obligations, upon received opinion from the social welfare centre, the court may in a court procedure take away the parental right of the parent in relation to all children or in relation to some of them.

118. The changes and amendments to the Law on Family adopted in 2004 have specifically determined that abuse or severe neglect of parental duties shall be considered when the parent is physically or emotionally violent towards the child, sexually abuses the child, forces the child to labour not suitable for his/her age, allows the child to use alcohol, drugs or other psychotropic substances, induces the child to engage in socially unacceptable conduct, abandons the child, for more than three months does not care for the child or in any way roughly breaches the rights of the child.

### **Family reunification (art. 10)**

119. There are no changes in respect of the Initial Report.

### **Recovery of maintenance for the child (art. 27, para. 4)**

120. In the Law on Family of the Republic of Macedonia upbringing of the child is not foreseen only as a right and duty of the parents but it is foreseen also as a right of the child. Namely, according to Article 49, Paragraph 2 of the Law on Family, it has been determined that the child has the right to be provided for by the parents, to be taken care of, to have life and health protected, to be equipped for independent life and work, to be provided with optimum conditions for his/her upbringing, education and professional qualification, depending on the conditions in the family.

121. When the marriage ends in divorce, if there is dispute between the parents about the alimony for the minor, the court shall determine the amount of the alimony depending on the income, the parent put under the obligation to pay alimony for the minor. The alimony will be paid as a percentage of that parent's income.

122. With the enactment of the Law on changes and amendments to the Law on Family in 2004 aimed to enable the exercise of the right of the child to alimony, as well as to force the parents to perform their obligation to pay alimony, the social welfare centre was given the opportunity to pass a decision limiting the right to maintain a personal relationship and direct contact with the child for the parent who has not supported the child for more than three months until the parent meets obligations towards the child.

123. Regarding the fulfilment of the obligations from the Convention, the Republic of Macedonia has been a state party to the New York Convention on the exercise of the right to alimony abroad since 1956. In the course of 2005, the Ministry of Labour and Social Policy of the Republic of Macedonia received 11 requests from foreign citizens for payment of alimony for minors by citizens of the Republic of Macedonia. Such requests are delivered to the social welfare centres and they contact these persons and inform them about their obligation to pay alimony and the consequences that derive from non-payment. The procedure related to requests for payment of alimony to citizens of the Republic of Macedonia by citizens from other states that have been put under the obligation to pay alimony is conducted through the Ministry of Justice of the Republic of Macedonia.

### **Children deprived of a family environment (art. 20)**

124. The Republic of Macedonia, in accordance with the Constitution, provides special protection for children without parents and parental care. The ways of protection of these children, as well as the forms in which they are taken care of are elaborated in the Law on Family of the Republic of Macedonia. In 2005 in the Republic of Macedonia, 1093 children without parents or parental care were registered. According to the Law these children are put under the custody of the social welfare centre, as department responsible for custody. They are then placed in foster care families, in adequate institutions or are being adopted when the preconditions for it have been met. The largest percentage of the children without parents and parental care are given into the custody of or placed with close relatives. According to the Law on Social Protection children without parents and parental care who are not protected on the basis of the right to placement and who do not have income on the basis of property or property rights and do not receive any resources based on other regulations, have the right to continuous financial assistance until becoming of age, that is until equipped for independent life, up to the age of 26.

125. A form of protection for children without parents and parental care that is more and more frequently implemented and developed in the Republic of Macedonia is placement of the children in foster care families thus enabling them to grow and develop in a family environment. In the Republic of Macedonia in the year 2005 there were at total of 192

foster care families registered with 322 children placed in them. The right to placement in foster care family represents a non-institutional protection that can also be used by the following categories of children:

- Children without parents and parental care whose parents are deceased or, regardless of the reason, do not want to or cannot care for their child. The placement in a foster care family is until 18 years of age of the child, but also after this age until equipped for independent life and work, that is, until the child has completed the secondary education. The child is placed in a foster care family when there are no possibilities to take care of the upbringing of the child in another way.
- Children with social conduct problems, that is, children that have been neglected or abused by their parents, guardian or other persons responsible for their care. Often children with such deteriorated relations in the family are subject to bad habits and behavioural expressions. A child coming from a socio-economically poor family where the parents do not have sufficient resources to care for the correct development and education of the child also falls into this category.
- Children with harmful social behaviour, minors convicted of criminal acts who need special help in their re-socialization, upbringing and education.
- A child with strong and mild intellectual handicaps who is referred for preparation for work-productive activity in an institution outside his/her place of residence should leave the family. Children with the most severely impaired intellectual development and children with impediments that require care and health treatment that a family is not able to provide also have the right to placement.

126. In 2004, changes and amendments to the Law on Social protection were adopted and they improved the performance of the placement function with the aim of creating greater motivation of the citizens for placement of children in their families. A possibility is provided for an individual to professionally perform the placement and for that self-employed person to obtain pension years and the basis for a pension. The Law prescribes that the care provider should have at least secondary level of education and to be in good health condition to successfully care for the placed children. The care provider should be work capable person, not been subject in a procedure for deprivation of parental right in relation to their own children and to have adequate space and work equipment

127. The Minister of Labour and Social Policy by decree issues permits for the performance of the activity placement of children in family to the person who wants to be engaged in such activity. Prior to that the social welfare centre issues an opinion on whether the citizen is suitable and whether he/she has a possibility to receive children in foster care placement. Upon receipt of the permit the care provider concludes a contract with the social welfare centre regulating the manner in which the person shall place children in the family. It is expected that this legal solution shall encourage unemployed citizens who have completed adequate higher education in professions suitable for the care providing function and the upbringing of the child (pedagogy, psychology and similar) to start to become foster parents as their professional activity. This way an opportunity is created for the engagement of foster care families with greater potential in the placement and rearing function, thus raising the quality of this form of childcare.

128. In order for the professional engagement of individuals in the foster care function to start it is necessary to undertake activities to better inform the citizens, to sensitize and educate them.

129. The Law provides a possibility for persons to engage in placement of children by signing a contract with the social welfare centre. The Contract regulates the way in which the child is placed in a foster care family and the care that should be provided in order to

satisfy the child's individual needs, the conditions under which the placement is terminated and other conditions for termination of the Contract. The foster care family, based on the concluded Contract, receives compensation for the engaging as the care provider. The amount of compensation is also determined by the Contract concluded with the social welfare centre. The Minister of Labour and Social Policy uses a Rulebook to determine the amount of compensation for placement and care individually for each category of beneficiaries.

130. The care provider is obligated to act according to the directions given by the social welfare centre for the care of the child. The care provider has the obligation to inform the Centre on a regular basis about every change that may arise in the course of the foster care of the child, the child's behaviour, upbringing, education, health and other issues that may arise.

131. The Centre selects the foster care family on the basis of the following criteria: age of the care provider, level of education, health and moral suitability, financial situation and available accommodations of the family and the possibility for the family to care for the child.

132. The Ministry of Labour and Social Policy shall elaborate on the criteria for selection of foster care families in the Rulebook. The Rulebook will also determine the amount of compensation for foster care and the compensation for placement of the child in foster care family. Besides the compensation for placement of the child in the foster care family, it also implements the right to child allowance, and in case the child has developmental disabilities, the right to a special supplementary compensation in accordance with the Law on Child Protection. These resources are provided to cover the additional costs for the child. The foster care families shall receive higher compensation for the care for the child with developmental handicap than the biological families.

133. The Rulebook for foster care families shall also determine the type and number of beneficiaries placed in one foster care family and the obligations of the care provider related to the placement and other needs of the placed child. The Rulebook was prepared in a draft version and has since been published on May 23, 2006, in the Official Gazette No. 63.

134. The Law on Social Protection ("Official Gazette of the RM" No. 21/05- revised text) determines the types of social prevention institutions, the non-institutional protection and the social protection institutions. The procedure for the foundation and termination of social protection institutions, the organization of the work, election of management and administration departments and the required personnel for the performance of the activity of the institution is the same for all the types of institutions, different only according to the type of activities they perform, as well as by the beneficiary placement capacity, meaning also smaller institutions (small group homes).

135. The existing public institutions for social protection have been founded by the Government of the Republic of Macedonia; at the moment there are only state institutions in the social protection system. Up to now there has been no interest shown for the establishment of private or municipal social protection institutions, especially in the area of child protection.

136. The 2006–2015 National Action Plan for rights of the child in the Republic of Macedonia foresees improvement of the protection of children without parental care, reforms in the system for the protection of children without parents and parental care and the deinstitutionalization of the child by gradually implementing of the type of protection that is oriented towards children living in a family environment.

137. The activities planned to be undertaken in the next period in this field are: promotion of the right to life in a natural environment as the basic framework for the protection of the rights of the child, continuous provision of training for foster care families, preparation of rulebooks for procedures and standards, raising public awareness as support to the improvement of the foster care family model, organizing campaigns through public information media with the aim of providing a larger number of families for placement of children without parental care, establishment of small homes for children by involving the private initiative of domestic or foreign physical or legal entities, as well as establishment of partnership with the relevant non-governmental organizations.

### **Adoption (art. 21)**

138. In the Law on Family of 2004 in the Republic of Macedonia, new initiatives were introduced to protect the best interest of the child without parents or parental care in the field of adoption while standardizing Macedonian legislation with international conventions of which the Republic of Macedonia is party. In 1991, the Republic of Macedonia joined the European Convention in the field of child adoption, and the procedure for membership to the Hague Convention for the protection of children and cooperation in the field of international adoption is in progress. Procedures for concluding bilateral agreements for international adoption with Slovenia and Italy are also in progress.

139. The main change in the Law on Family in the adoption procedure is the establishment of an Adoption Committee at the Ministry of Labour and Social Policy as the authoritative department where adoption is concluded. This separated the professional work done in the social welfare centre from the decision making process that is under the authority of the Committee. With the establishment of the Committee a unique registry of possible adoptive parents and children for adoption was introduced and thus provided better insight and control in this area and the probability for the abuse and trafficking of children was reduced.

140. One of the changes to the Law includes a new, compulsory foster care period before adoption. It is a period of placement of the child in the family of the future adoptive parents that cannot be shorter than six and longer than nine months. This solution has not been proven effective in practice as the most adequate method, and with the enactment of the Law on changes and amendments to the Law on Family in 2006, the period of compulsory placement of the child in the family of the future adoptive parents was reduced to at least two and at the most three months.

141. With the enactment of the Law on changes and amendments to the Law on Family in 2004 an age limit for the future adoptive parents was newly established. There was no such limit before this time. According to Article 118 of the Law on Family of the Republic of Macedonia it has been determined that the adoptive parent can be a work capable person who has personal characteristics for the successful exercise of parental rights and who is not older than 45 years. An adoptive parent may be a person that is at least 18 years older than the adopted child. By exception, an adoptive parent can be a person older than 45 years, as long as the age difference between the adoptive parent and the adopted child is not be greater than 45 years.

142. According to the Law on Family of the Republic of Macedonia an adoptive parent may only be a citizen of the Republic of Macedonia. As an exception, an adoptive parent may also be a foreign citizen who has obtained consent of the Committee, upon proposal of the social welfare centre. Consent for adoption by a foreign citizen may only be issued if the child cannot be adopted in the territory of the Republic of Macedonia.

143. In accordance with the Convention and the principle of respecting the view of the child, the Law determines that at the adoption the child's consent and physical presence is required at the act of adoption when the child is older than 12 years.

144. In 2005, a total of 94 adoptions were successfully accomplished in the Republic of Macedonia. Of those, 83 children were adopted by citizens of the Republic of Macedonia, and 11 children were adopted by foreign citizens.

### **Illicit transfer and non-return (art. 11)**

145. According to Article 11 of the Convention, and with the aim of protecting the interests of the children in case of illicit transfer or trafficking of children abroad, the Republic of Macedonia acceded to the Hague Convention on civil-legal aspects of international kidnapping of children in 1980, and also gained a position in the European Convention on recognition and execution of decisions regarding custody of children and re-establishment of custody over children in 1980.

146. With a decree of the Government of the Republic of Macedonia, the Ministry of Labour and Social Policy was determined to be the central executive department for action according to the Hague Convention on civil-legal aspects of international kidnapping of children of 1980. This Ministry at the moment has nine active cases for the return of minors according to the provisions of the Hague Convention of civil-legal aspects of international kidnapping of children of 1980. Acting in accordance with The Hague Convention, measures and activities are being undertaken to protect the best interests of children by providing their safe return.

### **Abuse and neglect (art. 19), including physical and psychological recovery and social integration (art. 39)**

147. According to Article 19 and 39 of the Convention, the Law on Family of the Republic of Macedonia stipulates that in case of abuse or severe neglect in the exercise of parental duties, upon receipt of an opinion from the social welfare centre, the court may, in a out of court procedure, take away the parental right from the parent regarding all children or regarding some of them.

148. An important segment of the criminal legislation reform was the inclusion of domestic violence. According to Article 122, item 19, of the Law on changes and amendments to the Criminal Code, adopted in March 2004, domestic violence is defined as any mistreatment, severe insult, endangerment of security, physical injury, sexual or other psychological or physical violence that causes a feeling of insecurity, threat or fear. Family violence can occur towards a spouse, parent, child or other persons living in a marital and extra-marital community or joint household, as well as towards a former spouse or persons who have a mutual child or persons who are in a close personal relationship.

149. The penalties for committing acts related to domestic violence are contained in the following criminal acts: Article 123: murder (a prison sentence of at least ten years to life imprisonment is stipulated); Article 125: unpremeditated murder (a prison sentence of one to five years is stipulated); Article 130: bodily assault (a prison sentence of six months to three years is stipulated); Article 131: heavy bodily assault (a prison sentence of one to five years is stipulated); Article 139: coercion (a prison sentence of six months to three years is stipulated); Article 140: wrongful arrest (a prison sentence of six months to three years is stipulated); Article 144: endangerment of security (a prison sentence of three months to three years is stipulated); Article 191: mediation for prostitution (a prison sentence of one

to ten years is stipulated); and Article 188: sexual assault on a child (a prison sentence of at least five years is stipulated).

150. With the changes and amendments of the Law on Family from June 2004, domestic violence has since started to be addressed in the Macedonian civil legislation.

151. Namely, according to the provisions of the Law, it is determined that the Republic of Macedonia provides protection of marriages and families against damaged relationships and violence in the marriage and the family. Any kind of violence in the marriage and the family is forbidden.

152. In the spirit of this Law, domestic violence in the marriage and the family is considered to be any behaviour of a member of the family that uses force, threat or intimidation to inflict bodily injury, emotional or sexual abuse or material, sexual or labour exploitation on another member of the family. Violence is considered behaviour done by one of the spouses on the other spouse who live together, live in a marital or extra-marital community, live like a family or have a mutual child; between brothers and sisters, step-brothers and step-sisters; over a child; over older members of the family and over partially or fully incapacitated members of the family.

153. A victim of domestic violence can be any member of the family, regardless of gender or age. The person guilty of domestic violence can be any individual in or out of a marriage relationship, living in community with the victim. The perpetrator of family violence can be a former or current spouse, live in, member of the victim's community, parent, a relative to the forth generation, or second generation in-laws.

154. The Law also defines the measures for protection against domestic violence. Most importantly, the social welfare centre, when having knowledge that there is any kind of violence in the family and that there is serious danger to the live and health of a family member, is authorized to undertake several protective measures. They are able to provide urgent accommodation for the victims of domestic violence for 6 months at the most, with the possibility of a six month extension; provide adequate health care and psychological and social intervention and treatment; refer them to an adequate counselling service; assist in continual education for families with children; inform the police, who are able to give all kinds of legal assistance and representation; file charges with the authoritative department; when needed, submit a request to the court for the pronouncement of a temporary protective measure; and undertake other measures it assesses necessary for the resolution of the problem.

155. The centre is obligated to undertake protective measures when the victim of family violence is a minor or a person unable to work. The centre can receive information about the crimes associated with domestic violence from citizens and official and legal entities, who are obligated to submit reports without delay.

156. In function of the implementation of the Law, the Ministry of Labour and Social Policy opened four daily centres for victims of domestic violence, as separate organizational units in the competent social welfare centres. The Program for development of this form of protection plans enlargement of the network.

157. The Law on Family also regulates the initiation of a proceeding for court protection in a civil procedure, regardless of whether a criminal procedure has been initiated against the perpetrator of family violence. In this sense, the social welfare centre is able to submit a request to the court for the initiation of a proceeding for the pronouncement of a temporary measure for protection against domestic violence, with the obligation to submit a request before the court for minors and persons incapable of work. The request for children of age and work capable persons shall be submitted only with the consent of the victim of domestic violence.

158. The social welfare centre attaches to the request an accounting and report on the actions taken, where it can also give a proposal for proposed protective measures.

159. A proposal for the initiation of a court proceeding may be submitted to the social welfare centre by the spouse, parents, children, other persons who live in a marital and extramarital community or in a common household, a former spouse or individuals in close personal contact with the family where domestic violence have occurred, regardless of whether criminal charges have been filed. A parent, guardian or legal representative may submit a proposal on behalf of a minor or person with limited or no work capability, as well as for a person with extended parental right.

160. The Law also prescribes the following temporary measures that the court may pronounce against the perpetrator of domestic violence: a restraining order against threatening to continue domestic violence, a restraining order against maltreatment, disturbing, telephoning, contacting or in any other way communicating with a member of the family, directly or indirectly; a restraining order to go near the place of living, school, work place or certain place that another member of the family regularly visits; removal from the home regardless of ownership, until the final decision of the court is pronounced; ban on carrying firearms, or these will be confiscated; obligating the accused to give back objects needed to satisfy the daily needs of the family; to pronounce obligatory support of the family; to order the defendant to visit an adequate counselling service; to order compulsory treatment, in case of use of alcohol or other psychotropic substances or some illness; to put the defendant under the obligation of paying medical and other expenses caused resulting from the violence; and to pronounce any other measure that the court considers necessary in order to provide security and wellbeing of the other members of the family.

161. The temporary protective measure taken to prevent domestic violence may extend to one year the most. In case the domestic violence continues after the measure is pronounced, the social welfare centre may submit a request for the extension of some of the measures.

162. The Court, upon proposal of the social welfare centre, may extend, abolish or change the decision.

163. In connection with the court decision on pronounced temporary protective measures against domestic violence, the social welfare centre has the authority to monitor the implementation of the pronounced measure and the course of the implementation and may submit a proposal to the relevant court for the abolition of the pronounced measure before the time for which the measure was issued, when it assesses that the measure has achieved the set goal. The social welfare centre may also submit a proposal to change the pronounced measure or its extension when it assesses that the pronounced measure is not adequate or that it shall achieve the warranted results, but that it is necessary to be enforced for a longer period of time.

164. The Law also regulates the procedure for the pronouncement of temporary protective measures against domestic violence, the composition of the court, the course of the deliberation and the legal solutions against the decision of the court.

165. In the implementation of the protective measures the social welfare centre cooperates with citizens, legal entities and organizations. Punitive provisions have been stipulated for entities for which the law determines an obligation to submit compulsory reports of domestic violence to the capable social welfare centre. Since the inauguration of these legal measures, the basic courts in the Republic of Macedonia have pronounced 19 protective measures against defendants accused of domestic violence.

166. According to the data delivered by the social welfare centre to the Ministry of Labour and Social Policy, in the course of 2005, the social welfare centre has made contact

with 834 victims of domestic violence. Of these incidences, the largest number, 364, have occurred in Skopje, 121 in Kocani and 90 in Bitola.

167. All of this information shows that the social welfare centres have made efforts for the practical realization of the protective measures for victims of domestic violence, according to the legal provisions and directions for professional work, received from the Institute for Social Activities. In the course of the field visits and interviews have taken place, the victims themselves have confirmed the positive effects the work of the social welfare centres have had for the victims of domestic violence.

168. One of the strategic goals and priorities of the Ministry of Labour and Social Policy is to continuously provide the necessary knowledge and skills needed to recognize violence and provide assistance to the victims of domestic violence.

169. In this direction, within the continuous cooperation with the UNICEF Office in Skopje, in the period November 2004 to May 2005, a multi-sector training was given on the theme, "Work with victims of domestic violence in community." In the two cycles of this training a total of 86 professionals were trained in different fields regarding social protection, police, health, judiciary and non-governmental sectors.

170. At the same time, in June 2005 a one month National Campaign was conducted on the topic of dealing with domestic violence, with the aim of strengthening the trust of potential victims of family violence in state institutions, enabling citizens to recognize the problem of domestic violence and instigating and encouraging victims of domestic violence to undertake actions and ask for help. The campaign was directed to the general public, with special focus on women and children, as most frequent victims of domestic violence, but also towards the media with the aim of raising the awareness about the presence of domestic violence.

171. In cooperation with the non-governmental organization Alliance of Women in the Republic of Macedonia, a national SOS hotline to help victims of domestic violence was opened and it represents a 24-hour service for information and assistance to victims of domestic violence. An average of 120 telephone calls are made on this line every month.

172. In order to provide free legal assistance and free representation for the victims of domestic violence before the judicial courts, in June 2002 the non-governmental organization ECE opened a Legal Assistance Centre. The association also provides protection for this category of persons through the legal assistance centres in Tetovo and Stip that started working in December 2003. Up to this date, a total of 1,000 clients have called and requested support in the Legal Assistance Centre in Skopje confirm the justification and need for it to exist.

173. In the Republic of Macedonia there are five shelters for victims of family violence located in Skopje, Kocani, Bitola, Strumica and Kumanovo. In 2005 these centres accommodated 74 victims of domestic violence where they were given necessary help and protection.

174. In the shelters for victims of domestic violence accommodation is provided for the mothers and the children, who in any case are indirect victims, when violence is present in the family.

Table 2  
**Victims of family violence accommodated in the course of 2005**

| <i>Shelters for victims of family violence</i> | <i>Number of accommodated persons-<br/>victims of family violence</i> | <i>Number of accommodated children-<br/>victims of family violence</i> |
|------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------|
| Skopje                                         | 21                                                                    | 18                                                                     |
| Bitola                                         | 10                                                                    |                                                                        |
| Kocani                                         | 13                                                                    | 5                                                                      |
| Strumica                                       | 1                                                                     | 2                                                                      |
| Kumanovo                                       | 1                                                                     | 3                                                                      |

*Source:* Ministry of Labour and Social Policy.

