



Convention on the Rights of the Child

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Written replies by the Government of the former Yugoslav Republic of Macedonia to the list of issues (CRC/C/MKD/Q/2) prepared by the Committee on the Rights of the Child in connection with the consideration of the second periodic report of the former Yugoslav Republic of Macedonia (CRC/C/MKD/2)*

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Part I

- 1. With reference to the coordinating role of the National Commission on the Rights of the Child, kindly provide information on the exact mandate, structure (membership), and specific activities, thus far undertaken by this body. In particular, please specify whether it has specific competencies for the implementation of the Convention and the Optional Protocols.**

1. Implementing the recommendations of the UN Committee on the Rights of the Child relating to the Initial Report, on 5 May 2005, the Government of the Republic of Macedonia adopted a Decision establishing the National Commission drafting the National Action Plan on Children's Rights. The work of the Commission was coordinated by the Ministry of Education and Science, in cooperation with the Ministry of Foreign Affairs and it included representatives (at the operative level) of the Ministry of Labour and Social Policy, Ministry of the Interior, Ministry of Justice, Ministry of Health and of the Agency for Youth and Sports. The Deputy Ombudsman in charge of children's rights protection also took part in the work of the Commission, and when required representatives of other relevant institutions and non-governmental organizations in the Republic of Macedonia also participated in the work of the National Commission. The National Commission prepared a National Action Plan on Children's Rights in the Republic of Macedonia for the 2006-2015 period, which the Government of the Republic of Macedonia endorsed in March 2006.

* 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.

2. Aiming at enhancing the credibility of the National Commission and at ensuring greater authority in the performance of its duties, in September 2007, the Government adopted a new Decision establishing the National Commission on the Rights of the Child in the Republic of Macedonia. The Secretary General of the Government coordinates activities in this respect, while the Commission members coming from the relevant ministries and other institutions are from the ranks of managerial civil servants – State counsellors. The Commission members appointed by the Government come from the Ministry of the Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Health, Ministry of Education and Science, Ministry of Labour and Special Policy, Ministry of Culture, Agency for Youth and Sports, the State Statistical Office, the Secretariat General and the Secretariat for European Affairs. The representatives of the Office of the Ombudsman of the Republic of Macedonia in charge of children's rights also participates in the work of the Commission, as well as representatives of the UNICEF, and of citizens' associations – First Children's Embassy "Medjasi" and the Children's Parliament of Macedonia.

3. The National Commission on the Rights of the Child in the Republic of Macedonia has the competences to follow the situation with children's rights in the Republic of Macedonia; then to continually follow the implementation of the 2006-2015 National Plan of Action on Children's Rights in the Republic of Macedonia and of the UN Convention on the Rights of the Child; upon request of the Government of the Republic of Macedonia to prepare materials considered at thematic Government sessions dedicated to the follow-up of the progress in areas related to children's rights; to propose annual priorities in line with the 2006-105 National Plan of Action on Children's Rights of the Republic of Macedonia; to follow the implementation of annual priorities on children's rights adopted by the Government of the Republic of Macedonia. The administrative-technical activities of the National Commission are performed by the Secretariat General of the Government.

4. In its hitherto work, and upon the request by the Government, the National Commission has prepared two Reports on the Implementation of the 2006-1015 National Plan of Action on Children's Rights in the Republic of Macedonia, for the reporting periods 2006-2007 and 2006-2009. Other more significant activities of the Commission are the following: Initiative for amendments to the Law on Trade and the Law on Catering Activity proposing prohibition of sale of energy drinks to persons below 18 years of age aiming at protecting children's health; preparation of the brochure on children's rights: Talking to Children about their Rights (for pre-school aged children, and for I, II and III grade primary school children), My Children's Rights and Obligations under the Convention (IV-IX grade of primary education) and My Convention and My Convention Rights and Obligations (secondary education) for which the Commission published on a CD on the occasion of the 20th anniversary of the UN Convention on the Rights of the Child, distributed to all kindergartens, primary and secondary schools in the Republic of Macedonia.

