

# THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

## CRC CRC/C/94 (2000)

239. The Committee received the initial report of The former Yugoslav Republic of Macedonia (CRC/C/8/Add.36) on 4 March 1997 and considered the report at its 597th and 598th meetings (see CRC/C/SR.597-598), held on 17 January 2000 and adopted <sup>1</sup> the following concluding observations.

### A. Introduction

240. The Committee welcomes the submission of the State party's initial report and the written answers to the list of issues (CRC/C/Q/MAC/1) submitted by the State party. The Committee notes with appreciation the constructive efforts made by the delegation to provide additional information in the course of the dialogue.

### B. Positive aspects

241. The Committee is encouraged by the State party's establishment of an Ombudsperson for children's rights and notes the State party's progress in reducing infant and maternal mortality in recent years and the progress made in raising significantly the levels of enrolment of children to primary school.

242. The Committee commends the State party for its efforts to support refugees from neighbouring countries and to protect the rights of children among the refugee communities.

### C. Factors and difficulties impeding the implementation of the Convention

243. The Committee recognizes the continuing economic and political transitions within the State party, the serious armed conflicts which have emerged repeatedly in neighbouring States, the imposition of international sanctions upon parts of the region and the associated economic difficulties which hinder the full implementation of the Convention.

### D. Principal subjects of concern, suggestions and recommendations

#### 1. General measures of implementation

##### Legislation

244. The Committee notes that, in accordance with article 118 of the Constitution, international agreements are incorporated in domestic legislation and are directly applicable. However, the Committee is concerned that the Constitution and other legislation, partly pre-dating the entry into

---

<sup>1</sup> At the 615th meeting, held on 28 January 2000.

force of the Convention on the Rights of the Child, do not appear to fully reflect the provisions and principles of the Convention. The Committee is concerned, further, that the Convention's principles and provisions are not reflected in policy and administrative practice.

245. The Committee urges the State party to review its legislation and adopt appropriate amendments, to ensure conformity with the Convention. In addition, the Committee recommends that the State party make further efforts to ensure that the provisions and principles of the Convention are reflected, applied and enforced in State policy and administrative practices.

#### Coordination/independent monitoring structures

246. The Committee is concerned that there is no mechanism responsible for the coordination and evaluation of the implementation of the Convention.

247. The Committee recommends that the State party allocate principal responsibility for the coordination and evaluation of implementation of the Convention to a single mechanism.

248. While the Committee is encouraged by the State party's efforts to develop projects focusing on children, the Committee wishes to emphasize the importance for the State party of developing an overall national plan of action for the effective implementation of children's rights, and that individual projects should each form a part of a larger strategy.

249. The Committee recommends that the State party develop a cross-ministerial plan of action for the implementation of children's rights, pursue implementation of the various projects referred to in the State party's report and ensure coordination of policy-making and implementation. The Committee further urges the State party to adopt a holistic child rights approach to implementing the Convention and to consider seeking technical assistance from UNICEF in this domain.

#### Allocation of budgetary resources/regional disparities

250. The Committee recognizes the hardship imposed by the current socio-economic difficulties in the State party and expresses its concern over the impact that the financial situation may have on children, including, notably, those from poor families. The Committee also notes, with concern, that there are significant regional disparities with regard to the extent to which children benefit from the respect of their rights.

251. In the light of articles 2, 3 and 6 of the Convention, and with a view to achieving full application of article 4, the Committee urges the State party to make every effort to protect children's rights from the negative effects of the current economic situation, including through the prioritization of budgetary allocations in a manner which ensures the best possible implementation of the Convention and to the maximum extent of the State party's available resources. In this regard, the Committee further recommends that the State party give particular attention to the situation of children of poor families and from regions experiencing particular economic difficulties.

#### Cooperation with NGOs

252. The Committee encourages the State party to increase its support for, and cooperation with, NGOs with regard to implementation of the Convention.

### Dissemination of the Convention

253. In the light of article 42 of the Convention and recognizing the State party's efforts to disseminate human rights, including children's rights, in schools and to specific professional groups, the Committee urges the State party to make additional efforts to disseminate the Convention, to provide training on its provisions for professionals, including law officials, teachers and health workers, and to provide teaching on its provisions to the adult population. The Committee recommends that the State party consider seeking technical advice from UNICEF in this regard.

## 2. General principles

### Non-discrimination

254. The Committee is concerned that under the current arrangements with regard to the "three child policy", children from families with more than three children are at a disadvantage with regard to access to social service, financial and other assistance.

255. In the light of article 2 of the Convention, the Committee recommends that the State party find alternative means to implement the three child policy, other than excluding the fourth child from social service benefits, and ensure that all children have equal access to such assistance without discrimination.

### Best interests of the child

256. The Committee welcomes the information provided in the State party's answers to the list of issues concerning implementation of the best interests principle and encourages the State party to continue to integrate the principle into all legislative and administrative practices, and to review its decision-making and implementation procedures so as to ensure that the best interests of the child are a primary consideration.