175. The Ministry of Labour and Social Policy opened a Daily Centre for children on the street and it has been functioning since December 12, 2004. The basic activity of the Daily Centre is daily care for children from 4 to 14 years of age and especially children who spend most of the day on the street (children-beggars and children collecting old paper and iron, re-sell different types of goods at the markets), in general, children who live in substandard conditions.

176. From its official beginning until the end of 2005, the Centre has registered and daily cared for 265 children. An expert team composed of two social workers, a psychologist, pedagogue and social educators work with the children. Besides the professional work in the daily centre, the team is mobile, in the sense of work in the field recording new children who are on the street and are abused or neglected by their parents.

177. As a part of the work with children, there is also direct involvement and activities with the parents and families. The work with the parents is of an advisory nature, and has been directed towards giving advice on the upbringing of the child- pointing out their obligations and responsibilities towards the children, as well as to the consequences that result from unfulfilled obligations towards the children.

178. Individual and group work with the children are applied everyday, Methods are used to teach the children through workshops highlighting literacy, development of communication, speech, memory, concentration, hygiene treatment, and the importance of hot meals and clean clothes.

179. The Ministry of Health has enabled and conducted a systematic examination of the children registered in the Daily Centre.

180. Protective measures for children victims of domestic violence, physical, psychological maltreatment as well as sexual abuse of children are being enacted.

181. The 2006–2015 National Action Plan for the rights of the child in the Republic of Macedonia foresees:

- Establishment of an overall system for the protection of children against neglect, abuse and violence that would provide protection for the children in accordance with the Convention on the Rights of the Child and primarily respect of the best interest of the child
- Familiarization of the general population, the professional workers and children with issues related to the rights of the child to protection against all types of neglect, abuse and violence
- Establishment of an efficient operational multi-sector network and inter-sector protocol for cooperation in the protection of children against neglect and abuse

- Adjustment of national legislation to the Convention on the Rights of the Child, Declaration “World Fit for Children” and other international documents related to the protection of children against neglect and abuse, as well as building in EU Directives related to the prevention of exploitation and violence against children

### **Periodic review of the placement (art. 25)**

182. There are no changes in relation to the Initial Report.

## **VI. Basic health and welfare (arts. 6, 18, paras. 3, 23, 24, 26 and 27 paras. 1, 2 and 3)**

### **Children with disabilities (art. 23)**

183. According to Article 23 of the Convention, the Republic of Macedonia guarantees the right of assistance to citizens who are helpless and incapable of work, as well as provision of special protection to disabled persons including children with mild and severe intellectual impediments with special efforts directed at their integration into society. According to the Law on Social Protection these persons have the right to placement in adequate institutions or in another family, when they do not have adequate living conditions in their own family.

184. Deinstitutionalization is one of the strategic goals of the Ministry of Labour and Social Policy in regard to the social protection system. This process has been facilitated by changes to the legal regulations and program commitments for development of the activity. For this purpose, a National Deinstitutionalization Strategy is being prepared and shall be adopted in the course of the year 2007.

185. With the aim of conducting successful deinstitutionalization, non-institutional care and other measures for assistance and support to the beneficiaries and their families to provide care in domestic conditions have been improved.

186. In the Republic of Macedonia, in the social welfare centres 1600 children are registered with mild and severe intellectual development problems. These children are living in their families, marginalized regarding access to nursery schools, regular schools and other forms of social life.

187. Within the frames of these processes, the daily centres were opened as models for care and assistance to children with mild and severe intellectual impediment and their families. Eighteen daily centres for children with intellectual development problems have been opened up in several cities in the Republic, and they serve a total of 270 people including one daily centre for children with cerebral palsy. The facilities of the daily centres are also opened to adults over the age of eighteen. The work of the centres could be improved by: the introduction of unified work methodology the provision of uniform basic conditions in all centres, the introduction of individual work programs for children, parents and local community, the purchase of adequate, standardized equipment for all centres, the introduction of programs that would help include the children in the education system and the resolution of the status of the employees who are now working under temporary work contracts.

188. Reducing the risk of social exclusion is also accomplished through the deinstitutionalization process. The following facilities have been opened: fifteen daily centres for children with intellectual disabilities, two daily centres for people who abuse

drugs, five centres for victims of domestic violence, one daily centre for children on the street and one Shelter for homeless persons.

189. The daily centres for children with mild and severe mental disabilities provide daily care, work-production activities, as well as adequate work therapy. The children with severe physical handicaps are also provided with adequate physiotherapy treatment.

190. Children with mild and severe mental disabilities are trained and qualified for certain skills needed in every day life and employment; this occurs in protection organizations founded for the work engagement of these persons. The Rehabilitation Institute for Children and Youth in Skopje takes in the children for daily treatment, and part of the care recipients are accommodated in this institution. The treatment of children who come in the Institute takes place in a daily centre, within this institution. The institution plays a significant role in the work empowerment of the children and youth up to the age of 26 years so they can maintain basic functioning upon termination of the treatment or placement.

191. The professionals in the social welfare centres help the parents strengthen their parental potential and ability to care for their children through counselling services and psycho-social treatment.

192. The program for implementation of deinstitutionalization has been conducted in the Special Institution Demir Kapija where 30 children have left the institution and have been placed in foster care families.

193. Adequate legal solutions have been stipulated to enable the parent of a child with a disability to be guaranteed employment for easier care of the child. The Law on Labour Relations enables the parent who has a child with serious disability to work part time. The Law on Social Protection provides compensation payment to parents working part time with an employment wage. Namely, the parent exercising this right is paid, through the social welfare centre, monthly compensation to the wage and contributions and other duties related to pension and disability insurance for the part time employment amount determined by law. This right is exercised only when the child is not placed in an institution or foster care family. The parent caring for the child exercises this right and when both parents are employed, the right is exercised only by one of the parents.

194. The Ministry of Labour and Social Policy conducts a Program to strengthen the potential of the biological parents to continue the care for children with disabilities in the family environment. Besides the professional assistance in the social welfare centres and the possibility to place the child in a daily centre, measures are undertaken for financial assistance to the families. The Rulebook for determining the amount of the financial assistance has been increased in this direction. The social welfare centre allocates temporary one-time assistance to families whose child has the right to be placed in an institution. The highest amount of the one-time cash assistance is paid up to the amount of the average wage paid per worker in the Republic of Macedonia the previous year (around 12,000 denars). This measure encourages a large number of families to keep the child in their domestic environment by providing additional resources to cover the cost because the care for the child represents an additional burden for the family.

195. The right to special allowance is given to children with strong to severe developmental disability, all levels of mental disability, severe forms of chronic diseases, and vision, hearing and speech handicaps coupled with other forms of disability. The right to special allowance represents 26.30% of the average wage paid per worker in the Republic of Macedonia the previous year.

196. The day care centres cover children up to 7 years of age. A possibility is also given to cover children with intellectual and physical disabilities. For a larger number of children

with developmental handicaps, placement in these facilities can be organized in special groups that work by special programs.

### **Health and health services (art. 24)**

197. Health care for children and health care for women in a reproductive period greatly affects both biologically and socially patterns of reproduction, motherhood, development and health of children for individuals as well as population groups. This is the most vulnerable segment of the population from a health and social perspective and thus the health of women and children is defined as a special social interest also in the Republic of Macedonia.

198. Health care for women in a reproductive period and children in the Republic of Macedonia is realized through an organized network of primary health care, assisted by the secondary and tertiary health care.

199. In the recent past, significant results have been achieved in the improvement of the health conditions and health care for women and children in the Republic of Macedonia. The mortality rate of babies and small children has been reduced. This can be clearly seen through charts which indicate age and cause of death. The number of registered infectious diseases has been significantly reduced, especially those for which there is compulsory vaccination, and some have even been eradicated.

200. In 2003 Macedonia became the first country in the region that had eliminated the iodine deficit (Expert Report on Improvement in Elimination of Iodine Deficit in Macedonia, UNICEF, C30, 2003).

### **Health care and health condition of women in relation to secure motherhood**

201. The total number of births in the Republic of Macedonia in the past 10 years has continually decreased, and in 2004 there were 23,361 registered children born. The demographic indicators have a continuous downward trend and in 2004 the birth rate was 11.5%, the general mortality rate was 8.9%, the natural growth of the population was 2.6 at 1000 inhabitants. (table 3) The demographic movements are not uniform on the whole territory of the state; there are still local communities and municipalities where the natural growth is over 10%, but there are also regions characterized with de-population trends and negative natural growth.

Table 3

**Rate of birth, general mortality, natural growth, infant mortality rate and stillborns by 100 dead in the Republic of Macedonia, 1994–2004**

| <i>Year</i> | <i>Birth rate</i> | <i>General mortality</i> | <i>Natural growth</i> | <i>Death of infants</i> | <i>Died babies at 100 deaths</i> |
|-------------|-------------------|--------------------------|-----------------------|-------------------------|----------------------------------|
| 1994        | 16.1              | 8                        | 8.1                   | 23.9                    | 4.8                              |
| 1995        | 15.2              | 8.2                      | 7                     | 24.3                    | 4.5                              |
| 1996        | 14.6              | 8                        | 6.6                   | 17.8                    | 3.2                              |
| 1997        | 13.4              | 8.2                      | 5.2                   | 17.1                    | 2.8                              |
| 1998        | 13.3              | 8.3                      | 5                     | 17.8                    | 2.8                              |
| 1999        | 12.4              | 8.2                      | 4.2                   | 16.2                    | 2.4                              |
| 2000        | 12.9              | 8.4                      | 4.5                   | 13.2                    | 2                                |
| 2001        | 11.9              | 8.2                      | 3.7                   | 13.2                    | 1.9                              |

| <i>Year</i> | <i>Birth rate</i> | <i>General mortality</i> | <i>Natural growth</i> | <i>Death of infants</i> | <i>Died babies at 100 deaths</i> |
|-------------|-------------------|--------------------------|-----------------------|-------------------------|----------------------------------|
| 2002        | 11.9              | 8.8                      | 3.1                   | 11.7                    | 1.6                              |
| 2003        | 11.6              | 8.8                      | 2.8                   | 12.8                    | 1.7                              |
| 2004        | 11.5              | 8.9                      | 2.6                   | 13.2                    | 1.7                              |

*Source:* Institute for Mother and Child Health Care.

202. In the Republic of Macedonia, the provision of services in the domain of safe motherhood are conducted within the framework of the National Program for Active Mother and Child Health Care that is passed each year by the Government of the Republic of Macedonia and partially financed from the state budget.

203. In view of assessing the quality of the health care services in the field of safe motherhood, in the year 2000 the Ministry of Health, in cooperation with UNICEF and C30, conducted an assessment of safe motherhood needs in order to determine the deficiencies in the provision of health care for this segment of the population.

#### *Family planning and improvement of adolescent reproductive health*

204. One key element in the Safe Motherhood Program is encompassing access to information and counsel in the field of family planning for all potential beneficiaries, including the adolescent population, with the aim of preventing pregnancy and abortion of minors, as potential social and medical risks.

#### *Health-educational and educational measures*

205. These measures cover the adolescent population in secondary schools. The work method used consists of lessons and workshops. There is an organized approach to the effectuation of this activity only in the capital city, as part of the activities of the Mother and Child Health Care Institute. In the year 2004 this activity covered around 12,000 students at the age of 14–18 or 27% of the total number of adolescents in Skopje.

206. The intensity with which this measure has been accomplished is not satisfactory. Information is lacking for organized effectuation of this measure at the level of the whole state.

207. Within the framework for improvement of the reproductive health of adolescents in the period 2003/2006, the Ministry of Health through the Global Fund grant and in cooperation with UNICEF, started activities to integrate the standards of the Youth friendly services in the health institutions that provide health care services to this segment of population.

208. The first centre for reproductive health of youth was opened, within this Program, in the year 2005, and preparations are being made for the opening of the second centre in the municipality where predominantly Roma people live. The second health care centre was opened in September 2006, with the support of UNICEF.

209. A large number of non-governmental organizations undertake activities aimed to improve the access to health care services of marginalized groups of adolescents. The methods to reach these young adults are peer education and field visits to those adolescents who are outside the educational or health care system.

210. Within the activities of the Ministry of Health directed towards improvement of the reproductive health and the quality of coverage with health care services for the adolescent population in public health, at the end of the year 2005, an expert work group was

established to prepare the document “Strategy for Improvement of Health and Development of Adolescents.” This document is currently being compiled. The development of the strategy is done in cooperation with the UNICEF Office in Skopje.

#### Family planning counselling services

211. Family planning counselling services are located in the health care centres for women at primary health care level where gynecologists and obstetricians work. These counselling services are located in urban areas, but such measures are not taken in the villages. Every woman in a reproductive period, including female adolescents at the age of 15–18 years, has the right to choose a gynecologist, but the access to gynecologist outpatient facilities for female adolescents living in villages and places far away from the urban centres has been significantly reduced. The limited access to these services is evident and given in Table 2. In the course of the year 2004 only 13,998 first visits to family planning counselling services were registered, or only at 2.7% of the total number of women in a period, with an average of 1.4 counselling sessions per woman. That same year only 1.7% of the female adolescents at the age of 15–18 years (table 4) were afforded first family planning advice.

Table 4

#### Number of visits in family planning counselling services in the Republic of Macedonia (1994–2004)

| Year | Total number of visits | Total number of first visits | % of women at 15–49 years of age covered with family planning advice | % of female adolescents at 15–18 years of age covered with family planning <sup>1</sup> |
|------|------------------------|------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1994 | 39 022                 | 22 463                       | 4.5                                                                  | 2.0                                                                                     |
| 2003 | 21 807                 | 14 381                       | 2.7                                                                  | 2.2                                                                                     |
| 2004 | 20 709                 | 13 998                       | 2.7                                                                  | 1.7                                                                                     |

Source: Mother and Child Health Care Institution.

212. The teenage birth rate in 2004 was 7.9%. This rate has a downward trend (10.4% in 1992). Data on the abortion rate among the age group up to 19 years are lacking.

#### Health protection and condition of women related to pregnancy and birth

213. The health protection of women in this segment provides improvement of the health of the pregnant woman, specific prevention of diseases during pregnancy, effective treatment of pregnancy related illnesses and provision of professional help at delivery.

214. In the Republic of Macedonia health protection in this area is provided through the primary health care, which includes counselling services for pregnant women and district health nursing service and delivery sections within general hospitals and in the Clinical Centre in Skopje.

215. The primary health care for pregnant women in the public health sector in the course of the year 2004 was provided by a total of 89 gynaecologist obstetricians and 180 obstetricians. This translates as a team of 1 gynaecologist and 2 obstetricians for every 248 pregnant women or 5800 women in a reproductive period. The health care for women during pregnancy and nursing is supplemental by 210 visiting nurses who work as nurses in the community and represent a link between medical facilities for women, family and the community as a whole.

## Prenatal health care

216. Prenatal healthcare in the Republic of Macedonia is provided in the primary health care by gynaecologist obstetricians, but also by district health nursing visits to the home of the pregnant woman.

217. The 2004 Program for active mother and child health care planned for all pregnant women to be involved in the work of the counselling services for pregnant women with a planned average of 4 visits per woman. These visits include one ultrasound examination at 16–20 gestation weeks to determine possible morphological anomalies of the foetus. That same year the rate of prenatal care was 51.5%, with an average of 4.6 visits per pregnant woman (table 5). The district health nursing service also provides prenatal care for pregnant women through visits at the home of the pregnant woman. The district health nursing visits to pregnant women are especially important in rural areas where access to highly specialized prenatal care is difficult due to geographic distance. A certain number of pregnant women control their health in private gynaecological centres, but there are no precise data on this.

Table 5

**Prenatal care in the Republic of Macedonia, 2001–2004**

| <i>Year</i> | <i>Rate of prenatal care (%)</i> | <i>Number of prenatal visits/pregnant woman</i> | <i>Rate of discovered pathological conditions in the first trimester (%)</i> | <i>Number of district nurse visits per pregnant woman</i> |
|-------------|----------------------------------|-------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------|
| 2001        | 48.2                             | 3.4                                             | 13.4                                                                         | 0.8                                                       |
| 2002        | 48.5                             | 3.8                                             | 13.6                                                                         | 1.1                                                       |
| 2003        | 49.5                             | 4.1                                             | 11.4                                                                         | 1                                                         |
| 2004        | 51.5                             | 4.6                                             | 10                                                                           | 1                                                         |

*Source:* Mother and Child Health Institute.

## Health care during delivery, post-delivery period and the support of breastfeeding

218. One of the main goals of the Mother and Child Active Health Care Program is for all deliveries to be performed under supervision of highly qualified medical personnel in maternity hospitals. In the Republic of Macedonia there are 17 obstetrical wards, 9 out-hospital delivery infirmaries and 1 obstetrical ward at the University Clinical Centre that serves as a centre for the referral of risky pregnancies and complicated deliveries. The distribution of obstetric wards, as well as their staff and hospital capacity as a whole meet the needs for provision of delivery related quality health care (table 6).

Table 6

**Situation related to maternity hospitals in the Republic of Macedonia in 2004**

| <i>Number of maternity hospitals</i> | <i>Total number of hospital beds</i> | <i>Total number of gynaecologists-obstetricians</i> | <i>Number of hospital beds per 1,000 deliveries</i> | <i>Number of obstetricians-gynaecologists per 1,000 deliveries</i> | <i>Average stay of nursing mothers in maternity hospitals expressed in days</i> | <i>Utilization of hospital beds in obstetrical wards</i> |
|--------------------------------------|--------------------------------------|-----------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------|
| 28                                   | 637                                  | 136                                                 | 27.2                                                | 5.8                                                                | 4.5                                                                             | 60.6                                                     |

*Source:* Mother and Child Health Care Institute.

219. The Republic of Macedonia has a long tradition of deliveries in hospital facilities, with a high percentage of women who have given birth with professional assistance. The city-village ratio of this indicator is being reduced (table 7).

Table 7

**Percentage of women who have delivered with professional assistance in the Republic of Macedonia, 1992, 2002 and 2004**

|         | 1992 | 2002 | 2004 |
|---------|------|------|------|
| Total   | 90.6 | 98.2 | 99   |
| City    | 97.7 | 99.5 |      |
| Village | 83.1 | 96.6 |      |

Source: Mother and Child Health Care Institute.

Support and protection of breastfeeding and the Baby-friendly Hospitals Initiative

220. In the period 1998–2001 the Ministry of Health, in cooperation with UNICEF, started in the Republic of Macedonia the Initiative “Baby Friendly Hospitals” as a segment of the overall policy of promotion, protection and support of breast-feeding. In this period all maternity hospitals were reconstructed, and at the same time, training was conducted for the overall personnel of the maternity hospitals on the topic of basic principles and standards of baby friendly hospitals. As a result, 27 out of the total of 28 maternity homes were certified in the course of 2000–2001 and in the course of 2004 a reassessment of all previously certified maternity hospitals was conducted by a national team of assessors nominated by the Ministry of Health after previously having completed the training of the assessors. The national assessment team consists of 9 independent expert assessors.

221. The coordinating bodies in every maternity hospital are an additional link in the supervision over the sustainability of this Initiative. They have the basic task of performing continuous self-monitoring related to the fulfilment of the 10 BFHI (Baby Friendly Hospitals Initiative) standards and determining measures for the sustainability of the achieved standards.

222. Within the framework of this initiative, the non-governmental sector – Centre for the Protection of Family, Motherhood and Childhood (member of the European IBFAN network) initiated the establishment of breast-feeding support groups in the local communities and 90 group leaders were trained. This activity was supported by UNICEF and the Ministry of Health. Additional support to breast-feeding in the local community is also provided by the district health nursing service. In the period between 1997–2000 all visiting nurses were trained to promote, protect and support breast-feeding.

223. The promotion, support and protection of breast-feeding in the Republic of Macedonia has also been helped by the adequate legislation in the domain of motherhood protection. This legislation includes the possibility for paid maternity leave for all employed women for a period of 270 days, and in 2005 paid breast-feeding breaks of 1.5 hours until the child is one year old were introduced for women who return to work. Protection of breast-feeding in the Republic of Macedonia is also provided through the implementation of the articles of the International Code banning the marketing of breast milk substitutes in the Law on Food Safety and the Law on Consumer Protection. The Food Directorate at the Ministry of Health and the State Market Inspectorate are responsible for the supervision for the implementation of these legal provisions.

*Activities for HIV/AIDS protection*

224. A National HIV/AIDS Strategy (2003–2006) was adopted and it determines the priorities of the country in this field, with a special focus on vulnerable groups of young persons.

225. In the period since the initiation of the program supported by the Global Fund for the Fight Against HIV/AIDS, Tuberculosis and Malaria, significant results have been achieved among the young population:

(1) Training has been conducted for 756 professionals on the basis of HIV/AIDS preventive work principles within this target population of these 756:

- 76 health workers have been trained on principles of work in youth friendly services
- 635 representatives of the teaching staff from 176 elementary and secondary schools in the country, have been trained to introduce the curriculum Prevention from HIV/AIDS and Reproductive Health
- 45 representatives have been trained in the realm of military personnel for education of army recruits for prevention of HIV/AIDS among young people

(2) 228 peer educators were trained for the prevention of HIV/AIDS among young people.

(3) A total of 11,252 young persons at the age of 15-24 years were involved in peer-education activities in and outside schools, including peer-education sessions, condom promotions, cultural and social events as field work, and the services of the youth peer centre “I Want to Know”.

(4) A total of 13,964 (18+) soldiers were educated through education sessions on prevention of HIV/AIDS and the promotion of safe behaviour among young people.

(5) 743 young girls were informed by educational activities for prevention of commercial sexual work through educational lessons, the promotion and distribution of condoms, and informative-educational material such as brochures and manuals.