5. With a view to enhancing the trust and advancing the cooperation between the Government and citizen's associations, on 23 January 2007, the Government of the Republic of Macedonia adopted the Strategy on Cooperation of the Government with the Civil Sector, accompanied with an Implementation Action Plan (2007-2011). The Strategy sets forth seven mutually connected strategic goals, which support the cooperation with, and the development of the civil sector, participation of the civil sector in the policy design being an especially important area in this respect.

2. Kindly clarify the process and criteria, if any, used by the State party to identify civil society partners which may be involved in the design of public policies, strategies and action plans, particularly in areas relevant to children.

6. In accordance with the Decision for the appointment of the members to the National Commission for the Rights of the Child (September 2007) two NGOs are included in the work of the Commission: "Megasi" and "Children Parliament of Macedonia". The process of selection of the NGOs from the civil sector was lead by two main principles: as a result of close consultation with the UNICEF Office and the second one is related to work experience of the respective NGOs in the field of the rights of the child.

7. Furthermore, at its last meeting (March 2010) the National Commission following the suggestions coming from the civil society organizations has decided to enlarge the number of the NGOs in the work of the Commission with two more new NGOs that will be in compliance with the consultation that will be held with Association of civil society organizations.

3. With reference to the many responsibilities attributed to the centres for social work, please provide information on their structure, capacity, human, technical and financial resources available, including staffing and continuous training, in particular whether these centres are sufficiently equipped to carry out their mandate effectively.

8. Under the social protection system, 20 social work centres have been established that perform their activities and competences on the entire territory of the Republic of Macedonia.

9. The Law on Social Protection defines the organization and management of the social work centres, the required staff, the activities, competences, records keeping, authorities, the operative procedures, and manner and sources of their funding. The operations of Social Work Centres are carried out through professional, counselling, advisory, and interdisciplinary activities. The professional teams are composed of professionals of the following profiles: social workers, pedagogues, psychologists and lawyers.

10. In pursuance with the Law, a new Rulebook on norms and standards on the premises, equipment, professional staff and funds required for the activities of social work centres has been adopted (Official Gazette of the Republic of Macedonia No. 2/2010). The Law on Social Protection envisages a three-year term as of the adoption of the Law for the fulfilment of the operative conditions prescribed under the Rulebook on Norms and Standards.

11. A Social Inspectorate has been established at the Ministry of Labour and Social Policy to monitor the social protection institutions in their implementation of laws and other regulations and to monitor the fulfilment of conditions relating to the premises, equipment and professional staff required for the performance of social protection activities.

12. In the Republic of Macedonia, the public institution - Social Affairs Institute, working as an independent professional institution, carries out activities relating to the study of social occurrences and problems, advancement of welfare activities, promotion of social protection and social work, professional assistance to social protection institutions and their staff and the organization and implementation of various types of education for social protection professionals. Upon the adoption of the new Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/2009) sets forth the new competence of the Social Affairs Institute of granting and revoking licenses for work to professionals working in social protection institutions, then of keeping the register of issued and revoked licenses and organizing continual education for professionals in the context of the license granting procedure. This Institute prepares the program of continued education of professionals on the licensing procedure.

13. As part of its regular activities, the public institution - Social Affairs Institute prepares an analysis of the number of professionals required for the performance of activities of social work centres. According to the last analysis of the Social Affairs Institute, the total number of staff employed in 30 social work centres in the Republic of Macedonia is 898, 551 of whom are professionals (social workers, pedagogues, psychologists, sociologists, lawyers) and the rest are administrative-technical staff.

14. In accordance with the Law on the Execution of the Budget of the Republic of Macedonia for each year, the Government of the Republic of Macedonia adopts a Program of Social Protection. Under the 2010 Program, separate sub-program has been designed for the Social Work Centres and for the Social Affairs Institute. In 2010, this sub-program allocates budget funds in the amount of MKD 446,388.00.

15. The Ministry of Labour and Social Policy implements the SPIL Project financed with a World Bank loan, under which several envisaged activities have been implemented focused on support to the social protection programs, i.e. support to the efficient implementation of social protection system reforms, enhancing the administrative and technical capacities of the Ministry of Labour and Social Policy and Social Work Centres in terms of provision of pecuniary benefits and social services.