### Respect for the views of the child

257. Recognizing the provisions in domestic legislation protecting the child's rights to have views heard, the Committee remains concerned that implementation of this right is not adequately reflected in administrative policy and practice, including in the activities of the Centres for Social Work.

258. In the light of article 12 of the Convention and recognizing the progress made by the State party in respecting the right of children to have their views heard through the children's parliament and in schools, the Committee recommends that the State party continue to take all appropriate measures to ensure that children are provided with appropriate opportunities to express their views and that these are given due weight, in accordance with the provisions of the Convention.

## 3. Civil rights and freedoms

### Birth registration

259. The Committee is concerned that, in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth and is further concerned at the fact that a large proportion of unregistered births are of Roma children. The Committee recalls that official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the State of birth or in another State, and to gaining access to social assistance, health, education and other services.

260. In the light of article 7 of the Convention, the Committee urges the State party to make every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation.

### Corporal punishment

261. Recognizing the State party's efforts to end corporal punishment practices in schools, the Committee is nevertheless concerned that such practices have not been entirely ended in schools and also continue outside of the school context.

262. The Committee urges the State party to continue its efforts to end corporal punishment practices in schools, to monitor and record the use of corporal punishment against children in all contexts, and to make every effort to prevent the practice of corporal punishment including through its prohibition by law. The Committee further encourages the State party to undertake campaigns to raise the awareness of parents, in particular, of the harmful effects of corporal punishment.

### 4. Family environment and alternative care

263. The Committee expresses its concern that in decisions with regard to the family environment and the alternative care of children the principles of the Convention are not always fully respected.

264. The Committee recommends that the State party further develop legislation supporting foster care, and that the State party strengthen community services in favour of families with economic, social or other difficulties and families caring for children with disabilities and with emotional or behavioural problems, in a manner which assures greater respect for the principles of the Convention.

265. The Committee is concerned that incidents of sexual abuse and family violence may not be adequately identified and addressed.

266. The Committee recommends that the State party conduct training for the police and the staff of the Centres for Social Work on the detection of child abuse and domestic violence, and on suitable responses.

267. The Committee is concerned that the Centres for Social Work are under-resourced, limiting their capacity to perform their many functions effectively, including those in favour of children. The

Committee is further concerned that the Centres for Social Work are currently authorized to make decisions relative to the placement of a child with one parent, without judicial review.

268. The Committee urges the State party to consider the use of alternative mechanisms with regard to implementation of the Convention's provisions concerning the family environment and alternative care or to increase the resources available to the Centres for Social Work. Recognizing the existence of an appeals procedure under current arrangements, the Committee nevertheless recommends that the State party establish a mechanism providing for judicial review of situations requiring the placement of a child with one parent.

#### 5. Basic health and welfare

269. Recognizing the State party's efforts to provide financial and other assistance to ensure the access of children to health care, the Committee is nevertheless concerned that not all children have equal and adequate access to health care including, notably, children from regions facing particular economic hardship. Further, the Committee is concerned that the State party's policy of requiring adolescents aged 15 to 18 to make financial contributions to their health care costs may limit their access to health care, including sexual health education.

270. The Committee urges the State party to continue its efforts to ensure that all children, and from all regions, have equal access to health care services. The Committee further recommends that the State party review policies requiring 15- to 18-year-olds to share costs, and to ensure that these policies do not restrict the access of adolescents to full health care.

#### Children with disabilities

271. While aware of the State party's efforts to integrate children with disabilities into formal education and into regular recreation programmes, the Committee remains concerned that children with disabilities remain excluded from many such activities. With regard to children with disabilities requiring additional facilities, the Committee is concerned by the quality of educational, health and other facilities available, inter alia, facilities providing access to schools.

272. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The Rights of Children with Disabilities" (see CRC/C/69), the Committee recommends that the State party make further efforts to integrate children with disabilities into educational and recreational programmes currently used by children without disabilities. With particular reference to article 23 of the Convention, the Committee further recommends that the State party continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools, review the facilities and assistance available to children with disabilities and in need of special services, and improve these services in accordance with the provisions and spirit of the Convention.

273. With reference to article 23, paragraph 3, of the Convention, the Committee further encourages the State party to strengthen its efforts to benefit from international cooperation, including from UNICEF, in favour of children with disabilities, with a view to improving State

policy and action.

### Infant mortality

274. Recognizing the progress made in reducing infant mortality, the Committee, nevertheless, acknowledges the State party's recognition of, and expresses its own concern at, the continuing elevated incidence of such mortality.

275. Noting the correlation, identified by studies, between low education among mothers and high infant mortality, and between the incidence of such mortality and certain regions, the Committee urges the State party to continue its efforts to address this concern, *inter alia*, through the effective provision of adequate health education to mothers. The Committee recommends that the State party seek technical assistance from UNICEF and WHO in this regard.

### HIV/AIDS

276. Recognizing the State party's significant efforts to address health concerns related to HIV/AIDS, the Committee is concerned that such efforts be maintained in the interests of preventing the spread of HIV/AIDS.

277. The Committee recommends that the State party continue with its current efforts to address HIV/AIDS concerns, including through the continuous use of effective monitoring and prevention mechanisms. The Committee recommends that the State party seek technical assistance in this regard from WHO.