(6) Prevention of HIV/AIDS and Reproductive Health a teaching manual prepared, published and introduced in the instruction system of a total of 176 elementary and secondary schools in the country has been used to inform.

(7) 180,879 condoms were distributed among young people.

(8) A pilot educational centre for youth is in the process of being opened.

(9) 300,000 copies of a total of five types of educational brochures for young people and 20 000 posters have been printed and are being distributed.

(10) National media campaign on HIV/AIDS prevention among young population have been produced and broadcast. These campaigns include six educational programs, five radio messages and twelve printed messages in the daily and monthly magazines.

(11) An interactive internet page on HIV/AIDS/SPI aimed to inform the young population is being prepared.

**Health care and health condition of children**

226. Health care for children in the Republic of Macedonia is performed through primary health care within pre-school and school out-patient health unit for children assisted by a higher level of secondary and basic health care in hospitals and clinics.

227. Preventative health care for children is defined in the Program for Active Mother and Child Health Care, the Immunization Program and the Program for Systematic Examination of School-age Children and Youth.

*Health condition of children in the Republic of Macedonia*

228. In the assessment of the health condition of children in the Republic of Macedonia infant mortality rate, pre-natal mortality rate, the mortality rate of children under 5 years of age, specific morbidity by age and morbidity from infectious diseases are used as indicators of health.

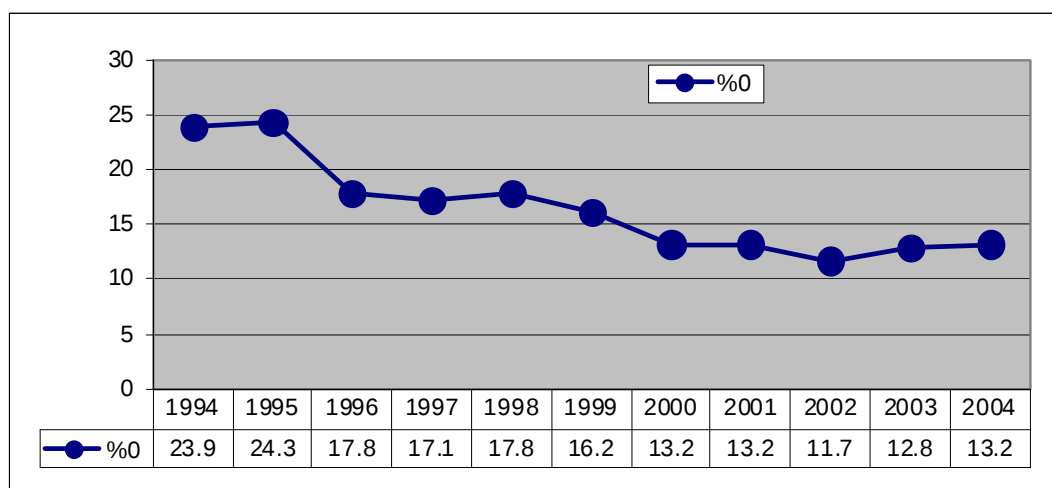
*Infant mortality*

229. The mortality of infants is considered to be the basic indicator not only of the health condition of children, but also an indicator of the development of health care services, the degree of care in the community for the provision of highest standards in the child health domain and of the development of the community as a whole.

230. In the Republic of Macedonia in the year 2004 the infant mortality rate was 13.2 of 1,000 babies born. It should be noted that after a long period of stable downward tendency of the infant mortality rate, in the last 2 years (2003/2004) an increase has been observed (figure I).

Figure I

**Movement of infant mortality rate in the Republic of Macedonia (1994–2004)**



231. The health framework policy of the WHO for the entire European region to 2020 defines healthy life start in goal three. One of the objectives is to keep Infant mortality rate below 20% in all Europe. Countries that have a lower mortality rate should aim to lower it to below 10%. According to this goal, the Republic of Macedonia falls among the countries that are getting close to the WHO goals, but the rate is still higher than in the developed European country.<sup>8</sup>

232. The preventive measures adopted each year by the Government of the Republic of Macedonia, including the Program for Active Mother and Child Health Care, represent a solid guarantee that the health of children and safe motherhood are still a public health priority and of great social importance. This program contains measures promoting the health of pregnant women and children, as well as measures for early detection and treatment of diseases among these population groups.

233. The infant mortality rate shows a certain degree of heterogeneity by individual biological (gender differences) characteristics.

234. In the period 1994–2004, the male infant mortality rate was higher compared to the mortality rate of female infants (table 8).

Table 8

**Infant mortality rates by gender in 1994 and 2004**

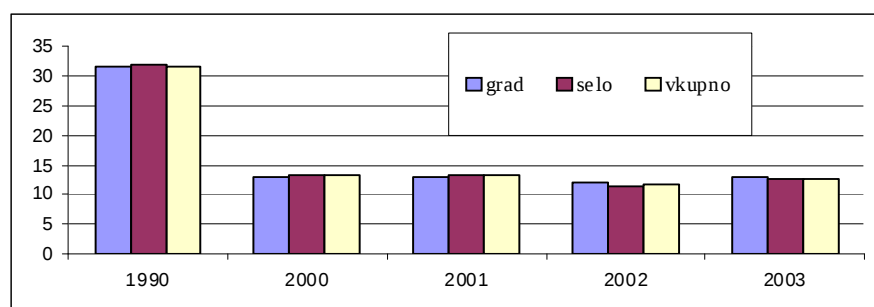
| Year | Female | Male |
|------|--------|------|
| 1994 | 22     | 26   |
| 2004 | 12     | 14   |

Source: State Statistical Office.

235. The difference of infant mortality rate is also noted among certain social-economic categories of the population where the most frequent differences are noted among the variables like the mother's education level, age, and ethnic group. Geographic urban-rural differences are less present in the height of the rate (figure II).

Figure II

**Infant mortality rate in the Republic of Macedonia (urban-rural) in 1990, 2000, 2001, 2002 and 2003**



Source: Mother and Child Health Care Institute.

236. There is still a difference in the height of the infant mortality rate among different social-economic groups, assessed through the level of education of mothers. In the year 2004, the highest infant mortality rate was noted among infants born to mothers with incomplete elementary education (79.8%), and the lowest rate to mothers with higher and university level of education (4.8%).

237. From the findings in literature and in the research conducted by the Mother and Child Health Care Institute, a high level of negative correlation has been determined between the height of the infant mortality rate and the level of education of the mother ( $r = -0.97$ ).

238. Ethnic differences are also present in the height of the infant mortality rate where the highest infant mortality rate is present among the Roma population (19.4%), and the lowest is found among the Macedonians (9.8%) (table 9). Despite equal legal possibilities for access to health care services in primary health care for women and children many factors, such as the way of life, traditional values in the family, level of education of the mother, high number of family members and different levels of social-economic capacities of the families could be the reasons for these disparities by ethnic group.

Table 9

**Infant mortality rate by age of the deceased infant and ethnic belonging of the mother in the Republic of Macedonia in 2004**

| <i>Ethnic belonging of the mother</i> | <i>Age of the deceased infant</i> |                       |                 |                  |                    |
|---------------------------------------|-----------------------------------|-----------------------|-----------------|------------------|--------------------|
|                                       | <i>Total</i>                      | <i>Up to 24 hours</i> | <i>1–6 days</i> | <i>7–27 days</i> | <i>1–11 months</i> |
| Macedonians                           | 9.8                               | 2.3                   | 3.6             | 1.6              | 2.3                |
| Albanians                             | 16.6                              | 3.8                   | 5               | 3.2              | 4.6                |
| Turks                                 | 14.9                              | 0.9                   | 6.5             | 1.9              | 5.6                |
| Roma                                  | 19.4                              | 2.5                   | 6.9             | 2.5              | 7.5                |
| Other                                 | 18.4                              | 3.7                   | 8.6             | 2.4              | 3.7                |
| Total                                 | 13.2                              | 2.7                   | 4.6             | 2.2              | 3.6                |

Source: Mother and Child Health Care Institute.

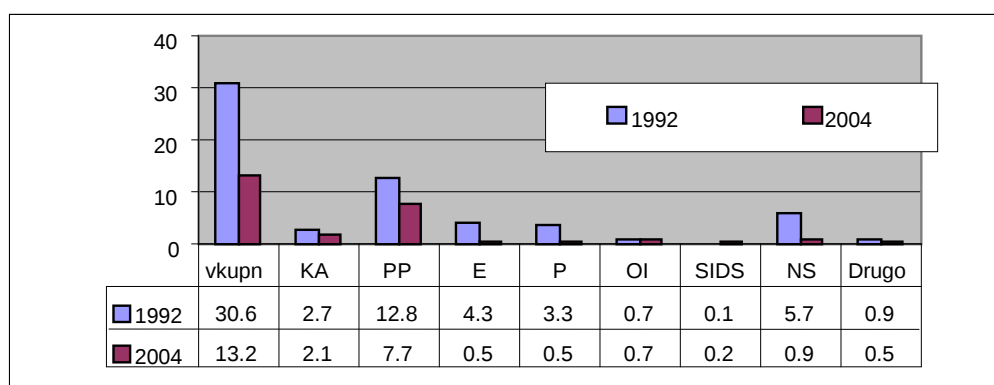
239. The reduction of the infant mortality rate in the last decade has also led to significant changes in the age structure of the deceased infants. Post-natal and neonatal rates have inverted. In the year 2004 72.7% of the total number of infants died in the neonatal period (0–27 days). As an illustration, in the year 1992, 54.5% passed in the neonatal period.

240. Besides the positive changes in the age structure of the deceased infants, in the Republic of Macedonia a positive tendency is noted in the structure of causes of death.

Perinatal causes and congenital malformations greatly contribute to the causes of infant death in 2004 with over 70% of the total number of deceased infants.

241. In 2004 the highest mortality rate was among infants due to perinatal reasons (7.7%) and congenital anomalies (2.1%) (Figure 3). The most deadly among the perinatal causes is premature birth; in 2004, of the total number of delivered children (23,361), 6.4% or (1,508) were weighted lower than 2,500 grams at birth. The highest rate of low weight at birth is present among newborns born as the sixth child, and the lowest is noted as being the second child.

Figure III

**Specific infant mortality rates by causes of death in the Republic of Macedonia in 1992 and 2004**

242. The further reduction of the infant mortality rate and the levelling of the rate in different geographic regions and among different social-economic groups of the population is a permanent commitment for the improvement of child health care in the public health sector. The program for improving the health of mothers and children plans to enforce

intensive supervision over the health of groups of children more exposed to social risks. For these groups, a higher number of district health nursing visits, a larger number of visits to counselling services for children, as well as the provision of funds from the state Health Care Program for uninsured minors are planned.

#### Perinatal mortality

243. The downward trend of perinatal mortality in the Republic of Macedonia is slow compared to the total infant mortality which, in the year 2004, was 18.4% (table 10).

244. The improvement of prenatal protection, especially the early detection and prevention of risky pregnancy, may, in the future, contribute to the reduction of perinatal mortality that is still high in the Republic of Macedonia.

245. In the year 2002, the Ministry of Health, in cooperation with the World Bank, started project activities for the reduction of perinatal mortality by equipping the neonatal hospital wards and training the personnel working in these wards. A team of national trainers underwent training abroad.

Table 10

#### **Movement of the perinatal mortality rate in the Republic of Macedonia in the period 1994–2004**

| Year | Still birth |           | Deceased infants of 0–6 days |           | Perinatal mortality | Infant mortality |
|------|-------------|-----------|------------------------------|-----------|---------------------|------------------|
|      | Number      | of 100 I. | Number                       | of 100 I. |                     |                  |
| 1994 | 330         | 10.5      | 353                          | 11.2      | 21.7                | 23.9             |
| 1995 | 286         | 9.6       | 344                          | 11.5      | 21.1                | 24.3             |
| 1996 | 309         | 10.7      | 244                          | 8.4       | 19.1                | 17.8             |
| 1997 | 299         | 11.1      | 246                          | 9.2       | 20.3                | 17.1             |
| 1998 | 303         | 11.4      | 258                          | 9.7       | 21                  | 17.8             |
| 1999 | 278         | 11.1      | 232                          | 9.3       | 20.4                | 16.2             |
| 2000 | 266         | 10.1      | 202                          | 7.7       | 17.9                | 13.2             |
| 2001 | 284         | 11.7      | 163                          | 6.7       | 18.5                | 13.2             |
| 2002 | 291         | 12        | 182                          | 7.5       | 19.6                | 11.7             |
| 2003 | 232         | 9.8       | 181                          | 7.7       | 17.5                | 12.8             |
| 2004 | 258         | 11        | 172                          | 7.4       | 18.4                | 13.2             |

#### Under-five mortality rate

246. The under-five mortality rate has also markedly decreased in the period 1992/2004. In the year 2004, under five mortality rate was 14.8 of 1,000 live births. In 2005, the under five mortality rate is 17. As a comparison, this rate in 1992 was 34.4 of 1,000 births. In the structure of the deceased children of 0–5 years of age, the deceased infants make up 87.7% of total deaths.

247. In the data structured around mortality by cause of death, in the group of children from 1–14 years serious injuries (28.9%), neoplasm (10.5%), respiratory infections (7.9%) and other infectious diseases (7.9%) are the primary causes of death.

#### Registered morbidity in primary health care of children at 0–18 years of age

248. In the out-patient facilities in primary health care for preschool and school age children encompassing the age group of 0–18 years, less than 70% of the total number of

registered illnesses are attributed to acute respiratory diseases, and this morbidity structure has not changed for several years. The highest morbidity rate has been registered in the age group of 0–4 years (Table 11).

Table 11

**Morbidity rate/10,000 children at 0–18 years of 10 most frequent groups of diseases registered in primary health care in the Republic of Macedonia in 2003**

| Groups of diseases by MKB 10             | Age groups at 0–18 years |                 |                 |                 |                |
|------------------------------------------|--------------------------|-----------------|-----------------|-----------------|----------------|
|                                          | Up to 1 y.               | 1–4 y           | 5–6 y           | 7–14 y          | 15–19 y        |
| Infectious and parasite diseases         | 3 246.2                  | 1 257.7         | 1 283.5         | 431.7           | 211.8          |
| Diseases of the blood                    | 2 596.4                  | 825.5           | 523.5           | 178.6           | 155.0          |
| Endocrine and nutritive diseases         | 1 637.6                  | 112.8           | 45.6            | 32.9            | 30.9           |
| Diseases of the eye                      | 1 617.7                  | 825.1           | 878.4           | 405.3           | 361.1          |
| Diseases of the ear                      | 2 552.4                  | 930.7           | 793.0           | 259.5           | 189.1          |
| Diseases of the respiratory system       | 40 442.5                 | 25 595.1        | 21 005.5        | 6 594.8         | 4 867.8        |
| Diseases of the skin                     | 2 322.6                  | 1 060.1         | 1 048.1         | 484.1           | 502.2          |
| Diseases of the genital/urina-ren system | 201.6                    | 319.2           | 434.9           | 174.5           | 270.0          |
| Congenital malformations                 | 895.8                    | 147.2           | 100.1           | 55.7            | 39.8           |
| Injuries                                 | 107.6                    | 246.3           | 433.9           | 286.5           | 253.9          |
| <b>Total</b>                             | <b>65 615.2</b>          | <b>34 649.6</b> | <b>29 359.1</b> | <b>10 867.4</b> | <b>8 858.1</b> |

Source: Republic Health Care Institute.

249. The exposure of children to infectious agents from the outside environment is determined through the registered infectious diseases among this segment of the population.

Table 12

**Morbidity rate from infectious diseases among children at 0–19 years of age in the Republic of Macedonia in the period 1992–2002**

| Year | Total<br>Mb/100.000 | Children at 0–6 y<br>Mb/100.000 | Children at 7–19 y<br>MB/100.000 |
|------|---------------------|---------------------------------|----------------------------------|
| 1992 | 3 204               | 3 994                           | 2 419                            |
| 2002 | 2 004               | 3 736                           | 1 545                            |

250. There is a reduction in the total presence of illness from infectious diseases among children. The age group of 0–6 years continues to be of higher risk in relation to the exposure of the children to infectious agents (Table 12).

251. In the course of 2004, of the infectious diseases that can be prevented through vaccination, only 9 cases of morbilli, 1 case of pertusis, 56 cases of parotitis and 42 of rubeola were registered among children at 0–18 years of age.

**Child health care in the Republic of Macedonia**

252. Child health care in the Republic of Macedonia is conducted within both the state (public) and private health care. Health care in the public sector is organized at three levels of health care:

- Primary health care organized in out-patient health units for children at preschool and school age in health care institutions and in rural medical units

- Secondary health care organized in specialist-consultative pediatric services, child wards at general hospitals, the Mother and Child Health Care Institute in Skopje, the Mental Health Institute in Skopje and the Special Child Diseases Hospital in Ohrid and
- Basic health care provided in the Child Diseases Clinic within the Clinical Centre in Skopje, the Child Lung Disease Institute in Skopje, as well as in organizational units for children within the other clinics and institutes

#### *Primary health care*

253. Within primary health care, the following services are provided:

- Monitoring the growth and development of preschool and school age children through regular systematic examinations and counselling for their parents
- Nursing visits to infants and small children
- Protection from infectious diseases by conducting the Compulsory Vaccination Program
- Examination of sick children

Table 13

#### **Health-care services for children at 0–6 years of age in 2003 and 2004**

|        | <i>Number of preventive examinations and counselling related to infants</i> |         | <i>% of infants up to 2 months covered with preventive examinations</i> |      | <i>Number of preventive examinations and counselling of children at 1–6 years</i> |        | <i>Number of examinations of sick children at 0–6 years</i> |           |
|--------|-----------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|------|-----------------------------------------------------------------------------------|--------|-------------------------------------------------------------|-----------|
| Year   | 2003                                                                        | 2004    | 2003                                                                    | 2004 | 2003                                                                              | 2004   | 2003                                                        | 2004      |
| Number | 132 422                                                                     | 136 736 | 69.6                                                                    | 86.4 | 69 758                                                                            | 65 102 | 1 149 018                                                   | 1 131 838 |

*Source:* Republic Health Care Institute.

254. In spite of the emphasis on preventive health care for children at 0-6 years of age, treatment health care continues to dominate (table 13). In the course of the year 2004, only 17.8% of the total number of services provided in outpatient facilities in PHC (primary health care) relate to preventive activities, whereas over 80% have been conducted through treatment of sick children. Most of the reasons for visits to the doctor in PHC are acute respiratory infections. That same year an average of 2.6 preventive visits and 6.6 visits aimed at treating symptoms per child at 0-6 years of age were conducted.

255. Within the PHC, immunizations against infectious diseases are conducted. The coverage of preschool age children with primary immunization with all vaccines has been maintained for years at a high level (over 90%) (table 14).

Table 14

#### **Achieved immunization coverage of children in Republic of Macedonia in the period 2001–2004**

| <i>Type of vaccine</i> | <i>Year</i> | <i>Number of qualified</i> | <i>Number of vaccinated</i> | <i>% of coverage</i> |
|------------------------|-------------|----------------------------|-----------------------------|----------------------|
| DTP                    | 2001        | 25 576                     | 23 168                      | 90.6                 |
|                        | 2002        | 24 455                     | 23 391                      | 95.6                 |
|                        | 2003        | 24 908                     | 23 887                      | 95.8                 |
|                        | 2004        | 24 252                     | 22 742                      | 93.8                 |

| <i>Type of vaccine</i> | <i>Year</i> | <i>Number of qualified</i> | <i>Number of vaccinated</i> | <i>% of coverage</i> |
|------------------------|-------------|----------------------------|-----------------------------|----------------------|
| Polio                  | 2001        | 25 710                     | 23 515                      | 91.5                 |
|                        | 2002        | 24 387                     | 23 594                      | 96.7                 |
|                        | 2003        | 24 836                     | 23 802                      | 95.9                 |
|                        | 2004        | 24 206                     | 22 913                      | 94.7                 |
| MRP                    | 2001        | 25 241                     | 23 266                      | 92.2                 |
|                        | 2002        | 24 445                     | 23 917                      | 97.8                 |
|                        | 2003        | 24 533                     | 23 634                      | 96.3                 |
|                        | 2004        | 24 008                     | 23 136                      | 96.4                 |

256. The primary health care for children at 0–6 years of age in the course of the year 2004 was conducted by 226 doctors (of those 65% are paediatric specialists) and 390 nurses, which means a team of 1 doctor and 1.7 nurses for 660 children at 0–6 years of age. In 2004, primary health care was provided at 83 locations, which are proportionally distributed in urban and rural areas. According to the Law on Health Care every child has the right to a doctor of choice (paediatric specialist or general practitioner) to care for his/her health. This doctor follows the growth and development of the child and conducts immunization according to the Immunization Calendar. Primary health care for school children at 7–18 years of age is provided in out-patient health units for school age children in the area of the cities, and in health care stations for children in the villages. Children 7–18 years of age are also allowed have a doctor of choice (specialist in school medicine or general practitioner). The doctors providing primary health care to school children conduct services provided in the out-patient facilities, as well as field activities with the aim of covering all children with preventive services (vaccination, promotion of health and periodic, systematic examinations – Table 13). Nevertheless, in spite of the active approach in providing preventive health care for this segment of the population, the health care that treats symptoms still prevails. In 2004, from the total number of health services provided only 11.8% are recorded to have been preventive activities (table 15).

257. In 2004, primary health care for children 7–18 years old was provided by 154 doctors. Of those, 105 or 68% are specialists in school medicine. This provides a team of one doctor and 1.4 nurses for every 2,300 children 7–18 years old. Primary health care for children 7–19 years old is provided in 71 locations equally distributed in urban and rural areas.