16. The public institution – Social Affairs Institute implements the project “Establishment of a Resource Centre for Children at Risk”, financed by the UNICEF Office in Skopje. Several activities have been envisaged under this project with a view to providing support to social work centres in terms of improved records keeping and documentation on beneficiaries of social services, etc.

17. Under the SPIL project, the activities for the design and establishment of a modern IT system for administration and payment of all welfare benefits at the Ministry of Labour and Social Policy and at social work centres are in their final stage. Under the project for development of a Resource Centre for Children at Risk, the public institution - Social Affairs Institute will develop the format of the records and the professional documentation on all social services. These projects will enable procurement of technical resources for the needs of social work centres.

4. Please clarify which children (or their families) are eligible to receive child allowances, depending on the number of children in the family, their school enrolment and/or attendance, the income and employment of parents, the region of origin or residence of the family, under legislation and regulations currently in force.

18. Child benefit is a children’s right and is provided for as pecuniary allowance to cover part of the costs for care and development of the child in line with the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 98/00).

19. The right to child benefit is exercised by one of the child’s parents, national of the Republic of Macedonia having a permanent residence in the Republic of Macedonia for a child who is a national of the Republic of Macedonia and is full time pupil/students in the Republic of Macedonia, provided that the parent is: employed, beneficiary of the rights to pension and disability insurance, in accordance with the provisions of the Law on Pension and Disability Insurance; unemployed person receiving pecuniary benefit; beneficiary of a continual pecuniary welfare benefit in accordance with the Law on Social Protection; disabled veteran and beneficiary of family disability benefit; farmer/registered income tax payer whose only and main profession is agriculture; craftsman who engages in old crafts and craftsman who engages in scarce crafts.

20. Foreign nationals having residence on the territory of the Republic of Macedonia may receive child benefit in accordance with the Law on Child Protection and international treaties.

21. The right to child benefit may be exercised by one of the parents of the child until the child reaches 18 years of age, if the child is a full time pupil, and well as a parent of a child who has become permanently or longer than a year incapacitated for work before reaching 15 years of age, or during the full time education, or during the period of incapacity of the child, but up to 18 years of age of the child, as well as a parent of a child who owing or an illness of injury cannot attend regular school and is thus a part time pupil/student in accordance with the Law.

22. The right to child benefit is exercised depending on the age of the child and the material status of the family.

23. The right to child benefit may be exercised for a child until the child reaches 18 years of age, if the child is a full time pupil/student. In the context of exercise of the right to child benefit, a child who is up to 18 years of age and who attends school regularly.

24. Child benefit is not granted:

- For a child who is placed free of charge in an institute or in another institution for purposes of upbringing, education and acquiring skills for the duration of the placement in the relevant institution
- For a child- national of the Republic of Macedonia whose parent is already exercising the right to child benefit in accordance with the regulations of another country

25. Child supplement is provided for all children supported by the parent: children born in or out of wedlock, adopted children, grandchildren, siblings and foster children.

26. Child benefit is provided to foster children even if they are not parentless provided that:

- The parents are fully or permanently incapacitated for work
- The parents are serving a prison sentence
- The parents have been revoked their parental rights
- The parents are full time students

27. Foster children are provided child benefit only if both the parents and children do not possess any property or income that can provide for the children's subsistence. Child benefit is provided for children without parental care placed in a foster family.

28. The material status of the family is established based on the income of the family and the number of family members. If the parent or a family member possesses business premises, or is the founder of a company or institution then the parent may not exercise the right to child supplement.

5. Please explain whether there is a system and procedures in place to ensure the periodic review of placements of children in alternative care, including in foster care and adoption.

29. The State ensures special protection of parentless children or children without parental care, in accordance with the Constitution of the Republic of Macedonia. The manner of providing protection for these children and the forms of the care provided for these children are elaborated in the Law on the Family (Official Gazette of the Republic of Macedonia No. 157/08) and in the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/09).

30. According to the information of the public institution - Social Affairs Institute, 1,222 children in the Republic of Macedonia have been registered as parentless or children

without parental care. According to the law, these children are placed under the custody of the Social Work Centre, as the body in charge of custody and may be placed in foster families, small group housing units, relevant institutions or be adopted if the conditions for this are fulfilled. According to the Law on Social Protection, day care centres and counselling services have been opened where psychosocial services and psychosocial treatment for certain categories of beneficiaries are provided.