### Adolescent health/pregnancy among girls

278. Acknowledging the State party's recognition of problems in the area of adolescent and sexual health issues, the Committee joins the State party in expressing concern, in particular at the high level of abortions among girls and at the incidence of sexually transmitted diseases.

279. The Committee urges the State party to strengthen data collection methods with regard to adolescent health concerns. The Committee recommends, further, that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services, *inter alia* with regard to HIV/AIDS, STDs, pregnancy among girls and abortion. The Committee recommends that the State party seek technical assistance from WHO.

## 6. Education, leisure and cultural activities

### Right to education

280. The Committee acknowledges the recent marked increases in the enrolment of children in primary schools and other increases in secondary and university enrolment. However, the Committee remains concerned that a significant proportion of school-aged children do not attend primary and, notably, secondary school. Specifically, the Committee is concerned at the low proportion of girls in general, and children from the Roma minority in particular, who enrol in educational establishments at all levels, and at the low numbers of children from all minority groups

who enrol at the secondary school level. The Committee is concerned, further, at the extremely high drop-out rates of girls from primary and secondary education.

281. The Committee recommends that the State party pursue its efforts to increase the enrolment levels of all children from minorities in primary and secondary schools, with special attention to girls in general and children from the Roma minority in particular.

282. The Committee recognizes the State party's significant efforts to make primary and secondary education available in minority languages, but expresses its concern that many primary and secondary schools are under-resourced and, in particular, that primary and secondary school education available in minority languages is of a lower standard than that available in the Macedonian language. The Committee notes, further, the inevitable effect of poor primary and secondary education in discouraging enrolment, raising the number of children who drop out and in limiting the numbers of children from minorities who are able to pass examinations leading to university education.

283. With reference to articles 2 and 28 of the Convention on the Rights of the Child, and with a view to ensuring an equal standard of educational services in all schools, to encouraging increased enrolment, to discouraging children from dropping out and to increasing the numbers of children from minorities who follow higher education, the Committee recommends that the State party review the allocation of financial and other resources to all primary and secondary schools, with particular attention to raising the quality of education in minority language schools. The Committee recommends, in addition, that the State party consider increasing the numbers of hours of teaching of the Macedonian language in minority language schools, on a voluntary basis, with a view to ensuring that children who are minority language speakers are able to participate on a more equal level with Macedonian-speaking children at higher education levels at which entrance examinations and teaching are conducted primarily in the Macedonian language. The Committee suggests further that the curricula in all schools should include a greater focus on the personal development and vocational training of students and on inter-ethnic tolerance. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.

## 7. Special protection measures

### Administration of juvenile justice

284. The Committee is concerned at the absence, in the State party report, of information on principles of judicial sentencing of juveniles and data on the existence and use of alternatives to imprisonment as a sentencing option for Juvenile Councils.

285. The Committee recommends that the State party consider relevant reforms of juvenile justice policy and practice in accordance with articles 37 and 40 and 39 of the Convention on the Rights of the Child, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to ensuring that detention and imprisonment are used only as a measure of last resort, for example by developing alternative measures.

286. Recognizing the existence of psychological assistance facilities under the auspices of the Centres for Social Work, the Committee, nevertheless, remains concerned at the absence of measures to provide for the physical and psychological recovery and reintegration of children who have been the victims of crime, and of children who have participated in judicial proceedings or who have been confined in institutions.

287. In the light of article 39 of the Convention, the Committee recommends that the State party urgently establish appropriate programmes to provide for the physical and psychological recovery and reintegration of such children and that these mechanisms be used in the administration of juvenile justice.

#### Child labour/economic exploitation

288. The Committee is concerned at the reported incidence of child labour within the State party, and notes that the labour of children under 15 may also prevent these children from attending primary school and is particularly prevalent among certain minority groups.

289. The Committee recommends that the State party collect and publish data on the incidence of child labour, both under the age of 15 and between the ages of 15 and 18. The Committee also recommends that the State party address cases of economic exploitation of children, in particular street children, including through the enforcement of primary school attendance obligations and through efforts to raise secondary school attendance. The Committee further suggests that the State party ratify International Labour Organization's Conventions No. 138 concerning the Minimum Age for Admission to Employment, 1973, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.

#### Drug abuse

290. The Committee acknowledges the State party's recognition of, and expresses its own concern at, recent increases in drug abuse among children.

291. The Committee recommends that the State party continue to monitor the incidence of drug abuse among children, proceed with preventive measures and make appropriate rehabilitative and other assistance available to children who are already addicted to drugs .

#### Children belonging to minorities or indigenous groups

292. While recognizing the State party's efforts to ensure equal enjoyment of rights for children from minority communities, the Committee remains concerned that children from some minority populations, and the Roma in particular, do not enjoy full respect of their rights.

293. The Committee encourages the State party to continue its efforts to ensure the equal implementation of the Convention for all children and to make every effort to ensure that the children of minorities are able to benefit fully from the Convention's principles and provisions. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.



8. Dissemination of the report, written answers and concluding observations

294. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.