Table 15

**Provided primary health-care services to schoolchildren at 7–18 years of age**

| <i>Year</i> | <i>Number of systematic examinations of pupils</i> |        | <i>Number of counselling for pupils</i> |       | <i>Number of visits to schools aimed to promote health</i> |        | <i>Number of examinations of children at 7–18 years of age</i> |         |
|-------------|----------------------------------------------------|--------|-----------------------------------------|-------|------------------------------------------------------------|--------|----------------------------------------------------------------|---------|
|             | 2003                                               | 2004   | 2003                                    | 2004  | 2003                                                       | 2004   | 2003                                                           | 2004    |
| Number      | 78 995                                             | 52 763 | 3 579                                   | 2 789 | 22 307                                                     | 19 915 | 710 579                                                        | 637 428 |

**Hospital health care**

258. Hospital health care is provided in paediatric hospital wards where children 0–14 years old are treated. Children over 14 years of age, when in need of hospital treatment, are referred to internal wards of the general hospitals. The total hospital capacity in paediatric wards amounts to 723 beds or 1.7 beds per 1,000 children 0–14 years old. In the course of

the year 2004 the hospital bed utilization rate in paediatric wards was 50.3% with an average of 6 days duration of the treatment. The hospital mortality rate in paediatric wards in 2004 was 5.8 per 1,000 treated children, of those 95% died in the University Child Disease Clinic which, as the highest level of health care, serves as referent centre for treatment of seriously ill children.

#### Health education activities in the Republic of Macedonia

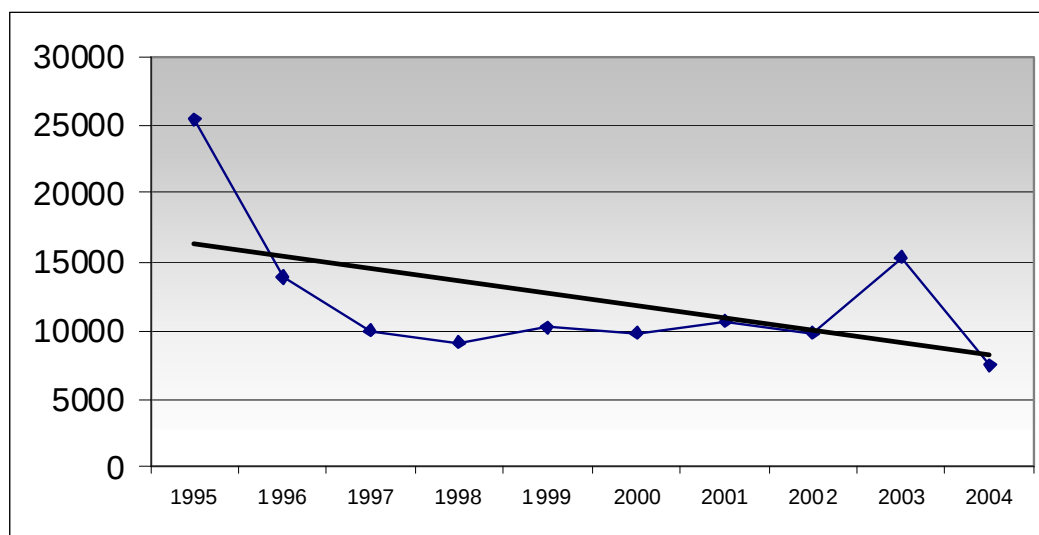
259. In the Republic of Macedonia, health education is provided in many spheres of social life. These programs are based on annual work programs of organizations and institutions in the field of health care and education, the Red Cross of Macedonia, public information media, various associations and non-governmental organizations. A Positive trend is noted in the provision of health education almost in all the municipalities of the Republic.

260. In spite of that, it has been determined that there is:

- Incomplete coordination and cooperation among all structures and participants in the health education activity
- Insufficient equipment furnished with modern health-educational resources
- Lack or obsolete record-keeping related to performed health educational activities
- Obsolete medical documentation and records which limit the possibilities for adequate registration and realization of educational contents
- Insufficient use of allocated financial resources for a more encompassing realization of health educational measures and activities

Figure IV

#### Trend of presented realized health promotion activities in the Republic of Macedonia, 1995–2004



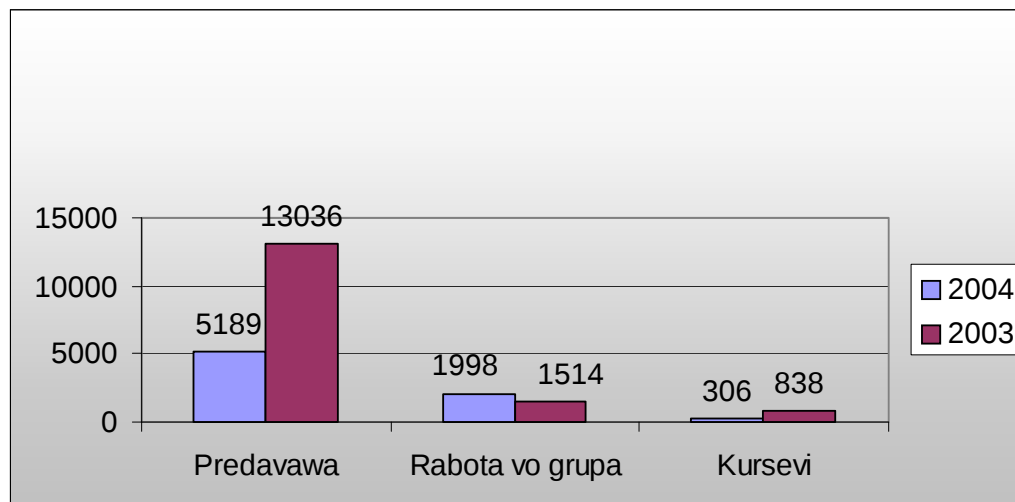
Source: Republic Health Care Institute.

261. From the data presented in Figure IV it can be seen that there is a downward tendency of total registered health promotion related activities. Of the total number of activities, 5,189 or 69.3% are lectures, 1,998 or 26.7% are activities in the form of group work and 306 or 4% are provided for outside of the state and, in the existing conditions,

cannot viably continue without the assistance and support of international organizations that affirm health education (Figure V).

Figure V

**Number of realized educational contents according to type of applied educational methods in 2004 and 2003**



262. According to the received reports on conducted health educational activities in the areas of the health care institutions, in the course of the year 2004, educational seminars for the promotion of health, protection of the living and work environment were conducted and educational materials for the prevention of certain diseases were promoted. These activities were related to smoking and diseases of addiction. Other courses were held to encourage the correct production, transport and use of nutrition products; several programs on several radio, state and private stations were broadcast in the field of health education; in many magazines, daily and weekly newspapers articles were published related to innovations in medicine and advice was given to readers, as well as many other similar activities.

263. From the total given lectures, the largest number of registered lectures have been related to the importance of regular and timely vaccination (384), then lectures related to the need for correct nutrition (503), the need to maintain hygiene (453) and other topics (3849). The lectures were given by the out-patient health units for children, school out-patient clinics, dental and health care services and health care institutes. In addition, part of them were given by the Macedonian Red Cross, the women's organization in the relevant municipality, groups like alcoholics anonymous (for topics related to the prevention of alcoholism) and other groups. The lectures were most frequently given in the premises of the health care centres and medical centres or in the elementary and secondary schools.

264. Group work is a method applied to present topics in the area of family planning (63), the need to maintain hygiene-dietetic regimes (434), the early detection of cancer, measures for prevention of malignant neoplasm, consultative meetings (64), and also for other topics (1407), most frequently related to prevention of AIDS, drug addiction, SARS, and smoking.

265. Of the total 306 registered courses, only 14 were related to the preparation of baby food in the child counselling services.

266. The Mother and Child Health Care Institute aims to educate the members of families with babies and small children with the promotion mother and child health through workshops for health care workers, visiting nurses and printing and distribution of health educational brochures.

267. In the course of 2004/2005 the Mother and Child Health Care Institute prepared and distributed a health educational brochure for Breast Feeding and additional nutrition of children up to two years of age. This brochure was distributed through health care centres to the families like a poster: Nutrition Pyramid of Children two to six years old. Incorporated in these health educational materials are the directions for correct nutrition from the Global Strategy for Nutrition of Babies and Small Children of the WHO. This activity was supported with resources allocated from the budget of the Republic of Macedonia to the Health Care Institute for the realization of its program activities. Regretfully, in 2006 the budget for the Institute was reduced to a tenth of its previous size. This measure will contribute to a reduction of the activities for infant and child health promotion.

268. With the cooperation of UNICEF, a development of local community level learning is conducted in the Republic of Macedonia. In the year 2004, this activity covered 11 7,600 preschool children in poor and marginalized environments in 11 municipalities. These measures cover literacy and health education of the parents. In the course of this activity, the cooperation between the non-governmental and the public health sector was improved in the efforts to strengthen the capabilities of the parents to promote learning in the early development of their children.

269. The Ministry of Health, in cooperation with UNICEF and the Mother and Child Health Care Institute, participated in marking the "Immunization Week" in the course of 2005. As part of the health promotion activities aimed to improve the access to preventive health care services by marginalized and socially-economically vulnerable groups of children, 900 children, mainly Roma, who have not been vaccinated at all or only partially, were vaccinated. The campaign was the basis for the development of a protocol in the Ministry for field immunization of socially marginalized and difficult to access groups.

#### **Legislative framework for the provision of health care for children in the Republic of Macedonia**

270. Macedonia consists in particular of the Law on Health Care (Official Gazette of Republic of Macedonia" No. 38/91; C. court – 73/92; 46/93 and 55/95 and revised text – 17/97). According to this Law, health care consists of measures, activities and procedures to preserve and improve people's health, living and work environment. Health is also defined as the right and obligation of people to have health insurance, as well as measures, activities and procedures undertaken by the organization in the field of health care to preserve and improve the health of people. Health care also focuses on the prevention of and fight against diseases, injuries and other health problems, early detection of diseases and health conditions, and timely and efficient treatment and rehabilitation with the application of professional medical measures, activities and procedures.

271. All the citizens of the Republic of Macedonia are enabled to exercise the rights guaranteed by this Law, the determined needs and interests of the society, those being:

- (1) Measures and activities for protection against harmful effect on health of the population from gases, noise, ionized radiation, pollution of water, soil, air and products and other harmful effect on the environment and work ambience;
- (2) Measures and activities for the detection, prevention and fight against infectious diseases subject to compulsory registration;
- (3) Systematic examination of children and students;
- (4) Measures and activities for the protection of women during pregnancy, delivery and nursing and of the infants;
- (5) Measures and activities for family planning;

- (6) Measures and activities for the organization and improvement of blood donation;
- (7) Coverage of costs for patients treated with dialysis;
- (8) Provision of medications of patients with transplants;
- (9) Provision of cytostatics, insulin and growth hormones;
- (10) Other measures and activities determined with special programs.

272. The resources provided from the Budget of the Republic are distributed by programs enacted by the Government of the Republic of Macedonia, those being:

- (1) A program for preventive health care;
- (2) A program for compulsory vaccination of the population;
- (3) A program for research related to the occurrence, prevention and fight against brucellosis in humans;
- (4) A program to prevent tuberculosis among the population;
- (5) A program for the protection of the population against AIDS;
- (6) A program for active mother and child health care;
- (7) A program for systematic examination of children, pupils and students;
- (8) A program for the organization and improvement of blood donation;
- (9) A program against certain diseases of the citizens who do not have health insurance in the Republic of Macedonia;
- (10) A program for covering the costs of patients treated with dialysis, for the provision of medications for patients with transplants and provision of cytostatics, insulin, growth hormone and treatment of patients with haemophilia;
- (11) A program for health care for persons with mental disorders and addictions in the Republic of Macedonia.

*Law on Health Insurance (Official Gazette of Republic of Macedonia" No. 25/2000; 34/2000; 96/2000; 50/2001; 11/2002; 31/2003 and 84/2005)*

273. Besides the other categories of age, this Law also provides compulsory health insurance for the category of children turning 18, when acquiring the status of an:

- Insured person who is employed, receiving continuous cash assistance, using a family pension, subject to care according to social protection regulations, exercising rights according to international agreements on social care, or serving a correctional measure
- Insured person who is a child of an insured caretaker born in a marriage, outside the marriage, cared for as step children, adopted children and children taken in to be cared for. In this sense the Law mentions the children up to 18 years of age in Articles 5, 6 and 7

This category of insured persons has the right to all basic health care services in general, as described in Article 9 of this Law.

274. Article 10 of the Law mentions the health care services that are not covered with compulsory health insurance, but gives exempts children up to the age of 18 years from using medical rehabilitation for degenerative illnesses.

275. In the segment related to the rights to wage compensation for the insured, compensation is provided in case of pregnancy, birth and motherhood. Compensation is also provided for the care for a sick child up to three years old and for care of a child older than three, but compensation is only provided for thirty days. When the child needs to be accompanied for examination and treatment outside the place of residence and when a child older than three needs to be accompanied when in the hospital for treatment the mother will be compensated for up to thirty days.

276. The right to compensation of travel costs is also a right that is provided for this category of children, up to the age of 18.

277. All rights deriving from compulsory health insurance, and all rights of insured persons, including children up to the age of 18 years, are exercised on the basis of a health document (health insurance card) and certification (blue coupon) as proof that the contribution for compulsory health insurance has been paid.

278. Beside co-payment, Article 34 of the Law stipulates exemption of children with special needs determined according to the social care regulations, whereas Article 35 stipulates exemption of children up to the age of 18 years from co-payment for prosthesis, orthopedic and other accessories and medical products produced of standard material.

279. A separate decree determines the co-pay amount of health care services and medications as well as special cases when an exemption from participation is given due to the monthly income of the family of the insured person and the total annual health care service payments.

280. Nevertheless, for children not exempted, a lower limit is prescribed (20 and 40%) for the exercise of this right. Exemption from further co-payment in the year, except for medications on the positive list of medications in primary health care and treatment abroad, can be obtained:

- In cases of children from 1 to 5 years of age when they paid the co-payment for specialized-consultation and hospital activity in an amount above the 20% of the average monthly net wage paid in the state
- For children from 5 to 8 years of age when they have paid the co-payment for specialized-consultation and hospital activity in an amount above the 40% of the average monthly net wage in the state

*General by-law regulations containing special provisions for children up to 18 years of age*

Rulebook on the Content and Procedure for the Exercise of the Rights and Obligations from the Compulsory Health Insurance – 111/00-5733; 4/-1-86 (amnd); 4/01-97 (amdn); 71/01-4427; 23/02-20; 55/04-28; 30/06

281. This Rulebook contains provisions related to the determination of the insured person's status. In Article 5 of the Rulebook it is stipulated that children up to the age of 18 years prove insured status with an excerpt from the General Registry or with a decision from the authoritative department.

282. For children who are or shall become incapable of independent life and work, a decision that the child is incapable of independent life and work according to the regulations for pension and disability insurance, should be submitted with the application.

283. Regarding the use of the health insurance card there is a provision stipulating that it can be used only together with the identity card or school document proving the identity of the child as insured person. Children up to two months of age can also use the card on the basis of the health insurance card of one of the parents.

284. In the use of health care services in primary health care children up to 14 years old have the right to a doctor of choice. The child's parent or guardian can exercise this right.

285. The children have the right to a doctor of choice in the school they are attending in the primary health care in the fields of: general practice, occupational health service (when performing general practice), paediatrics for children 6–14, school medicine, stomatology, and gynaecology for female children over 14 years of age.

286. In the content of the basic health care services there are also special provisions stipulating special preventive measures for the protection of infants and small children through systematic examinations.

287. The district health nursing for the needs of the mother and the newborn is a special health care service related to children.

Rulebook on Indications for the Exercise of the Right to Orthopaedics and Other Accessories – 111/00-5711; 4/01-97 (amnd.); 56/01-3742 (amnd.); 71/01-4427; 41/03-19; 47/03-11; 73/05

288. This general bylaw determines the indications for the exercise of the right to orthopedic and other accessories, the manner in which this right is exercised and the participation of the insured person in payment for the needed accessories. The bylaw explicitly respects the specifics of the category of children up to 18 years of age and provides certain specifics on the type, quality, and volume, duration the child has access to the accessory.

289. As the law stipulates, this age group is fully exempt from co-pay for the health care services related to prosthesis, orthopedic and other accessories produced of standard material.

Rulebook on health care services payment in primary health care – 48/01-3384; (Constitutional Court of Republic of Macedonia A. No. 142/01 and 170/01-91/02-4); 31/03-20; and

290. The Rulebook on health care service payment in primary stomatological health care – 80/04-3; 24/05-13; also stipulates special care for the health of children who have achieved goals related to health care that according to these acts, have simulative character for the provider.

291. The “Preventive Programs” of the Government of the Republic of Macedonia foresee special measures and activities for the improvement of the health condition and protection of the entire child population in the state. These fully cover the costs for the treatment of certain diagnoses for groups of the population like the uninsured and payment of costs for the insured.

## **Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

### **Article 26**

292. According to the Law on Social Protection, the beneficiaries of social protection are minors without parents and parental care, children with social conduct problems, children with disorderly behaviour, persons with mild and mental handicaps, individuals incapable of work and the financially unprovided for. According to this Law, children unable to work are children younger than 15, and, when attending regular education, up to the age of 26.

The social protection rights in first instance are decided by the social welfare centre in the place of residents of the person in need of social protection. In the exercise of the rights of social protection in accordance with the Law, a right to placement of these persons in adequate institutions or foster care is stipulated.

293. In the Republic of Macedonia there are institutions where children without parents and parental care are placed up to the age of three, placed until coming of age, placed for social behaviour problems and placed for disorderly conduct. In these institutions the children are provided with adequate education, upbringing, different forms of work, structured lives, health care and other type of social care.

294. Regarding the placement of children in another family, changes and amendments to the Law on Social Protection were enacted in the year 2004 to normatively improve the performance of foster care with the aim of creating greater motivation for the citizens to participate in foster care for children in their families. The possibility was created for a person to be professionally engaged in foster care, to be self-employed and to be provided with pension years and pension basis. The Law stipulates that the foster care provider has to have at least secondary education and to be in good health condition in order to successfully care for the placed children. The foster care provider should be a person capable of conducting business, a person against whom no procedure was initiated for the deprivation of parental right in relation to his/her children and a person with adequate space and equipment to work.

295. The Ministry of Labour and Social Policy issues permits for foster care for children in the family of the person who wants to be engaged in this activity. The social welfare centre gives an opinion on whether the citizen is apt and whether they have capabilities for high-quality foster care. Upon acquisition of the permit for the activity, the foster care provider signs a contract with the social welfare centre stipulating the manner in which the person shall care for the children in the family. The hope is that this legal agreement will encourage citizens educated about the care of children who are unemployed to engage in foster care as a professional activity. In this way, a possibility is created to engage foster care families with higher potentials for the performance of the foster care function raising the quality of this form of child protection.

296. According to the Law on Pension and Disability Insurance, children have guaranteed rights in relation to the exercise of the right to family pension.

297. In the year 2004 in the Republic of Macedonia, the Law on Child Protection was enacted. This Law stipulates that child protection is an organized activity based on child rights. It is also based on the rights and obligations of parents and of the state in the field of family planning and the provision of living standards and conditions adequate for physical, mental, emotional, moral and social development of children. The state also had obligations to create conditions for leading a humanitarian population policy, providing adequate financial assistance to parents according to the capacity of the state, and maintaining, raising, caring for and protecting children. The state also aims to organize and secure the development of child-care institutions and services. Forms of child care in the spirit of this Law are: include the upbringing of preschool age children and the vacation and recreation of children.

298. The care and upbringing of preschool children is a form of childcare that actively provides care, stay, food, upbringing, education, sport, and recreational and cultural activities to children. Programs also include measures and activities to improve and preserve health and instigate the intellectual, emotional, physical, mental and social development of the child up to 7 years of age, that is, until the child is introduced to elementary education.

299. The upbringing and education of preschool children is performed through a widely developed network of preschool institutions (full day stay and half day stay) and kindergarten groups (half day stay) in elementary schools.

300. At the moment in the Republic of Macedonia, 51 public preschools with 186 facilities are functioning. According to the official data of the State Statistical Office, in the year 2004 these nursery schools accommodated a total of 36,392 children, and in the year 2005 this number was reduced and amounts to 20,967 children, representing 11% of the total preschool age children. It would be helpful to make additional efforts for the realization of informal forms of early child development in order to increase the coverage of children in rural areas and children from marginalized Roma groups. A state priority is to create, with the support of UNICEF, an all-encompassing early child development policy that would envision concrete solutions to increase the coverage but also improve the quality of child development. UNICEF has helped by expanding basic standards for early learning and development.

301. This Law gives a possibility to establish private nursery schools.

### **Article 18, para. 3**

302. The Law on Child Protection determines the right to child allowance for children, depending on the income of the parents, in order to provide financial security of the child. With the changes to the Law on Child Protection adopted in the year 2000, this can be a reality for all children up to 18 years of age when regularly attending school, in contrast to the previous legal solution that provided for this right to only for the first three children in the family.

303. The right to child allowance is given as cash compensation to cover part of the costs for the child's upbringing and development. The right is applied depending on the age of the child and the financial situation of the family. A child 15 years old can receive this allowance, and a child up to 18 years old can benefit as well if regularly attending school. The right to child allowance is suspended when the child is placed in an institution. Child allowance is received by the parent of the child, the guardian, or the caretaker if the child has been placed in a foster family. The amount of the child allowance for a child up to 15 years of age is 5.50%, and for a child of 15 to 18 years of age 8.50% of the average wage paid per worker in Republic of Macedonia the previous year.

304. The state provides help to parents for full care of the children by creating conditions for their placement in day-care, for children at the age of 9 months to 5 years, and preschool for children at 5 to 7 years of age. The children in day-care are allowed to stay a full day or a half day and are encouraged to engage in non-institutional activities. For accommodation in day-care, the parents pay an adequate economic price determined by the Ministry of Health and Social Policy.

### **Standard of living (art. 27, paras. 1–3)**

305. The Law on Family of the Republic of Macedonia does not stipulate the upbringing of the child only as the right and responsibility of the parents but also sees it as a right of the child. Namely, according to Article 49 Paragraph 2 of the Law on Family it is determined that the children has the right to be maintained by their parents, to be accommodated, have their life and health protected, to be enabled for independent life and work, and to be provided optimum conditions for upbringing, education and professional qualification, depending on the condition of the family.