31. A form of protection of children without parents or parental care, which is increasingly applied and developed in the Republic of Macedonia, is placement of children in foster families, which enables these children to grow and develop in a like environment. In 2009, a total number of 140 foster families have been registered in the Republic of Macedonia, providing care for 219 children.

32. The procedure for alternative childcare and provision of professional services in the adoption procedure are pursued at the Social Work Centre as the body in charge of custody. The Committee for Adoption at the Ministry of Labour and Social Policy brings the final decision on the child's adoption.

33. The Social Work Centre is in charge of protecting the rights and interests of children under care in which respect it conducts continual controls of the wards, assesses their needs and can decide on the change of the form of protection, in line with the assessment of the permanent care needs of the child, the child's interests and need for the most adequate form of protection.

34. The Social Affairs Institute as an institution, which according to the Law on Social Protection supervises the professional activities of social work centres, also gathers information on annual basis analyses the information and proposes measures for advancing child protection.

6. Please clarify whether the State party has developed targeted measures to address the issue of non-attendance and dropping out of school, as well as the non-registration in schools by children who lack identity documents and birth certificates. Please explain the measures undertaken by the State party to ensure that schools are a peaceful place for all children, including with respect to peer violence and inter-ethnic relations.

35. According to the Law on Primary Education¹ and the Law on Secondary Education² child foreign nationals and stateless children resident in the Republic of Macedonia have the right to mandatory primary and secondary education under equal conditions as children - nationals of the Republic of Macedonia.

36. Based on the joint activities of the OSCE and all relevant ministries, institutions and the non-governmental sector, a Protocol has been prepared on the procedure for treatment of children on the street/street children, which also envisages measures and activities for inclusion of these children in the education system.

Measures at the institutional level:

- Self-evaluation of schools as one of the measures for the establishment of the situation in schools and design of a development plan as an instrument to overcome eventual deficiencies

¹ Official Gazette of the Republic of Macedonia No. 103/08.

² Official Gazette of the Republic of Macedonia No. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07 and 49/07.

- Strengthening the role of the State Education Inspectorate in monitoring the process of enrolment of pupils, evaluation of schools, especially integral evaluation in which respect regular attendance and early dropping out of schools are monitored as one the education quality indicators
- Introduction of EMIS-IT system for monitoring all developments in this area
- Training of teachers on the introduction of modern teaching methods in the education process according to the individual needs of pupils
- Training of expert associates on provision of support to vulnerable categories of pupils
- Finances and financial support
- Conditioned pecuniary transfers as direct financial support to the most underprivileged pupils for purposes of their regular attendance of school (Ministry of Labour and Social Policy, Ministry of Education and Science, USAID)
- Free of charge transportation for primary school pupils who live more than 2 km far from the school, i.e. free of charge transport of secondary school students who live more than 2.5 km from the school
- Right to free of charge accommodation and food for pupils who attend school outside their place of residence
- Procurement of 10 minibuses for the needs of pupils in rural areas and one mini-bus for children with special needs in Skopje
- The Ministry of Education and Science acting through the Department for Development and Advancement of Education in the languages of the persons belonging to the communities and the Sector for Advancement of Primary and Secondary Education has been supporting the campaign for inclusion and keeping children of the Roma community in the education system, in 15 cities in Macedonia, implemented by the National Roma Centre from Kumanovo, financially supported by the Roma Education Fund in Budapest

37. The purpose of this campaign is to increase the number of Roma children enrolled in primary education through improved cooperation with the institutions at all levels and by enhancing the awareness of the Roma community on the need for education.

38. As of the 2009-2010 academic year, the Ministry of Education and Science, together with the Roma Education Fund launched the project of scholarships and mentorship for 800 Roma pupils and mentorship for all 1606 secondary school Roma, as a measure of additional assistance focused on enabling these children to attain better education results.

39. The Ministry of Education and Science Bureau for Development of Education of Macedonia (a body at the Ministry of Education and Science), the Centre for Secondary Vocational Education, NGOs and OSCE have undertaken joint activities to examine the reasons for inter-ethnic tensions in schools, pursuing a project of non-violence and security. The mentioned institutions work on an Integrated Strategy for Education and on defining activities that will be finally designed under an Action Plan for the implementation of the Strategy.