306. In case of divorce, when there is dispute among the parents regarding the care of the minor, the court shall determine the amount of alimony as a determined percentage depending on the income of the parent put under the obligation to pay alimony for the child.

307. With the enactment of the Law on changes and amendments to the Law on Family in 2004 a new directive was passed enabling the social welfare centre to revoke parental right of a personal relationship and direct contact with their child if alimony has not been paid. This directive will ensure that a child's right to proper upbringing is carried out and force parents to fulfil their obligations to pay alimony.

308. Regarding the fulfilment of the obligations from the Convention, the Republic of Macedonia has been a state party to the New York Convention on the exercise of alimony abroad since 1956. In the course of the year 2005, 11 requests from foreign citizens for payment of alimony for minors by citizens of the Republic of Macedonia were submitted to the Ministry of Labour and Social Policy of the Republic of Macedonia. Such requests are delivered to the social welfare centres that contact these persons and point out to their obligation to pay alimony and the consequences deriving from unfulfilled obligations. The procedure related to requests of citizens of the Republic of Macedonia for payment of alimony by citizens of other states, who by court decision are obligated to pay alimony, is conducted through the Ministry of Justice of the Republic of Macedonia.

## **VII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **Education, including vocational training and guidance (art. 28) and aims of education (art. 29)**

309. The implementation of these three articles in the past reporting period has been done mainly through changes and amendments to the laws on primary and secondary education. Short and long term projects implemented by the MoES with donors, non-governmental organizations and lately, with the decentralization process by the municipalities in the Republic of Macedonia have also greatly contributed to changes in regard to this Article.

310. For the implementation of Article 30 of the Convention on the Rights of the Child and the compatibility with the Convention, (NPRES 2005–2015 and NAPRC 2006–2015) in the Republic of Macedonia a Department on Protection of Rights of the Child was established within the Ministry of Education and Science. Projects of multi-ethnic character in accordance with the Constitution and the Law on Primary and Secondary Education have also been conducted. The department's functioning, in accordance with Article 49 of the Constitution of the Republic of Macedonia (Constitution of Republic of Macedonia 2001), Article 10 of the Law on Primary Education (Official Gazette of Republic of Macedonia No. 52/2002), and Article 6 of the Law on Secondary Education (Official Gazette of Republic of Macedonia No. 52/2002) is responsible for the education of Macedonian citizens who are a minority in the neighbouring countries or reside in Western Europe, and in the overseas countries. For that purpose:

311. The Department cooperates with:

- Institutions at state and local levels
- Institutions of the Government of the Republic of Macedonia
- Scientific-education and research institutions that directly or indirectly research international relations, building peace and tolerance, learning about equality among differences, learning about civic rights and prevention of conflicts among the

members of a communities in the educational process (including UNICEF), programs that support peace educational programs encompassing child rights, multi-culture and conflict resolution, (this initiative is still at a project level and the next step is to integrate it in the regular instruction)

- Non-governmental organizations implementing programs and projects of this type
- Institutions abroad (Macedonian diplomatic representations and missions, Macedonian associations and organizations), educational institutions to implement bilateral agreements, contracts and programs, educational institutions of foreign states and multilateral organizations implementing projects and programs equal or similar to the needs and tasks of the Department for science, peace, tolerance and confidence building

### **Primary education**

312. Article 44 of the Constitution of the Republic of Macedonia determines that everybody has the right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free of charge. Education is a fundamental human right. It represents the key for sustainable development and peace and stability in the country, and thus represents an essential means for effective participation for individuals in society. The basic educational needs of all children can and should be met.

313. In the Republic of Macedonia all aspects of education are being continuously improved and efforts are being made to provide for compulsory and accessible primary education and to encourage regular attendance.

314. At this time, special challenges related to primary education arise from the new territorial organization and the decentralization process in the newly formed 84 municipalities in Republic of Macedonia.

315. The changes and amendments to the Law on Primary Education of the Republic of Macedonia (Official Gazette of Republic of Macedonia, No. 63/2004) stipulate that starting from the school year 2005–2006, all children with six years old are obligated to attend first grade; this was implemented. The school year 2005–2006 was a pilot year of this goal, and in 2007 it has become a legal obligation for all six years old to attend, Article 1, 2 and 73 of the aforementioned Law stipulate that primary education in the Republic of Macedonia shall have nine year duration.

316. According to strategic goal 4 of the NAPRC 2006-2005 which promotes full coverage of pupils in primary education, the gross coverage of students in primary education shall be improved. According to the State Statistical Office the gross percentage of pupils in primary education was 97.1 (by the year 2015 the coverage should be 100%). The same commitment has been established in the NPPE 2005–2015, where the forecast is to reduce the annual drop-out rate from primary education that currently makes up 1.71% of all students. The problem with students who no longer attend elementary education mainly appears in the rural and mountainous areas and among certain ethnic groups (mostly among the Roma, regardless of the place of residence).

317. Increasing the coverage of children and keeping them in the educational system at the moment is a priority task in the social community. This initiative represents a continuous desire for all to acquire adequate knowledge and skills that will enable them to continue education and acquire professional qualifications needed for their further life in the work force. The commitment to a compulsory nine year primary education, as already mentioned, starts in the school year 2006–2007, and the implementation is successive year by year, meaning that the full coverage of the first generation in the new program will end

in 2015. For the realization of these activities the best possible conditions for compulsory education are being created, besides the already undertaken measures, like:

- The Ministry of Education and Science of the Republic of Macedonia (MES) and the local self-government shall introduce financial benefits (state and local funds and scholarships) for children coming from socially endangered families
- MES and the local self-government will provide in all schools consistent fulfilment of obligations and duties deriving from the legal regulations for coverage of all children on the territory of their authority
- The Government shall undertake the implementation of newly determined stimulating cases and punitive measures for all parents who do not abide the law and do not send their children to school
- MES and the local self-government will strengthen the total number of classes in all environments where educational institutions are lacking
- MES and the local self-government will organize transportation for students in environments where there are no educational institutions and where it is not cost effective to establish such an educational institution
- MES in cooperation with the local self-government and the non-governmental sector shall introduce forms/models of preschool education in those places where there are no public or private preschool institutions
- MES and the local self-government shall provide an increase in financial resources for primary education, especially in regard to the rehabilitation, reconstruction and improvement of the infrastructure capacities where donor support would not be lacking

318. For the realization of the aforementioned commitments of the Republic of Macedonia, in view of the decentralization process and the implementation of the UN Convention on the Rights of the Child, significant contribution and effects are provided by the Project for the Modernization of the Education. This Project has been financed with a loan from the World Bank, (5 million US dollars), donations from the Dutch Government (12 million US dollars) and by the Macedonian Government (3 million US dollars). This project will continue until 2009, and shall focus on the improvement of human resources and infrastructural capacities of the schools and improvement of the school management within the decentralization process.

319. According to Article 8 of the Law on Primary Education (Official Gazette of the Republic of Macedonia No. 52/2002 – refined text, and supplements in No. 40/2003, No. 42/2004 and No. 63/2004), instruction shall be given in Macedonian language and Cyrillic alphabet. For members of communities, the upbringing and educational work shall be done in the language and alphabet of the communities in the manner stated by this Law. The students from the communities shall study the Macedonian language as the official language.

320. In accordance with countries where citizens of the Republic of Macedonia stay for a longer period of time, additional instruction is provided for their children to learn their mother tongue and culture according to the programs prepared by the Bureau for the Development of Education. Additional instruction is provided in several European and overseas countries (France, Austria, Germany, Switzerland, Sweden, Slovenia, Croatia, Canada and Australia). This is a result of the implementation of Article 29 of the Convention on the Rights of the Child.

321. According to the data of the State Statistical Office of Republic of Macedonia (further in the text – SSO) for the school year 2005/2006, in 84 municipalities in the



authority of a central school, is 668. Of these schools, 505 of them are only equipped to instruct from first to fourth grade.

329. In the spirit of the implementation of commitments from the Convention on the Rights of the Child, the determined goals in NAPRC 2006-2015 and NPPE 2005-2015 promote effective schooling. All activities of these programs and project documents of Republic of Macedonia are directed towards the children, parents and teachers in order to reduce the forms of violence and other improper behaviour including consumption of psychotropic substances in schools. These programs identify the children at risk of these behaviours in order to provide adequate treatment to enable personal lifestyle development as well as growth that will prove productive for society as a whole. Identification of talented students and their motivation for excellence is not neglected. For that purpose, the MES is preparing special programs for early detection of talented and gifted students. The Law on Primary Education (Official Gazette of Republic of Macedonia No. 61-1995 article 44) foresees a possibility for a student to advance twice during the educational process, once up to fourth grade, and once again from fifth to eighth grade.

330. This shows that the Republic of Macedonia is undertaking all activities and obligations to fully respect UN recommendations by providing operational educational institutions and by creating “child friendly” schools that:

- Provide quality educational process and possibility of success by every individual
- Improve the health and wellbeing of children
- Increase the school coverage and completion
- Raise the morale and motivation of teachers (through adequate career professional development)
- Guarantee a safe and protective environment for the children
- Provide support from the local community
- Encourage social inclusion and participation, openness of the school, transparency in the operation and readiness to change in accordance with internal and external determination

331. The efforts towards building an effective school in the Republic of Macedonia at the moment show movements towards the realization of:

- Family, inter-generational and peer problems
- Needs of the children with specific developmental challenges
- Addressing personal dilemmas, prejudices and positions of children
- Activities for children in their free time
- Exercise of the rights and cultural needs of the child, including full information and participation in everyday life
- Realizing the importance of knowledge as personal and common gain and as important is raising self-esteem

332. In the Republic of Macedonia the basic structure of the curricula and the structure and content of the primary education is all encompassing. It includes instruction (with compulsory, elective and facultative subjects, additional and supplementary instruction), non curricula activities, care for the health of the students, cooperation with the local community and the monitoring, evaluation and improvement of educational work. Basic activity planning is also key for the teaching staff in primary schools and professional and pedagogical development. The curriculum is structured around several areas: language and

literature, whose content is related to the mother tongue foreign languages, mathematics, natural sciences, society, nature, biology, physics and chemistry. Another area, social sciences revolves around content related to nature and society, history, civil society and geography, technical education, physical and health education and the education of music and art. As already mentioned, the subjects in the curricula can be taken as compulsory, elective and facultative.

333. It has been concluded that this concept, compared to the modern concept for elementary education, is obsolete and overburdened with content. For this purpose the MES is undertaking activities to achieve the goals set in the points of intervention in education and NPAD for redesigning the curriculum so that a better quality of education and schools can effectively result and relieve this burden.

334. The MES has already formed teams of experts working on the revision of the curriculum that will incorporate these new concepts of elementary education. The MES has also formed a team of experts that shall build an effective evaluation/grading system of students' achievements. This will raise the need in the schools for self-assessment and objective grading of student achievement. This is already being done in the State Examination Centre formed as a separate sector derived from the Bureau for Development of Education in 2005.

335. The schools apply target-oriented instruction and learning that puts more emphasis on the instruction and less on the teacher's lecture; more emphasis on the acquisition of knowledge, skills and the formation of opinions by the students that will be durable and applicable in life. For this purpose, the teachers have been continuously trained with the support of the MES and other donors. The project of the World Bank, by donations from the Dutch and Macedonian Government should be recognized as being especially formulative in this project for the modernization of Macedonian education.

336. In the spirit of achieving higher quality of education, and the commitment to child friendly schools, the MES has currently set quality standards for the primary school textbooks (Article 47, 48, 49, 50 and 52, Official Gazette of the Republic of Macedonia No. 63 from the year 2004). These standards are based on the concept of positive learning results and for this purpose, procedures for the choice and acquisition of textbooks and other learning materials by schools and teachers have been set.

337. The MES, through the State Examination Centre and through systems which control the quality of teachers, instruction and learning that should be realized by the State Educational Inspectorate has changed its role (according to the changes and amendments Official Gazette of the Republic of Macedonia No. 63 from the year 2004 article 69). These departments now support modern instruction and learning strategies, and feel obligated to standardize every school and teacher.

338. The Republic of China and Japan have provided great support to the realization of the aforementioned goals by donating computers. USAID is helping the E-school in elementary education, that is, the instruction of teachers in information technology and its use in work in the schools that have already been equipped with computer equipment and internet.

339. A model for relating information for teachers in primary education is being constructed and should be built in the legal regulations. The licensing of teachers and their professional development shall be supported by a gradual approach to the continuing education of teachers, with financial motivation.

340. According to the concepts for this goal, the progress of relying knowledge would be performed with the following additions:

- Teacher-assistants, teachers and teacher-mentors

341. The establishment of honorary titles shall be awarded on the basis of precise indicators of acquired knowledge of teachers in a field, experience, achieved quality results in the instruction and learning of the students, innovations and involvement school and after school activities.

342. In this sense, for the Principals of schools to acquire the status of Principal, these individuals need to undergo adequate training and pass examinations that are already a legal obligation as stated in Article 59 of the changes and amendments to the Law on Primary Education (Official Gazette of Republic of Macedonia No. 63/2004).

343. Up to this point, practice has shown weaknesses in the fulfilment of the tasks by the specialized pedagogical services in the primary schools. These weaknesses are characterized by unstandardized performance of working assignments of school personnel. At the moment a program for specialized pedagogical services in primary education is being prepared, and it shall be measured by the legal regulations and bylaws which shall precisely define:

- The goals of the specialized service
- The working assignments (authority and responsibilities, differentiated and given in groups)
- The operation, composition and employment procedures

344. All the aforementioned elements contribute to a system of control and quality of elementary education by creating and improving the infrastructure, equipment, and ICT connections. They also improve the quality of initial education of teachers, process regulation, elaboration of quality standards, state financing (including local self-government), parents and the Bureau for Development of Education that, with the new regulations, will transform into the Pedagogical Institute of the Republic of Macedonia.

345. The State Education Inspectorate and State Examination Centre shall exert control over the work of elementary schools from the aspect of implementation of the legal regulations and standards for effective schooling, protection of child rights in the sphere of education, and the right to education for all. The representation and correctness in the implementation of the national interests in education by the educational institutions at local and national levels as well as the students' results and the quality of the teaching personnel working are also in the context of quality control for realization of elementary education.

346. The Republic of Macedonia, in accordance with the Roma Decade and its approach to vulnerable groups of children has developed mechanisms to monitor the situation of children in and outside the educational system with donor support and active participation of the non-governmental sector. A concept for work with children and a mentoring system that works with parents from vulnerable groups, mostly centred around Roma children and families, is being developed. Benefits are provided for the education of this category of children with different means of motivation in the sense of financial assistance and scholarship system.

347. The mission in for realizing elementary education in the spirit of the implementation of the Convention on the Rights of the Child cannot be fulfilled if work is not done on the inclusion and educational participation of students with special needs through:

- Consistent implementation of inclusion principles.
- Professional, personnel, and technical preparation of schools to accept children with special educational needs (implementation of the strategic goal number 2 of the NPAD 2006–2015), continuation of the work of special schools for care and education of children with severer impediments. In the Republic of Macedonia, there

are special schools where elementary education is provided mainly for children with special needs.

348. In the Republic of Macedonia there are no private elementary schools, but there are initiatives to open private elementary schools, and currently there is one pilot private school in the private secondary school “Nova” in Skopje.

349. MES and the Government of the Republic of Macedonia make efforts in their activities to enlarge the network of elementary schools through legal interventions and regulations and the creation of possibilities for the foundation of private elementary schools.

350. The realization of the goals and programs for elementary education projects a larger enrolment of students in secondary education programs.

### **Secondary education**

351. The secondary education is not compulsory in the Republic of Macedonia, yet students attend secondary education free of charge.

352. According to the SSO, at the beginning of the school year 2005/2006 100 secondary schools operated in the Republic of Macedonia. Of those, 5 are private (according to the Law on Secondary Education, Official Gazette of Republic of Macedonia No. 44/95 that enlarges the democratization of this educational system segment. Namely, a right is given to attend, schools outside the state and local municipalities; private secondary schools). There are also 2 religious secondary schools, one being Orthodox and one being Islamic.

353. The instruction in secondary schools is conducted in the Macedonian language and the Cyrillic alphabet. For the members of the communities, the educational activity is conducted in the language and alphabet of the communities, in the manner determined by this law. The students from the communities learn the Macedonian language.

354. There are 91 state schools. Of those, four are for students with special educational needs, three are private secondary schools and two are religious secondary schools.

355. Secondary education in the Republic of Macedonia is conducted in:

- High schools
- Vocational schools
- Secondary art schools
- Secondary schools for students with special educational needs

356. According to sources of the MES:

Table 17

### **Secondary schools**

| <i>Type of secondary school</i>                       | <i>Number of schools</i> |
|-------------------------------------------------------|--------------------------|
| High schools                                          | 15                       |
| Vocational schools                                    | 26                       |
| Mixed (high school and vocational)                    | 50                       |
| Private                                               | 3                        |
| Special (for children with special educational needs) | 4                        |
| Religious                                             | 2                        |

Table 18  
Coverage of pupils in secondary education

| <i>School year</i> | <i>Completed primary</i> | <i>School year</i> | <i>Enrolled in secondary</i> | <i>%</i> |
|--------------------|--------------------------|--------------------|------------------------------|----------|
| 2002/03            | 30.863                   | 2003/04            | 26.293                       | 85.26%   |
| 2003/04            | 29.599                   | 2004/05            | 25.545                       | 86%      |
| 2005/06            |                          |                    | 25.696                       | 98.49%   |

In the school year 2005/2006 the coverage of students in:

- 3 private schools is 262 pupils or 1.01%
- 4 special education schools is 126 pupils or 0.049%
- Religious schools totals 273 Orthodox students and 194 Islamic students (all male)

Table 19  
Number of pupils enrolled in secondary education by language of instruction

| <i>School year</i> | <i>Total enrolled</i> | <i>Macedonian<br/>instruction language</i> | <i>Albanian<br/>instruction language</i> | <i>Turkish<br/>instruction language</i> |
|--------------------|-----------------------|--------------------------------------------|------------------------------------------|-----------------------------------------|
| 2003/04            | 26.293                | 20.215                                     | 5.724                                    | 354                                     |
| 2004/05            | 25.545                | 19.492                                     | 5.753                                    | 300                                     |
| 2005/06            | 25.435                | 19.050                                     | 6.028                                    | 357                                     |

357. When analyzing the coverage of students from ethnic communities in the Republic of Macedonia it can be stated that study in ethnic settings is increasing. The percentage for students included of Albanian nationality has increased by 1.17%, and Turkish representation has increased 0.32%. There is also an evident increase in the coverage of students from the Roma population thanks to the activities that are being undertaken in accordance with the Roma Decade, which is being very successfully implemented in the Republic of Macedonia. The students are motivated by the award of scholarships, and there are positive effects from the work with parents in the school, as well as from the mentor approach with parents with available specially trained teaching personal.

358. In the school year 2005/2006 there were 23,377 (90.97%) students involved in four-year secondary education, and 2,319 (9.02%) with three year secondary vocational education. Students show greatest interest in vocational education in the field of economics, medical care and some in the electro-technical education. In the school year 2005/2006 the average number of first-year pupils is 3,019.

359. According to sources of the SSO, in the period 2002/04, the largest percentage of students who dropped out left in the transfer from primary to secondary education – 16.65%. Annual drop out from secondary education is 2.84%. The annual interruption of secondary education is 0.88%. The lowest percentage of drop-outs in the course of the education is present among the Macedonian ethnic group and the largest among the Roma.

360. High school education in the Republic of Macedonia has a general educational character; its duration is four years and ends with a final examination. According to the Law on changes and amendments to the Law on Secondary Education (Official Gazette of the Republic of Macedonia No. 67/2004) and the new Graduation and Final Examination Concept, starting from the school year 2006/2007, high school education shall end with state or school final examination. The state final examination shall provide the right to enrolment in higher education. The basic function of high school education is to prepare the young individuals for successful involvement in higher education.

361. The curriculum for high school education contains compulsory subjects, elective subjects and the elective contents. Students in high school education have the possibility to opt for elective subjects in one of the following elective areas:

- Literature and art
- Humanitarian-social field
- Natural sciences and math

Around 35% of the students from one generation finishing primary education opt for high school education.

362. A program for international secondary school graduation may be conducted in high school education and for that, the consent of the Minister is required. The program for international secondary school graduation has the same value as high school education.

363. Secondary vocational education attracted 61.39 of the total enrolled students in secondary education in the school year 2005/2006. This continues after primary education and is based, first of all, on adoption of knowledge, skills and habits from the sciences that have applicable (practical) value. The basic function of the secondary vocational education is to prepare the pupils for work, but also to continue in the higher education.

364. According to the aforementioned Law on Secondary Education, starting from the school year 2006/2007, the four-year secondary vocational education is also going to end with state secondary school graduation or final examination. The state secondary school graduation awards the right to enrolment in the higher education, and the final examination access to the labour market.

365. The three-year vocational education ends with a final examination that enables entry into the work force and continuation of the education (under special conditions) in a four-year vocational or specialized education program.

366. The four-year and three-year vocational education prepares the students for a wide spectrum of work within different trades. The two-year vocational training provides qualifications for simple work and trades, and, with the specialized education, the knowledge and skills necessary for work where special technologies are applied is deepened. After the completion of the vocational training, an exam has to be passed proving the vocational capacity of the candidate. This enables employment or continuation of the education (under special conditions) in the three-year secondary vocational education. After the completion of specialized education, the candidates can be employed or continue their education in the higher vocational education.

367. Vocational education is defined on the basis of the educational requirements determined separately for every trade. The trades similar by the required education are grouped in educational profiles that define the necessary knowledge, skills, habits and views.

368. All the four year curricula in secondary vocational education were reformed in the school year 2005/2006 and the trades and profiles were condensed into 14 trades and 42 educational profiles.

369. Secondary art education is aimed at talented students with special predispositions towards art. These children are enrolled based on their talent. The secondary art education is acquired in three direction of the art profession: applied fine arts (6 educational profiles), music (3 educational profiles) and ballet (2 educational profiles). All types of secondary art education end with a final examination.

370. Secondary education for students with special educational needs is, in fact, secondary vocational education provided according to adjusted programs. The adjustment

of the programs gives the choice of which educational area will be studied, most frequently one trade for which the students with special needs can acquire the needed proficiency. For people with higher level of needs, only training for work capability is organized. The second type of adjustment is made in the curriculum regarding the coverage of general education. As a rule, contents whose function is to prepare and educate for higher education are either left out or limited, whereas contents enabling general cultural and social function of the secondary education are emphasized.

371. Structural reforms in secondary education, especially in secondary vocational education, derive from EU integration, the priorities of the Government set after deep analyses of the labour market needs, the structure of the labour force, transition, privatization and change of ownership, as well as of the need for economic growth of the country, and an initiative to reduce unemployment and poverty.

372. Today, education represents an answer to many social and economic problems. For this purpose, projects are implemented, like the real and virtual company formation in secondary vocational schools (USAID – SEA Project) to develop in young people an initiative for their own professional development, innovativeness and entrepreneurial spirit. As a result of the education with real and virtual companies, the young people are encouraged to employ themselves, to open small and medium size enterprises, as well as successfully enter existing business facilities in the local environment, at regional levels, and on wider levels. The students in secondary vocational schools acquire the proficiency and skills required as members of the work force on the labour market.

373. Training, supported by the MES of the Republic of Macedonia and by donors, is continuously organized for teaching personnel who are able to adjust to these new requirements in the schools.

374. Adequate training is organized for the principals of the schools to improve their skills in professional leadership and management, and they are subject to principal exams. A person cannot be appointed to this responsible office without having passed the exam.

375. All the aforementioned programs and initiatives function to implement the Convention on the Rights of the Child by building child friendly schools in the context of the time they live in and the future.

376. The centralized system and the network of institutions for vocational education and training does not correspond to the changed conditions on the labour market, the real needs of professional personnel and accelerated local development. This is why the MES has started the decentralization of secondary education that encompasses the changes and amendments to the Law on Secondary Education. This involves placing personnel at local levels, involving experts to expand curriculum, providing practical instruction on how to properly grade, teach management of schools, transfer competences from a central area to local levels. The result of these education initiatives will be local economic development.

377. In the stage aimed to improve and control the quality of education new institutional structures have been established:

- State Examination Centre (Official Gazette of RM. No. 67/2004)
- State Educational Inspectorate (2005)
- Centre for Vocational Education (so called VET CENTRE, May, 2006)

378. The State Examination Centre functions as an authority for external, objective grading and controls the quality of the results obtained in the secondary education system, including the state final examination.

379. The State Educational Inspectorate is already engaged in overseeing the overall improvement of the work in educational institutions, the consistent implementation of legislation, the prevention of corruption and other anomalies present in the educational institutions, as well as control over quality in the educational institutions.

380. The Centre for Vocational Education and Training (VET CENTRE) plays a key role in connecting education with economy. Its primary function is the monitoring labour market needs and continuously developing new curriculum and innovating the existing standards. It develops work with social partners that contribute to increasing trust in the education system and results in the development of public-private partnerships, as well as international cooperation.

381. The role of the School Boards has been increased and representatives from the business environment are now involved. The members of the School Boards are also improving their abilities through special types of training provided with the support of donors (USAID-CEA Project).

382. A National Qualifications Framework is being developed and it shall implement the requirements set within the European Strategy for National Qualifications Framework.

383. A large portion of the aforementioned activities, as has already been mentioned in the Report, have been enabled by the support of the international community through:

- PHARE/CARDS programs (VET1, VET2, VET3, VET4)
- The World Bank through the Project for Modernization of the Education
- German support to reforms in technical education — GTZ and Education for Adults — IIZDVV;
- Support from the Austrian Government through the ECO NET Project USAID Project
- SOROS support
- Donation from the People's Republic of China in computer equipment

384. In order to achieve comprehensiveness and provide equal opportunities for education, additional activities are needed for full implementation of:

- The National Program for the Development of Education 2005–2015 with the adjoining documents
- National Action Plan on the Rights of the Child 2006–2015
- The Roma Decade

This shall provide full implementation of the Convention on the Rights of the Child.

385. Analysis of the secondary education student structure shows greater, but not sufficient coverage of students with secondary education by ethnic and gender groups, as well as a high drop out rate, especially by the Roma population. For this purpose, additional measures are needed to ensure their involvement, participation, continuation of financial support and full integration into civil society.

386. In order to achieve full coverage of the population with secondary education reforms, processes were undertaken to professionally qualify individuals meeting special educational needs. Further activities and additional measures to integrate and enable them to obtain higher level of education have been taken.

387. For the stabilization, success and sustainability of the reforms in the long run, and in the direction of full implementation of the Convention on the Rights of the Child it is

necessary for the reforms in education to be supported in the future. Up to now, with reforms in economic and social policies a high priority on the political agenda of the country, as well as participation of all interested parties (institutional and international support, business sector, Trade Union, local community) these goals can be realized.

388. The structural reforms in the secondary education program of the Republic of Macedonia, especially in the secondary vocational education, derive from conditions set forth in international documents of which Macedonia is a member, These documents and conditions include the Convention on the Rights of the Child, EU integration and priorities of the Government set after deep analyses of the labour market, the structure of the labour force, the transition, privatization, need for economic growth, increase of employment and the poverty reduction.

### **Rest, leisure, recreation and cultural and artistic activities (art. 31)**

389. The Constitution of the Republic of Macedonia stipulates that the cultural rights are part of the basic rights and freedoms of the man and citizen, and thus the Constitution guarantees the freedom of scientific, artistic and other types of creativity. At the same time, according to the Constitution, the state encourages, helps and protects the development of science, art and culture.

390. The concept of basic constitutional values, that is, the basic rights and freedoms of man and citizen in regard to rights of culture is determined and elaborated in the Law on Culture (Official Gazette of RM. No. 66/03) which is basic law that relates to creativity, publication of the artistic creativity and protection and use of creativity.

391. According to the Law, culture is exercised on the basis of the principle of equal position of all groups, Physical and legal groups are able to express culture under equal conditions. Equality of physical groups promotes the civil concept of culture according to which every citizen of the Republic, independent of age, education, religious or ethnic group has the right to freedom of creativity, professionally or non-professionally, as well as the right to education in the field of culture. Everyone has equal rights in creating and expressing culture as guaranteed by law. In general culture, the citizen is the creator and user of culture independent of the status, age, social and ethnic groups (children, women, persons with special needs, pensioners, children without parents, refugees are included).

392. The Republic of Macedonia is a national state of equal individuals, independent of origin and any type of group affiliation. Culture is realized at state level through due to national interest. The national interest of culture is the culture that is of common interest of the citizens of the Republic, and its continuous exercise is necessary and should be accessible to all citizens under equal conditions. According the Law on Culture all groups, both physical and legal have equal responsibility and opportunity to finance projects of national interest.

393. In Article 53 of the Law on Culture, the activity of the Homes of Culture is defined as a program that functions to instigate and develop culture, especially in the promotion of creativity of children and youth, of the cultural-artistic amateurism and the publishing of cultural-artistic works. Thus, according to the Law on Culture, the right of the child to freely create and participate in cultural is not limited, but wide normative preconditions are given to children to be active participants in the realization of culture. The forms of culture have always been used to achieve wider goals, especially in education and upbringing. Cultural activities are an important segment that have had a positive impact on the development of children.

394. With the aim of maintaining and raising quality culture as a basic value in the life of the citizens of the Republic of Macedonia, a National Program for Culture for the period

2004 to 2008 was enacted last year (Official Gazette of the RM, No. 31/04) as a strategic document for the development of the culture.

395. The National Program for Culture springs from a basic of understanding culture in a wider sense, as a way in which people, relaying on their own tradition creatively utilize the present with new achievements and values that improve human rights and freedoms. This definition of culture is built on several basic principles like accessibility, diversity, openness, responsibility and flexibility. Access to cultural values relates to the availability of cultural rights to all citizens, while diversity relates to the recognition of the richness in differences of cultural identity, as well as the need to expand the area of creative forms and artistic freedom.

396. One of the main goals of the National Program is the desire to encourage modern creativity, with special focus on the cultural needs of youth. Due to this, in the next period it shall be an obligation of the state to provide financial support that is conducive to creativity and meeting the needs of the youth. Therefore, the state will support and encourage research and search for new means of expression, as well as support projects of national institutions active in production and dissemination of cultural values to the young population.

397. Article 23 of the Law on Museums (Official Gazette of RM No. 66/04), regulates that in performing all activities, the museums perform activities of interest to science and education. The Museums prepare and realize interactive educational programs primarily directed to children and students. In this way, the museums spread knowledge about significance of cultural and scientific values of the museum artefacts and conduct educational activities related to the protection of these values.

398. According to the Law on Museums, children, students and persons with special needs receive a special rate or are exempt from tickets into museums. In addition, the working hours of the museums have been organized so as to enable visits of all target groups of visitors, especially children.

399. In the Law on Libraries (Official Gazette of the RM No. 66/04), libraries are defined as institutions open to the public that, through the use of the library material, raise the awareness about the importance of literature through the realization of interactive educational programs mainly directed toward children. According to the Law on Libraries, children pay reduced prices for the services or are exempt from payment.

#### **Participation of children in the realization of cultural activities**

400. According to the Law on Culture, and for the realization of the National Program for Culture, the Ministry of Culture enacts an Annual Program that aims to promote national interest in culture. Resources provided from the Budget of the Republic of Macedonia for the current year are allocated according to this Program. Programs and projects of national interest directly supporting cultural activities of children and youth are financed with the resources allocated from the Budget of the Republic of Macedonia.

401. Within the performing arts, the activities of the international folklore festival "Istebanja zdravozivo" ("Istebanja Hello"), the international child folklore festival "Oro bez granici" (Folk-dance without Borders) and "Oro veselo" (Cheerful Folk-dance), the children's festival "Zlatno slavejce" (Golden Nightingale) and "Vinozito" (Rainbow), the folklore festival "Sara pe" (Mountain Sara Sings), the program activities of the chorus studio and mandolin orchestra of the Youth Cultural Centre, the festival of Roma dances and songs "Jakipe", the concert activities of the mandolin orchestra, the children's chorus "Izvorce" (Spring) and "Razvigorce" (Breeze), the children's chorus "Lale" (Tulip), the aptitude of music students and other performers are supported and encouraged.

402. The activities of the children's choruses, ballet and folk-dance section as well as popular orchestra are supported in the Centres of Culture in Bitola, Delcevo, Debar, and Gostivar.

403. In the field of museum activities, educational workshops for ceramics, textile, old craft and old customs are organized with preschool children, elementary and secondary schools and individuals with special needs. These types of interactive workshops are organized in the Museum of Macedonia, the Natural Science Museum, and the museums in Negotino, Tetovo, Krusevo and Bitola.

404. Educational projects aimed at young children are organized in libraries, where through innovative presentation forms, it is expected that libraries will become a place of interest to young readers.

405. One of the most important elements supported within the fine arts activity is the international fine art society and the children's painting studio of the "Small Bitola Mont Martre".

## **VIII. Special protection measures (arts. 22, 30, 32, 33, 34, 35, 36. 37, paras. (b) and (d), 38, 39 and 40)**

### **A. Children in situations of emergency**

#### **Refugee children (art. 22)**

406. In the Republic of Macedonia in the year 2004, the Law on Asylum and Temporary Protection was enacted. This Law regulates the conditions and procedures for the acquisition and termination of the right to asylum of a foreigner or person without citizenship requesting asylum in the Republic of Macedonia. This law also determines the rights and obligations of the applicants whose right to asylum in the Republic of Macedonia has been recognized. According to this Law, the right to asylum is a protection that the Republic of Macedonia provides under conditions and procedure stipulated by this Law for the following categories of persons:

- Recognized refugees according to the Convention on Refugee Status from 1951 and the Protocol on the Refugee Status from 1967
- Individuals under humanitarian protection according to Article 3 of the Convention on the Protection of the Rights and Basic Freedoms of Man from 1950 and Article 3 of the Convention Against Torture and other forms of cruel, inhuman and degrading treatment or punishment from 1984

407. Unaccompanied minors those with developmental disabilities who request asylum according to this Law, shall have a guardian appointed according to the Law on Family who is obligated to represent their rights and interests in all procedures before the authoritative department.

408. This Law determines the rights and duties of the individuals recognized as refugee status and individuals under humanitarian protection. Under-age children of individuals who have attained recognized refugee status or are under humanitarian protection have the same rights as their parents.

409. The Law stipulates that persons with recognized refugee status shall be provided with adequate accommodations and the financial assistance needed to ensure a viable

existence. This assistance is provided for two years after the refugee received refugee status.

410. The recognized refugee who does not have income or cannot obtain it from his/her own property has the right to financial assistance in the form of a monthly stipend. This provides basic monetary assistance to the carrier of the right for two years and an allowance for the other members of the family who do not have resources for existence (co-beneficiaries of the assistance) until they can provide own resources for existence.

411. After the expiration of the prescribed time period these persons are equal with the citizens of the Republic of Macedonia regarding the right to continuous financial assistance and other social protection rights.

412. According to the Law on Health Insurance, these persons have the same right to basic health care services as the citizens of the Republic of Macedonia. The resources for accommodation, the cash assistance and health care are provided from the Budget of the Republic of Macedonia.

413. The Ministry of Labour and Social Policy is responsible for giving these rights to the recognized refugees.

414. During the duration of the procedure for acquisition of status of a recognized refugee, individuals have the right to be accommodated and placed in a Shelter Centre or other accommodation facility determined by the Ministry of Labour and Social Policy. They also have the right to work within the Shelter or other accommodation facility determined by the Ministry of Labour and Social Policy, to basic health care services, contact with the High Commissioner for Refugees and non-governmental humanitarian organizations for provision of legal assistance in the procedure for recognizing their right to asylum.

415. The total number of individuals seeking asylum recognized as refugees and individuals under humanitarian protection in the Republic of Macedonia amounts to 1,967. The largest number of them, 1,600, are Roma. There are also 260 Ashkali, 65 Egyptians, 41 Serbs, 24 Bosnians, 19 Albanians, 15 Gorans, 5 Muslims, 4 Bosniacs as well as several others. From the total number of refugees, 723 are children.

416. The overall care for these persons according to the law is led by the Ministry of Labour and Social Policy. The Ministry coordinates its work with other organizations and institutions like the social welfare centre, Ministry of Interior Affairs, Ministry of Education and Science, Ministry of Health, UNHCR and other NGOs working in the field of refugees, migration and asylum.

417. The close cooperation of the Ministry of Labour and Social Policy is directed towards improving the program of integration, comprehensive reception and self-esteem of persons requesting asylum, recognized refugees and persons under humanitarian protection.

### **Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

418. According to the Law on Defence only persons who are older than 18 years of age may serve in the army upon their own enlistment.

419. The facultative protocol on children in armed conflicts came in to force for the Republic of Macedonia on January 12, 2004.

## **B. Children in conflict with the law**

### **The administration of juvenile justice (art. 40)**

420. In the year 2006 several laws were enacted within the reform of the judiciary system, among them the Law on Courts and the Law on Offenses.

421. A significant new program is the establishment of court departments specialized in the field of juvenile crime. Set within the Basic Courts, these departments have extended authority and are responsible for criminal acts and offenses committed by minors. Specialization is performed in the court departments whereas the care for children is clearly expressed through the provision stipulated in Article 48 paragraph 2. According to this provision, a person with experience in upbringing and education of youth shall be elected as judge-juror.

422. The Law on Offenses identifies the offense penalties for minors as special type of punishment. It is explicitly foreseen that in cases determined by law, the parent or guardian is responsible for the offense of the minor defendant if the offense took place because of lack of proper supervision. The Law protects the children by prohibiting application of offense penalties against a child who, at the time the crime was committed, had not attained the age of 14 years. Only correctional measures can be pronounced to younger minors (14 to 16 years old), and to a senior minor (16, to 18 years old). As an exception, a fine may be pronounced as a sanction for the offence.

423. The Law allows the following measures to be pronounced to minor defendants of offenses: disciplinary measure of reprimand or referral to disciplinary centre for minors, measures of intensified supervision by parents, adoptive parents or guardian, or placement with another family or by a social authority. Disciplinary measures are pronounced to a minor when there is no need for more longstanding educational measures, especially if the offense was committed due to recklessness or thoughtlessness.

424. Measures of intensified supervision are pronounced against a minor when there is a need for more durable educational measures, re-education or treatment under adequate supervision, but complete removal and separation from the current environment is not needed. The court may determine, after intense supervision that the dependant has one or more obligations: to apologize personally to the damaged party; to repair or compensate the damage caused with the offense; to regularly attend school; to not be absent from work; to be trained for work that suits personal capabilities and physical strength; to accept work; ban the use of alcohol drinks, drugs and other psychotropic substances; to refrain from visiting certain bars, that is, certain events; to visit an adequate health care institution or counselling service; to not to contact persons who have negative influence on behaviour; to be subject to psycho-physical treatment; to be trained and re-qualified to retain the work post previously occupied or to create for employment where the dependant accepts counsel regarding the distribution and spending of the wage and other income generated from said employment.

425. As an exception, a fine may be pronounced to an older minor in case, at the time the offense was committed, according to the dependant's mental development, he or she could understand the meaning of the offense. There are other preconditions that determine responsibility for an offense if the defendant owns property or generates income. The court may pronounce a fine for an older minor only in case of serious consequences from the offense and if there were no grounds to pronounce a correctional measure.

426. A correctional measure, except the measure of intensified supervision, may also be pronounced to an adult criminal up to 21 years of age for an offense committed as a minor

if. This occurs in light of the offense, personal characteristics of the defendant, and other circumstances which make it inappropriate to pronounce a correctional measure or fine of an older minor.

427. When the minor has committed several offenses in a row, the court shall decide on all offenses and shall set one aggregate penalty.

428. The department with authority to initiate a procedure is obliged to assess all circumstances affecting the execution of an offense and may initiate a proceeding. The department may decide to reprimand the minor orally in the presence of a parent or guardian. Or an agreement may be reached with the family of the minor to remove the consequences of the offense in a set time limit not longer than 30 days. If an offense proceeding is not initiated by the parents or guardians of the minor, they agree to pay the fine.

429. The Law stipulates a special offense procedure for minors when the situation is urgent. The minor defendant is summoned through the parent or guardian. In the actions taken in the presence of the minor, especially during the interrogation, authorities are obligated to treat him/her attentively, taking into consideration the mental development, sensitivity and personal characteristics of the minor. According to the provisions in Chapter XXIX related to the special procedure for minors, the Law provides a possibility to stop the procedure if the minor has perpetrated the offense with adult persons and has extenuating circumstances. It is important to take into consideration the nature of the offense and the circumstances in which it was committed, the previous life of the minor and his/her personal characteristics and family situation, with the aim of passing a correct and legal decision and undertaking adequate measures.

430. The procedure ends with a decision where a penalty for an offense is pronounced against the minor, which cannot be made without an interrogation. According to Article 144 of the Law authorized persons may file an appeal against the decision on the offense on behalf of the minor or against the defendant's will. A request to repeat the offense procedure and request for protection of the authorities may be used as extraordinary legal solutions.

431. The pronounced sentence in the form of a physical copy of the determined punishment is delivered to the parent or guardian of the minor and to the custody department.

432. As part of the process of strengthening the institutional structure for the protection of the rights of the child, a Juvenile Delinquency Department was founded within the Ministry of Internal Affairs. With reforms to the police department, authority for this department was transferred to a local level, where inspectors are engaged who specialize in this area.

433. In 2002, The Juvenile Delinquency Department began a campaign to raise the awareness, recognition and denouncement of sexual abuse of children. In accordance with this several publications were issued. One of which, a Manual on Juvenile Delinquency, contains instructions and recommendations for action by police inspectors with juvenile perpetrators of criminal acts according to the Law on Internal Affairs and the best interests of the child. The Convention on the Rights of the Child reveals the relevant preparation of criminal charges for physical, emotional and sexual exploitation of children and minors, how to recognize this abuse, and measures to assist and support the child victim through competent institutions for the protection of the child and measures for education of therapists. Sexual Assault on a Child, a publication containing recommendations on how to establish a conversation with a child who has been abused, and where to look for help when dealing with such a child. The target group of this campaign is police inspectors for juvenile justice and social workers.

434. The Juvenile Delinquency Preventive Council is a non-governmental organization that has operated for more than 6 years with financial assistance from UNICEF, the World Bank and the Agency for Sport and Youth of the Republic of Macedonia, and has implemented the project within which a Centre for Children and Youth – Babylon was established. Main goals of the project include the development of youth activities, enrichment of choice and opportunities for social life and improvement of the level of trust between ethnic groups present in the country, starting from children and youth.

435. The program activities of the Centre are mainly conducted through learning computer skills, English language, life skills and creativity. The Centre sees around 850 children in the course of the week from different social environments from 7 to 18 years old. The European Club, Debate Club, Macedonian Model of United Nations and the Theatre Group “Mosaic” function within the centre.

436. At the same time, with a decree of the Minister of Justice of the Republic of Macedonia, in April 2003, a Commission was established to prepare the Law on Juvenile Justice that will affirm previous commitments. These commitments include aiming for the best possible well-being and protection of children through activities that prevent juvenile delinquency and uphold principles of legality, social inclusion and child development, the principle of preventive and educational measures limiting repression and the principle of responsibility of institutions for protection, care or assistance to children. The Law is in government procedure.

**Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37, paras. b, c and d)**

437. The new Law on Execution of Sanctions enacted in 2005 reaffirms the ban of discrimination on the basis of race, gender, language, religion, political beliefs, national and social origin, kinship, property or social position or any other status of the person against whom the sanction is executed. At the same time, the individual’s religious feelings, personal convictions and moral standards have to be respected.

438. The Law stipulates that juvenile prison sentence will be served in separate juvenile institutions located in one facility or in separate gender specific facilities and that conditions enable individualized treatment.

439. The Law foresees the creation of facilities that possess quality accommodations, nutrition, health care, physical culture and sports opportunities. Every punitive-correctional and educational-correctional institution organizes upbringing, education and training, as well as vocational training of the convicted minors by educators, teachers, instructors and other trained persons. The goal of the treatment of minors is to encourage and help them develop positive characteristics and develop their person and to facilitate training and preparation for life in society.

440. The Law determines that the goal of the educational measures is to provide adequate development of the individuals who are juvenile offenders through protection, assistance, supervision, primary and secondary education and upbringing and vocational training. In the execution of the educational penalties, the treatment must be humane and dignified, and appropriate for the age, degree of mental development and the capacity and inclinations of the minor. Measures must also aim at developing a feeling of personal responsibility and desire for self-correction.

441. When the educational measure place a minor in a disciplinary centre, adolescents spend their time working and learning sports and cultural activities according to the

program enacted by the Minister of Labour and Social Policy in accordance with the Minister of Education and the Minister of Justice.

442. The punitive measure of intensified supervision is executed in cooperation with the social welfare centre by the parent or adoptive parent or guardian. Intensified supervision in another family may be pronounced by the authoritative department.

443. The social welfare centre coordinates the execution of institutional measures such as placement in an educational institution and placement in educational-correctional home. In consultation with the parents, adoptive parents or guardian and with their involvement in the preparation of the juvenile's reception in the institution, the social welfare centre takes special care to settle the family situation of the minor, to provide his timely placement, nutrition if not provided in the family, clothes and footwear, treatment, choice of adequate environment and education, and employment of the minor.

444. In the institutions where the minor is placed, conditions are provided for primary and secondary education and upbringing, acquisition and development of positive habits, values and training and qualification for certain vocations. Active use of free time with cultural, entertainment and sport activities is encouraged.

445. The introduction of alternative measures of punishment represents an important change in the Criminal Code of 2004. The goal of the alternative measures according to Article 73 is the same as of the punitive and educational measure. By providing protection and assistance to the juvenile criminal act offenders, by supervision over them, with vocational qualification and development of their personal responsibility, these measures provide their upbringing, correction and correct development. The prescribed alternative measures for juvenile offenders are termination of the criminal procedure and community service.

446. The Court may decide to terminate the criminal procedure for criminal acts for which a fine or prison sentence up to three years is prescribed if the dependant has expressed repentance for the committed act, has remedied the consequences of the act, has compensated for damage, has reconciled with the damaged party who agrees to the termination of the procedure, under the condition that the juvenile does not perpetrate the same or heavier criminal act in a period of two years.

447. The Court may pronounce a discipline of community service for a period of five to one hundred hours when it is determined that this measure will have an effect on the personality and conduct of the minor. In case the minor does not completely fulfil the given work obligations, the court may substitute this penalty with action that places the individual in a juvenile disciplinary centre, under the conditions stipulated for the execution of this measure.

448. According to Article 226 of the Law, after the court decision by which the measures have been pronounced comes into force, alternative measures can be executed by the Department for Execution of Alternative Measures in the authoritative social welfare centre by place of residency or stay of the convicted person. The Department for Execution of Alternative Measures consists of expert persons who have a permit for the execution of alternative measures issued by the Directorate for Execution of Sanctions.

449. The Law establishes an obligation on the part of the Department to determine on an individual basis programs for the execution of the alternative measures. These programs must be consistent with the type of criminal act, the character of the perpetrator, his/her family situation, property status and their fulfilment of penalties once these have been announced. In the course of the execution of the alternative measures, the Department keeps orderly records and files on the convicted person and regularly informs the Directorate about it. At least once every three months, or upon request from the Court, it

shall inform the Court about the results of the implementation of the alternative measure and the fulfilment of the obligations on the part of the convicted person, when such have been pronounced. In case the convicted person does not accept the alternative measures, the Department is obligated to inform the Court about this within eight days.

450. Supervision over the legality of the implementation of the alternative measures is done by the Court that has pronounced the penalties. The professional-instructor supervision of the execution of the alternative measures is conducted by the Directorate for Execution of Sanctions.

451. Protective supervision pronounced with conditional freedom is performed by the Department. The Department determines the type, duration and implementation of the supervision it has to undertake so that certain obligations by the convicted person. It can propose that the Court substitute the pronounced obligations with others, prolong the duration of the protective supervision within the time or revoke the conditional sentence. In case the Department assesses that the goal of this measure has been achieved, it can inform the court that has pronounced the measure about this and may propose that the further execution of the protective supervision be terminated.

452. For the execution of community service, the Directorate signs an agreement for community service with a state department, public enterprise, institution, unit of local self-government or with a humanitarian organization where the convicted person will perform his/her work duties. The community service is unpaid.

453. In case the convict does not fulfil duties or fulfils duties with negligence, the Department shall orally warn him/her and immediately the authoritative court about the delinquency. The Department shall propose that the Court increase the number of hours or, if there is justified cause, prolong the execution of the measure for at least three months or substitute the unfulfilled part of the measure with a fine or prison sentence. In case the convicted person continues with unacceptable behaviour, after the oral warning every three hours of community service will be calculated as one daily fine or one day imprisonment.

454. In case the convicted person does not do the community service pronounced as substitute for the fine or prison sentence, the Department shall propose to the Court to pass a decision for the execution of a pronounced penalty.

Table 20

**Criminal act offenders 1997–2005**

|              | <i>Convicted criminal act offenders</i> |               |                              |
|--------------|-----------------------------------------|---------------|------------------------------|
|              | <i>Total</i>                            | <i>Adults</i> | <i>Juvenile (% of total)</i> |
| 1997         | 5 477                                   | 4 732         | 745 (13.60 %)                |
| 1998         | 7 062                                   | 6 128         | 934 (13.22 %)                |
| 1999         | 7 719                                   | 6 783         | 936 (12.12 %)                |
| 2000         | 7 435                                   | 6 496         | 939 (12.62 %)                |
| 2001         | 6 829                                   | 5 952         | 877 (12.84 %)                |
| 2002         | 7 155                                   | 6 383         | 772 (10.78%)                 |
| 2003         | 8 487                                   | 7 661         | 826 (9.73%)                  |
| 2004         | 8 974                                   | 8 097         | 877 (9.77%)                  |
| 2005         | 9 607                                   | 8 845         | 762 (7.93 %)                 |
| <b>Total</b> | <b>76 248</b>                           | <b>67 418</b> | <b>8 830 (11.58 %)</b>       |

Source: State Statistical Office.

Table 21  
Review of sanctions pronounced against juveniles in the period 1997–2005

| Pronounced criminal sanction against juveniles |                       |                                     |                     |                |                        |                    |                         |                       |                                     |        |                     |                        |                      |                    |                         |                                   |                       |
|------------------------------------------------|-----------------------|-------------------------------------|---------------------|----------------|------------------------|--------------------|-------------------------|-----------------------|-------------------------------------|--------|---------------------|------------------------|----------------------|--------------------|-------------------------|-----------------------------------|-----------------------|
| Year                                           | Younger juvenile      |                                     |                     |                |                        |                    |                         | Older juvenile        |                                     |        |                     |                        |                      |                    |                         |                                   |                       |
|                                                | Educational measures  |                                     |                     |                |                        |                    |                         | Educational measures  |                                     |        |                     |                        |                      |                    |                         |                                   |                       |
|                                                | Disciplinary measures | Measures of intensified supervision |                     |                | Institutional measures |                    |                         | Disciplinary measures | Measures of intensified supervision |        |                     | Institutional measures |                      |                    |                         |                                   |                       |
|                                                |                       | Rebuke                              | Disciplinary center | By the parents | In some other family   | By a social agency | Educational institution |                       | House of education and correction   | Rebuke | Disciplinary center | By the parents         | In some other family | By a social agency | Educational institution | House of education and correction | Juvenile imprisonment |
|                                                |                       |                                     |                     |                |                        |                    |                         |                       |                                     |        |                     |                        |                      |                    |                         |                                   |                       |
| 1997                                           | 144                   | -                                   | 288                 | -              | 120                    | 2                  | 30                      | 26                    | -                                   | 75     | -                   | 39                     | 1                    | 7                  | 13                      |                                   |                       |
| 1998                                           | 156                   | -                                   | 387                 | -              | 140                    | -                  | 21                      | 61                    | -                                   | 94     | -                   | 63                     | -                    | 8                  | 4                       |                                   |                       |
| 1999                                           | 99                    | -                                   | 405                 | -              | 186                    | 6                  | 11                      | 41                    | -                                   | 126    | -                   | 58                     | -                    | 2                  | 2                       |                                   |                       |
| 2000                                           | 50                    | -                                   | 266                 | -              | 84                     | 3                  | 12                      | 68                    | 1                                   | 317    | -                   | 119                    | -                    | 6                  | 13                      |                                   |                       |
| 2001                                           | 48                    | -                                   | 267                 | -              | 80                     | 5                  | 5                       | 59                    | -                                   | 313    | -                   | 80                     | 6                    | 4                  | 10                      |                                   |                       |
| 2002                                           | 38                    | -                                   | 217                 | -              | 65                     | 6                  | 7                       | 61                    | -                                   | 292    | -                   | 81                     | 2                    | 2                  | 5                       |                                   |                       |
| 2003                                           | 36                    | -                                   | 181                 | -              | 45                     | 2                  | -                       | 84                    | -                                   | 357    | -                   | 106                    | 3                    | -                  | 7                       |                                   |                       |
| 2004                                           | 50                    | -                                   | 181                 | -              | 34                     | 5                  | 11                      | 96                    | -                                   | 354    | -                   | 115                    | 6                    | 18                 | 6                       |                                   |                       |
| 2005                                           | 26                    | -                                   | 150                 | -              | 54                     | -                  | 5                       | 93                    | -                                   | 284    | -                   | 122                    | 5                    | 15                 | 8                       |                                   |                       |
| Total                                          | 647                   | -                                   | 2 342               | -              | 808                    | 29                 | 102                     | 589                   | 1                                   | 2 212  | -                   | 783                    | 23                   | 62                 | 68                      |                                   |                       |

Source: State Statistical Office.

### **Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)**

455. According to Article 39 of the Convention, measures undertaken for better physical and psychological rehabilitation and social reintegration of the child that has been a victim of some form of neglect, exploitation, abuse are stipulated in the Law on Family of Republic of Macedonia. Measures taken for such children are explained in more detail explained in the part of the report related to the elaboration of Article 19 and 26. In this context, as a reminder, in 2006 MLSP, with the support of UNICEF, prepared a program for social integration of child victims of human trafficking that shall be applied in all social welfare centres after they go through training.

### **Economic exploitation of children, including child labour (art. 32)**

456. The Constitution of the Republic of Macedonia determines the lower limit for employment is 15. Individuals under the age of 15 cannot be employed.

457. In the case that the employment of a minor is necessary, The Law on Labour Relations enacted in the course of the year 2005 stipulates special protection for workers who have not attained the age of 18 years. Namely, the Law determines that the employer may not order workers who have not attained the age of 18 years to do heavy physical work, work conducted under ground or under water, work with sources of ionized radiation and other work especially dangerous for the health considering their young age. The work hours of these persons may not be longer than eight hours per day and 40 hours per week. According to the Law, these workers have the right to rest between two days of work for at least 24 consecutive hours. A worker who has not yet attained 18 years of age cannot work at night between 11:00 PM and 6:00 AM the next day. The worker who has not yet attained 18 years of age has the right to an annual vacation increased to seven working days. The Law on Labour Relations stipulates a fine of 100,000 to 200,000 denars for the employer, when the workers who have not yet attained 18 years of age have not been provided with the protection stipulated by this law.

### **Taking all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties (art. 33)**

458. The Republic of Macedonia has ratified the Unique Convention on Narcotic Drugs (1961), the Protocol Supplementing the Unique Convention on Narcotic Drugs (1972), the Convention on Psychotropic Substances (1971) and the UN Convention on Control of Illicit Trade with Narcotic Drugs and Psychotropic Substances (1988).

459. In 1996, the Government of the Republic of Macedonia enacted a National Program for the Fight against Abuse of Drugs and Illicit Trade with Drugs, according to which in 1998 a State Inter-departmental Commission for the fight against illicit production, trade and abuse of drugs was established. The basic goals of the Commission are to reduce access demand for narcotic drugs and psychotropic substances. The basic priorities of the Program for the control of illicit production and trade of narcotic substances and the prevention of the abuse of drugs (enacted by the Government upon proposal of the Commission) are: inter-departmental coordination and cooperation with authorities and agencies for control and repression, coordination of activities for early detection, treatment and rehabilitation of

persons using drugs, the prevention of the spread of infectious diseases among them, coordination of activities for social integration of persons using drugs, as well as activities in the field of upbringing and education. The Commission performs activities related to information, international cooperation and cooperation with non-governmental and other organizations.

460. The Ministry of Health and the Ministry of Labour and Social Policy conduct activities for early detection, treatment and rehabilitation of persons using drugs, as well as activities to prevent the spread of Hepatitis and AIDS. The Ministry of Labour and Social Policy is preparing a program of activities for social integration of individuals using drugs and is conducting them in cooperation with non-governmental organizations active in this field. The Ministry of Education has built activities into the curriculum for elementary and secondary education programs for the education of youth regarding the dangers and consequences of the using drugs.

461. Due to a rapid increase of the number of people using narcotic 10 to 24 years old and in order to improve inter-departmental coordination and cooperation, as well as to increase the efficiency of the other activities, the Government of the Republic of Macedonia adopted in 2006 a National Strategy on Drugs. This strategy determines the basis, principles, goals and priorities in this area, elaborated in the National Drugs Action Plan – pre-implementation 2007–2008 and the Drug Action Plan for 2009–2012.

462. The priority fields of activities related to the action plan for drugs are presented in four basic pillars: prevention and eradication, treatment and assistance in overcoming the situation, reduction of damage and reduction of supply of drugs.

463. With the aim of implementing of the programs with accessibility and successful prevention on a decentralized level, the Action Plan for Drugs has a balanced and multi-disciplinary approach based on five key elements:

- (1) Coordination at national and international levels
- (2) Reduction of demand
- (3) Reduction of supply and fight against illicit trade
- (4) Assessment, supervision, information, training
- (5) International cooperation

464. Besides the state administration departments, the units of local and regional self-government, civil society and non-governmental organizations are involved in the realization of the activities foreseen in the Action Plan for Drugs.

465. The implementation of the Action Plan shall be monitored by the State Inter-Departmental Committee on Drugs that will report to the Government and provide information and programs on activities related to control of drugs, and recommend the allocation of budget resources for their implementation.

466. The Action Plan – pre-implementation (2007-2008) puts special accent on the standardizing national legislation to the legislation of the EU, reorganization the existing institutions through establishment of regional and units of local self-government, strengthening the coordination of central government departments working on strengthening the field of drug control, establishing of a system of joint cooperation between institutions involved in reduction of drug supply and mechanisms to increase information on drugs among the general population.

467. According to the data of the Ministry of Internal Affairs, in the territory of Macedonia in 1998, a total of 3,000 addicts were registered. In 1999 this number reached 3,480, and in the year 2000 the number increased to 4,569 individuals. Such trends have

continued in the next years, so that at the end of 2001 the number increased to 5,030 addicts, in 2002 to 5,222, in 2003 to 6,034, in 2004 to 6,583, in 2005 to 7,126, in 2006 to 7,709, and in the first quarter of the year 2007 155 new addicts were registered, so the current number of registered addicts is 7,864. From the aspect of the age structure of the total registered drug addicts, 175 are juveniles.

468. According to the State Inter-Departmental Committee, in the Republic of Macedonia there are around 8,000 to 10,000 addicts. Of those 3–4% are younger than 18 years old. The youngest registered addict is 14.

469. The National Centre for Monitoring Drugs and Drug Addiction within the Bureau for Medicines at the Ministry of Health will begin functioning at the beginning of the year 2008 and this shall help, among other things, overcome the problems related to the registration of addicts and collect adequate to cross-reference data from all relevant institutions.

### **Sexual exploitation and sexual abuse (art. 34)**

470. According to the data of the MIA, in the course of six months of 2006, in the territory of the Republic of Macedonia, the following criminal acts in which children and minors were victims of sexual and other abuse were registered:

Art. 186 Rape – 5 acts;

Art. 187 Sexual abuse of a helpless person – 1 act;

Art. 188 Sexual assault of a child - 29 acts;

Art. 189 sexual abuse by abusing position – 2 acts;

Art. 190 p. 2 satisfying sexual need in front of others (child);

Art. 191 p. 5 coercing engagement in prostitution (with child) – 1 act;

Art. 192 coercing sexual acts – 1 act;

Art. 193 presentation of pornographic material to a child;

Art. 194 p.2 – incest (with child) 1 act;

Art. 197 extra marital residence with a minor – 8 acts.

471. In the field of family violence, in the first six months of 2006 in the territory of the Republic of Macedonia there were seven criminal acts of “neglect and maltreatment of a minor” registered (all committed by parents), five acts of “threats to security” (where the wives and the children were mistreated) and “abduction of a minor”, two acts of “threatening with dangerous instrument in fight or quarrel” (committed by the parents over their children) and one act of “serious bodily injury” and “incest”.

### **Other forms of exploitation (art. 36)**

472. Measures that the Republic of Macedonia is undertaking in the spirit of Article 39 of the Convention, are explained in detail in the segment of the report in the elaboration of Article 19 and 26.

## **Sale, trafficking and abduction (art. 35)**

### **Legal framework**

473. The Republic of Macedonia is located in a geographical region where human trafficking is present and is identified as a country of transit and final destination. The data revealed that in cases the course of 2005 and 2006, Macedonian citizens appear as victims to human trafficking. This shows that the Republic of Macedonia can be included in the group of countries of origin of victims.

474. In the attempt to build a unique approach in Southeast European countries to the affirmation of the human rights and to aid in the fight against human trafficking as a form of organized trans-national crime, the Republic of Macedonia signed the UN Convention against Trans-national Organized Crime with the Protocol for Prevention, Eradication and Punishment of Human Trafficking especially Women and Children and the Protocol against Illicit Smuggling of Migrants by land, sea or water on December 12, 2000 in Palermo, Italy.

475. Similarly, in the framework of the operative group for human trafficking of the Stability Pact, the Republic of Macedonia signed the Declaration of the Southeast European Countries Against Trafficking in Human Beings from December 13, 2000 in Palermo, the Statement on Commitment for Mechanism for Exchange of Information Regarding Trafficking in Human Beings in Southeast Europe, from November 27, 2001 in Zagreb, the Statement on Commitment to Legislation on the Status of Trafficked Persons, from December 11, 2002 in Tirana, and the Statement on Commitment for Victims and Witnesses and Trafficking in Children from December 10, 2003 in Sofia.

476. In 2001, upon the signing and ratification of the Stabilization and Association Agreement with the European Union, the Republic of Macedonia undertook significant obligations in the section of the Agreement related to justice and internal affairs in 2004, which seeks to standardize the legislation of the Republic of Macedonia to efficiently function and cooperate in the fight against human trafficking.

477. In this direction, in 2001 with a Decree of the Government of the Republic of Macedonia, a National Committee for the Fight against Human Trafficking and Illegal Migration was founded with the authority to follow, analyze and coordinate the activities of relevant institutions in the prevention and fight against human trafficking. The Ministry of Internal Affairs is the coordinator of the Committee. A Secretariat was established within the National Committee, which was envisioned as an operational body of the Committee with members from NGOs, the Government and international organizations. Besides the participation of representatives from the Ministry of Justice, the Ministry of Labour and Social Policy, the Ministry of Health, Ministry of Internal Affairs and the Customs Administration, the Committee also represents members from the Judiciary and Public Prosecution.

478. Within the activities of the Committee, in February 2003 the Government adopted a National Program for the Fight against Human Trafficking. This program determines legislative activities that will standardize national legislation with the Convention and Protocol on Trafficking in Human Beings and preventative activities which will impede human trafficking by locating and reducing economic and social factors that contribute for women and children to become victims of human trafficking. This program also aims to identify the prevalence of domestic violence and its economic and social impact on women and children as well as assist and support victims human trafficking by improving conditions and opportunities for safe and humane return. This will be accomplished by establishing shelter centres where the victims of human trafficking will be provided with accommodations, psychological, social and medical assistance, provision of information on their rights and legal assistance.

479. This program also seeks the return and reintegration of victims through the conclusion of bilateral and multilateral agreements for cooperation in the return of the victims and establishment of cooperation with non-governmental organizations. International cooperation and coordination in the implementation of the laws will efficiently prosecute, through exchange of information, the perpetrators of criminal acts related to human trafficking. The education of operative officers in the police and judiciary, prosecution personnel, customs officials, social and health care workers will lead this program to success. By coordinating activities and establishing a unique information system of data on disclosed cases of human trafficking, data on the files of convicted persons can be used to inform and influence the public with the aim of preventing future cases of human trafficking with active media coverage and dissemination of information through spots and documentaries.

480. Concurrently, in 2004 a Sub-group on the Fight against Trafficking in Children was established in the National Committee on Human Trafficking which adopted a National Plan for the Prevention and Fight against Trafficking in Children. The plan for prevention of trafficking in children has the following goals:

- To upgrade the policy of the Republic of Macedonia regarding the fight against trafficking in children and exploitation of children in relation to protection of children victims of trafficking
- To establish minimum standards that shall provide protection to groups of children at risk, potential victims of trafficking
- To maintain the primary importance of the best interests of the child in the protection of the rights of children victims
- To undertake preventive measures to reduce the reasons and risks leading to the occurrence and increase of trafficking and exploitation of children
- To provide special protection to children victims of trafficking
- To involve the children's opinions and decisions in taking measures for protections against trafficking
- To undertake activities for identification, rehabilitation and reintegration of children victims of trafficking

481. With the aim of strengthening the efforts to eradicate human trafficking, the Government of the Republic of Macedonia adopted a Strategy for Fight against Illegal Migration and Trafficking in Human Beings with an Action Plan in March 2006. The Strategy follows the program adopted in 2002 that has mostly been implemented. The Action Plan on Trafficking in Children was included as an Annex to the Strategy.

482. In 2002, in cooperation with the United Nations, and with representatives from relevant ministries, judges, and public prosecutors from the Republic of Macedonia a pre-ratification analysis was made of the Convention and Protocols. As a result of these activities, a publication was published under the title: "United Nations Convention against Transnational Organized Crime with Protocols." The conclusions and recommendations contained in this publication represent a direct contribution to the reform of criminal legislation. The publication was distributed to all judges and public prosecutors in the Republic of Macedonia.

483. Concurrently with these activities, in the material segment of the criminal legislation was reformed in February 2002 and with these changes and amendments, a new criminal act has been introduced in 2004 in the Criminal Code in Article 418-1: Human Trafficking.

484. In the basic form of this criminal act given in Paragraph 1, actions that use force, serious threat, other forms of coercion, abduction, deceit, abuse of the position or pregnancy, helplessness or physical or mental incapability of another to one's own advantage are incriminating. Giving or accepting money or other benefits to obtain agreement of a person with control over another person who recruits, transports, transfers, buys, sells, shelters or takes persons for exploitation by way of prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced fertilization, illicit adoption or similar relation or illicit transplant of human body parts is illegal. For this type of act a prison sentence of at least four years has been stipulated.

485. Paragraph 2 of this criminal act penalizes the actions of the one that recruits, transports, transfers, buys, sells, shelters or takes children or juveniles for exploitation. A prison sentence of at least 8 years has been stipulated for these crimes.

486. A prison sentence of at least 4 years, according to Paragraph 3 of this criminal act, is stipulated for actions of the one who takes or destroys an identity card, passport or other identification document of another person to perpetrate the acts stated in Paragraphs (1) and (2).

487. Paragraph 4 states that an individual who enables somebody to use sexual services of an individual known to be a victim of human trafficking is incriminated. For this act, a prison sentence of six months to five years has been stipulated. In case the acts stated in this Paragraph were committed with a child or a juvenile, the perpetrator shall be punished with a prison sentence of at least 8 years. Paragraph 6 of this incrimination stipulates criminal responsibility of legal entities when the act stated in Paragraph 1 is perpetrated by a legal entity.

488. The changes and amendments to the Criminal Code from March 2004 introduced two new criminal acts. Article 418-b regards smuggling of immigrants and Article 418-b incriminates the organization and inducement to perpetrate criminal acts human trafficking and smuggling of immigrants.

489. Paragraph 1 of the criminal act regarding the smuggling of immigrants contains penalties for criminals who by force or serious threat against the life and body, with kidnapping, from greed, by abuse of official position or by taking advantage of the helplessness of another illegally transports immigrants across the state border. This Paragraph also incriminates the one who makes, supplies or possesses false travelling documents for such purposes. For these actions, a prison sentence of at least four years has been stipulated.

490. In Paragraph 2 of this criminal act the one who recruits, transports, transfers, buys, sells, shelters or takes immigrants is incriminated and a prison sentence of one to five years has been stipulated.

491. When, in the course of these acts listed in Paragraph 1 and, the life or health of an immigrant has been endangered, is given degrading or cruel treatment, or is prevented from exercising rights that he/she has according to the international law, the perpetrator shall be punished with a prison sentence of at least eight years. When the act in Paragraphs 1 and 2 is committed by a minor, the perpetrator shall be punished with a prison sentence of at least eight years. (Paragraphs 3 and 4)

492. By building in the incrimination of human trafficking in the criminal legislation of the Republic of Macedonia, the courts and prosecution offices successfully process large number of cases related to the criminal act of human trafficking. According to the statistical data from 2002 to 2014, 29 persons have been accused and 14 convicted of the criminal act under Article 418-a.

493. With the changes and amendments to the Law on Criminal Procedure in October 2004 new measures have been introduced which function to upgrade international criminal-legal cooperation, relevant for the efficient fight against human trafficking.

494. Parallel to the finalization of these legislative activities, the Assembly of the Republic of Macedonia enacted a Law on September 27, 2004. The ratification of the Convention with the Protocols, a legally binding document of the United Nations, in accordance with the Constitution of the Republic of Macedonia, became a constitutive part of the legal order and represents a significant contribution to the efforts to prevent and eradicate this type of crime.

495. Among the national level activities in the fight against human trafficking special accent is put on the training of judges and public prosecutors. In, league with the Centre for Continuous Education at the Association of Judges of the Republic of Macedonia organized in the course of 2003 and with financial assistance from OSCE and the USA Embassy in the Republic of Macedonia, three pilot seminars were started on the implementation of the Regional Manual for training judges and public prosecutors in the fight against human trafficking.

496. In 2004, the international organization IOM implemented a project titled: "Strengthening the Capacities for Fight against Human Trafficking." National legislation and international standards for the fight against human trafficking were the main topics of the training organized for 31 members of the police, judges, public prosecutors, lawyers and 40 students of the Law Faculty in Skopje. The project finalized with the publication of a Practicum for Fight against Human Trafficking and Illicit Migration. Two fundamental values should be achieved as a result of the implementation of the Practicum: raising the level of professionalism and ethics of the persons responsible for the implementation of the law and strengthening the conviction for mistreatment of victims of human trafficking.

497. The National Committee organized in 2003, in cooperation with IOM and within the preventive actions against the trafficking in human beings a campaign titled, "Humans are Being Trafficked". The campaign had media coverage and flyers and posters were disseminated on border crossings, police stations and local self-government units.

498. In 2005, the non-governmental organization "Semper" issued a CD titled: "Human Trafficking is a reality, it could happen to you", where a short review is given on the problem of human trafficking and activities directed against this evil. "The Fight against Human Trafficking in the Republic of Macedonia" is a project which has been completed in 2005 by the non-governmental organization "Open Door – La Strada", and in the framework of this project a short film "You Are Alive" was produced.

499. With the support of UNICEF, the subject of juvenile justice and child victims of crime was introduced as part of the curriculum of the Police Academy. The training and creation of the reintegration program for the National Mechanism for referral of victims of human trafficking led by the non-governmental organization "Open Door" was also supported. As a result of the cooperation between UNICEF and the Institute for Social Activities and Social Policy, research was conducted on trafficking in children related to the volume and characteristics of the problem and the available services.

#### **Assistance and protection to victims of human trafficking**

500. The establishment of a system to assist and protect victims of human trafficking is an integral part of national activities in the fight against human trafficking. In this sense, the provisions of the Palermo Convention with the Protocol against human trafficking regulating the rights of victims of human trafficking are important. Also important are the Decision of the European Union on the status of victims of human trafficking from 2001

and the Statement of the Pledge for Victims of Trafficking in Children, from December 10, 2003 in Sofia.

501. They regulate the right of the victims of human trafficking to by providing legal assistance, information on relevant court and other procedures, medical, health and psychological assistance, protection of privacy and identity and the right to compensation for damages to the victims of human trafficking.

502. The criminal procedure legislation in Republic of Macedonia corresponds to these provisions, namely:

- Namely, The right to compensation for damages to victims of human trafficking is guaranteed with the provisions of the Criminal Procedure law regulating the rights of the aggrieved party
- The right to legal assistance is guaranteed by the provisions of the Criminal Procedure Law that regulate the rights and obligations of the witness and the aggrieved party in the criminal procedure

503. To implement the right to protection of identity and privacy of the victims of human trafficking, in the changes and amendments to the Criminal Procedure Law adopted in October 2004, the institution of protection of witnesses, collaborators of justice and victims was introduced. According to these provisions, trial and out of court measures for protection of witnesses, collaborators of justice and victims are determined.

504. Trial measures are regulated by the Criminal Procedure Law. The out of court measures for the protection of witnesses are implemented according to Article 294 by introducing them into the witness protection program. In order to make this provision operational, in May 2005 the Assembly of the Republic of Macedonia enacted a Law on the Protection of Witnesses.

505. Article 1 of the Law determines that the protected entities are witnesses, victims and collaborators of justice, as well as persons close to them who appear like witnesses. Article 26 defines the types of protective measures of keeping secret identities of witnesses, providing personal protection, change of place of residence, that is, change of residence and identity. The Law appoints the Witness Protection Department at the Ministry of Internal Affairs as the authoritative department to decide on introductions of individuals into the witness protection program.

506. Centre for Aliens has functioned in the Ministry of Internal Affairs and every person there identified as victim of human trafficking is provided with medical care, treatment and control by a knowledgeable medical team of the International Organization IOM. With the assistance and financial support of this organization, the victims were also provided with adequate professional post trauma treatment, social-re-integration programs, psychological and social therapy and counselling by the non-governmental organization "Happy Childhood", free legal assistance, counselling and legal representation.

507. In the reporting period from 2000 to June 2006, the Ministry of Internal Affairs, in cooperation with IOM, provided protection to 760 victims of human trafficking in the Transit Centre for Aliens assistance. Of those, three persons were citizens of Republic of Macedonia. These individuals were placed in the Transit Centre until they were voluntarily repatriated. The representation shows that 60.37 percent of the identified victims are 18–24 years old, 21.39% are 25–30, 12.5% are 14–17 years old, and 0.13% are under the age of 14.

### **Institutional structure for fight against human trafficking**

508. A Department for the Fight against Human Trafficking and other violent crimes was founded in the Ministry of Internal Affairs. This Department undertakes measures and activities to reveal the individuals responsible for this type of criminal activity, and also coordinates the work between the regional internal affairs sectors at the Ministry. In April 2003, a Unit for the Fight against Human Trafficking was formed with the authorization to act in the whole territory of the Republic of Macedonia. This unit is of mixed ethnic composition and consists of a total of 45 workers.

509. One of the key institutions that has authority in the fight against organized crime is the Public Prosecution. According to the Law on Public Prosecution from 2004, a Unit for the prosecution of criminal act offenders in the field of organized crime and corruption was formed.

510. The institutional structure for the fight against human trafficking also encompasses the National Referral Mechanism that has functioned within the Ministry of Labour and Social Policy since September 2005. The Office of the National Referral Mechanism is formed within the project implemented by the Ministry of Labour and Social Policy and the National Committee for Fight against Human Trafficking and Illegal Migration in cooperation with the OSCE Mission in the Republic of Macedonia. This project includes the social welfare centres, local institutions, non-governmental organizations, the alliance of organizations of social workers and committees on gender equality in the local self-government units. The Office for Referral of Victims of Human Trafficking promotes the good practice of democratic institution building by improving and coordinating effective links between state institutions and the civil society. At the same time, this Office takes initiative in informing the public about the need to change perceptions about human trafficking in order to understand that human trafficking is a flagrant breach of human rights.

511. Direct participants in all activities in the field of social protection for the prevention and reduction of human trafficking at local levels are the social welfare centres. In the realization of their activities through inter-disciplinary team-work, they put special accent on the activities for prevention and protection of the victims of human trafficking, especially children. Their work in the aforementioned direction is done by detecting and recognizing victims of human trafficking, providing assistance and protection, building a local cooperation network, raising public awareness in the sense of preventive activities and by providing direct assistance to victims in cooperation with the office of the National Referral Mechanism in the Ministry of Labour and Social Policy.

512. The process of continuously strengthening the professional profiles in the authoritative social welfare centres is done through organization and training. With the support of the International Organization for Migration IOM, six seminars were organized and 120 social workers and members of the committees on gender equality in several units at local level were educated. Four seminars for training of psychologists, pedagogues and lawyers, non-governmental organizations, special training for nominated social workers in 27 social welfare centres and detached inspectors for the fight against trafficking in children in the Ministry of Internal Affairs organized by the Ministry of Labour and Social Policy in cooperation with the Office of UNICEF were organized. The Ministry elaborated, in cooperation with UNICEF, a Resocialization and Reintegration Program for child victims of human trafficking. The training of expert teams in the social welfare centres are currently conducted in accordance with this Program.

513. In order to establish a unified approach in the professional work in all social welfare centres, the Ministry of Labour and Social Policy is working on the elaboration of technical documents. According to the data received from the social welfare centres in the National

Referral Mechanism for victims of human trafficking, in the course of the year 2006 16 juveniles, all citizens of the Republic of Macedonia, 5 persons viewed as potential victims of human trafficking 10 to 14 years old and 11 persons 15 to 17 years old were registered. The social welfare centres appointed temporary guardians for 4 juveniles viewed as potential victims of human trafficking who were foreign citizens.

### **Children belonging to a minority or an indigenous group (art. 30)**

514. The implementation of the rights guaranteed to this category of children are explained and elaborated in detail in the elaboration of Articles 28, 29 and 31, within Cluster 7 of this Report, including the right to use their own language. An even more detailed elaboration of the implementation of this group of rights is contained in the Second and Third Period Report of the Government of the Republic of Macedonia (elaboration of article 27) on the Pact of Civil and Political Rights (CCPR/C/MKD/2).

515. In the period of 2006–2008, the Ministry of Labour and Social Policy, with the realization of the National Strategy and the National Action Plans for the Roma Decade in the Republic of Macedonia, is implementing a project for the inclusion of Roma children in public pre-school institutions. The project shall be implemented in the following municipalities: Cair, Gazi Baba, Karpos, Bitola, Kumanovo, Gostivar, Tetovo, Veles, Prilep, Vinica, Kocani, Delcevo, Berovo, Kicevo and Stip. The main goal of the Project is to improve and support the integration of Roma children in the public daycares – a year before entering in the school preparatory year.

516. It is expected that with this project, the number of Roma children attending day care will increase, access improve, which will in turn influence the position of the parents of the encompassed Roma children through strengthening and support to the development and education of Roma children. This program will also improve social skills, improve the knowledge of the Macedonian language and support early child development. The Office of UNICEF in Skopje has supported the project by providing and allocating resources for didactic material for children in daycares and funds to organize training for the employees in the daycares.

### **Additional information**

517. On June 20, 2005, the Government of the Republic of Macedonia and the Office of UNICEF organized a Special Session on Children in Skopje, “Country Fit for Children” with a focus on investment in children, child friendly municipalities, social exclusion of children and the improvement of the quality of public child care services.

518. At this session, first of its kind in the region, the Skopje Declaration and Agenda for Actions were adopted containing short term, mid term and long term goals that the Government of Republic of Macedonia should realize. The Skopje Declaration pays special attention to the increased susceptibility of children to all forms of violence, abuse, discrimination, social isolation and exploitation, including trafficking in children. The basic goals of the declaration are the following:

- To strengthen national action for children by developing a specific and timed National Action Plan
- To establish the necessary coordination and mobilization of resources
- To promote healthy life, better quality education and protection of children from abuse, exploitation and violence
- To monitor the achieved progress at national and local levels in order to follow the process of the exercise of the rights of the child

519. This Agenda of Action that contains short, mid and long term goals (2005–2007) represents the basis for full realization of the National Child Action Plan.

520. Two events, the youth forum and professional conference, preceded the Conference. The Youth Forum was held in Skopje on June 13 and 14, with the aim of providing participation of children and youth. Around 50 young people from different regions and ethnic groups in Macedonia participated in the event. Ten of them, chosen by the Forum, actively participated in the Conference.

521. On June 16, 2006 an Inter-departmental meeting was held to review met obligations and goals of the UN Special Session on Children in 2002 in connection with the Skopje Declaration and Agenda for Action. The meeting was organized by the Ministry of Labour and Social Policy and the Office of UNICEF in the Republic of Macedonia.

## Annex

### Statistical data on petitions submitted to the Ombudsman 2000–2005

#### Year 2000

In the year 2000 a total of 48 petitions were submitted in relation to:

|    |                                                                                                      |    |
|----|------------------------------------------------------------------------------------------------------|----|
| 1. | Exercise of the child's right to maintain personal contact with the parent he/she does not live with | 7  |
| 2. | Entrusting a child for keeping and care and custody                                                  | 9  |
| 3. | Exercise of rights in education                                                                      | 9  |
| 4. | Social and health care and child allowance                                                           | 12 |
| 5. | Rights of children with special needs                                                                | 2  |
| 6. | Maltreatment of children in police procedures                                                        | 3  |
| 7. | Family violence and other types of violence and abuse                                                | 4  |
| 8. | Rights of children without parents                                                                   | 1  |
| 9. | Other rights                                                                                         | 1  |
|    | Total:                                                                                               | 48 |

#### Year 2001

In the year 2001 a total of 47 petitions were submitted in relation to:

|     |                                                                                                      |    |
|-----|------------------------------------------------------------------------------------------------------|----|
| 1.  | Exercise of the child's right to maintain personal contact with the parent he/she does not live with | 15 |
| 2.  | Exercise of the right to education and pre-school institutions                                       | 6  |
| 3.  | Health and social care                                                                               | 7  |
| 4.  | Registration in Registry                                                                             | 2  |
| 5.  | Family violence, abuse, maltreatment in police procedures                                            | 3  |
| 6.  | Entrusting a child for keeping and care and custody                                                  | 3  |
| 7.  | Labour exploitation of children                                                                      | 1  |
| 8.  | Payment of alimony                                                                                   | 1  |
| 9.  | Rights of children in institutions                                                                   | 2  |
| 10. | Issue of travel documents to children                                                                | 2  |
| 11. | Other rights                                                                                         | 5  |
|     | Total:                                                                                               | 47 |
|     | Determined breaches and exercised right                                                              | 23 |
|     | No breach established                                                                                | 24 |

## Year 2002

In the year 2002 a total of 64 petitions were submitted in relation to:

|                                                                                                                                                                                                 |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. Exercise of the child's right to maintain personal contact with the parent he/she does not live with                                                                                         | 20 |
| 2. Exercise of the parental right                                                                                                                                                               | 2  |
| 3. Entrusting a child for keeping and care                                                                                                                                                      | 2  |
| 4. Payment of alimony                                                                                                                                                                           | 2  |
| 5. Placement of a child in another family, in institution                                                                                                                                       | 3  |
| 6. Appointment of a guardian                                                                                                                                                                    | 3  |
| 7. Registration in Registry                                                                                                                                                                     | 5  |
| 8. Family violence and neglect of children                                                                                                                                                      | 3  |
| 9. Exercise of rights to education and pre-school institutions (no resources to buy textbooks, bad conditions in school, transfer from one to another class, violence, registration, nurseries) | 10 |
| 10. Child allowance and other compensation and social protection                                                                                                                                | 4  |
| 11. Cultural and sports rights                                                                                                                                                                  | 1  |
| 12. Other rights                                                                                                                                                                                | 9  |
| Total:                                                                                                                                                                                          | 64 |
| Determined breaches and exercised right                                                                                                                                                         | 37 |
| No breach established                                                                                                                                                                           | 27 |

## Year 2003

In the year 2003 a total of 62 petitions were submitted in relation to:

|                                                                                                         |    |
|---------------------------------------------------------------------------------------------------------|----|
| 1. Exercise of the child's right to maintain personal contact with the parent he/she does not live with | 15 |
| 2. Family and parental rights                                                                           | 8  |
| 3. Custody                                                                                              | 1  |
| 4. Registration in Registry                                                                             | 5  |
| 5. Exercise of the right to child allowance                                                             | 3  |
| 6. Exercise of the right to education                                                                   | 6  |
| 7. Education of children with special needs                                                             | 1  |
| 8. Violence in schools and pre-school institutions                                                      | 1  |
| 9. Discrimination                                                                                       | 2  |
| 10. Abuse and violence                                                                                  | 5  |
| 11. Issue of travel document for a child without consent of the other parent                            | 1  |
| 12. Compensation for children, social care                                                              | 7  |

|     |                                         |    |
|-----|-----------------------------------------|----|
| 13. | Health care                             | 3  |
| 14. | Other rights                            | 4  |
|     | Total                                   | 62 |
|     | Determined breaches and exercised right | 30 |
|     | No breaches established                 | 32 |

### Year 2004

In the year 2004 a total of 47 petitions were submitted in relation to:

|     |                                                                                                      |    |
|-----|------------------------------------------------------------------------------------------------------|----|
| 1.  | Exercise of the child's right to maintain personal contact with the parent he/she does not live with | 14 |
| 2.  | Registration in Registry                                                                             | 8  |
| 3.  | Exercise of the right to child allowance                                                             | 3  |
| 4.  | Exercise of the right to education                                                                   | 6  |
| 5.  | Violence in schools and pre-school institutions                                                      | 4  |
| 6.  | Dissemination of information damaging to the development of the children                             | 2  |
| 7.  | Family violence                                                                                      | 1  |
| 8.  | Issue of travel documents for a child without consent of the other parent                            | 2  |
| 9.  | Compensations for children, social and health care                                                   | 5  |
| 10. | Improper police treatment                                                                            | 1  |
| 11. | Cohabitation of a juvenile with an adult                                                             | 1  |
|     | Total:                                                                                               | 47 |
|     | Determined breaches and exercised right upon intervention of the Ombudsman                           | 24 |
|     | No breach determined                                                                                 | 23 |

### Year 2005

In the year 2005 a total of 64 petitions were submitted in relation to:

|    |                                                                                                      |    |
|----|------------------------------------------------------------------------------------------------------|----|
| 1. | Exercise of the child's right to maintain personal contact with the parent he/she does not live with | 28 |
| 2. | Family violence                                                                                      | 7  |
| 3. | Exercise of the right to child allowance                                                             | 6  |
| 4. | Exercise of the right to education                                                                   | 5  |
| 5. | Violence in schools and pre-school institutions                                                      | 7  |
| 6. | Inclusion of children with special needs in education                                                | 1  |
| 7. | Registration in Registry                                                                             | 2  |

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|     |                                                                               |    |
|-----|-------------------------------------------------------------------------------|----|
| 8.  | Exercise of other rights                                                      | 5  |
| 9.  | Issue of travel document for a child                                          | 1  |
| 10. | Sexual abuse of a child by an adult                                           | 1  |
| 11. | Procedure to terminate adoption                                               | 1  |
|     | Total petitions:                                                              | 64 |
|     | Determined breaches and exercised right upon intervention<br>of the Ombudsman | 25 |
|     | No breach established                                                         | 29 |
|     | Still in procedure                                                            | 10 |

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