7. **Please provide information on targeted measures to ensure that Roma children are protected from discrimination, are registered at birth, and have access to educational, health care and social protection services. With reference to the alleged overrepresentation of Roma children in institutions for children with special needs, kindly clarify the criteria and procedure currently in use by the responsible authorities to identify children with special needs to be placed in such institutions.**

40. The Republic of Macedonia is one of the countries where in the last years the situation of the Roma has significantly improved. The number of Roma pupils/students who have enrolled in primary and especially in secondary education has increased to a certain degree, while positive discrimination activities have significantly influenced the number of enrolled and graduated students in the tertiary education system. Owing to the Project "Inclusion of Roma Children in Pre-School Education" funded by the Ministry of Labour and Social Policy, the Roma Education Fund and the units of local self-government, in the last 3 years approximately 700 Roma children have been included in pre-school education in kindergartens and 16 pre-school teachers belonging to the Roma ethnic community have been employed.

41. However, there are a certain number of children belonging to the Roma ethnic community who are enrolled in special schools or classes after a team of professionals from the Institute of Child Mental Health confirms that they have special educational needs. Such assessments are conducted prior to enrolment in the first grade or are based on reports from schools. The referral and enrolment procedures used in the Republic of Macedonia are not called into question, as is the case in other countries.

42. Aiming at overcoming this phenomenon, the Ministry of Labour and Social Policy has prepared an Information to the Government of the Republic of Macedonia, upon which at its session the Government has adopted conclusions tasking the Ministry of Labour and Social Policy with drafting amendments to the current Rulebook on the Type and Level of Disability and the Special Needs of Persons with Developmental Disabilities. According to these amendments, four regional commissions will be formed at the following institutions: Public Health Care Institution Health Care Home Skopje, Health Care Home Stip, Public Health Care Institution Clinical Hospital Bitola and the Public Health Care Organization Clinical Hospital Tetovo. They will be competent to issue findings and opinions on the type and level of developmental disabilities and special needs. The goal of forming these commissions is eliminating the deficiencies in findings issued by different commissions. Aiming at improving the situation, the Government of the Republic of Macedonia has tasked all institutions issuing findings and opinions on the type and level of development disability and special needs to distribute the findings and the opinions together with the case file to the municipal social work centre according to the place of residence of the person, for the purpose of continuous updating of the records on children with developmental disabilities. A special second-instance commission (composed of representatives of the Ministry of Labour and Social Policy and the Ministry of Health) has been formed and it will give expert opinions on the findings issued by the first-instance commissions. The commission will be composed of three members (doctors).

43. The Government of the Republic of Macedonia has identified this problem and has already adopted several measures to financially support the families in overcoming this problem.

44. Namely, the Ministry of Labour and Social Policy provides free enrolment of Roma children in pre-school education, thus facilitating their socialization and inclusion in society.

45. Under the project "Conditional Pecuniary Transfers" the Government will financially motivate parents receiving welfare to enrol their children in secondary

education, which is mandatory. The Ministry of Labour and Social Policy and the Ministry of Education and Science will provide free textbooks to all children in primary schools in the Republic of Macedonia. In the 2008/2009 academic year, the Ministry of Education and Science awarded about 600 scholarships to Roma pupils enrolled in the first year of secondary education, and there is a tendency that this measure is to be applied this school year, as well. The Ministry of Education is making efforts to vaccinate a larger number of Roma children.

46. In respect of issuing personal documents and the procedures within its competence, the Ministry of the Interior always acts in accordance with the applicable legislation and does not discriminate on any grounds, including ethnic affiliation of the citizens.

47. At present, the Directorate for Development and Advancement of Education in the Languages of the Communities, in cooperation with the non-governmental organization National Roma Centre from Kumanovo and other sectors at the Ministry of Education and Science, is developing a handbook on non-discrimination in the education system of the Republic of Macedonia.

48. The primary goal of the handbook is to establish cooperation and coordination among all competent institutions and individuals included in the education system for the purpose of providing equal conditions and opportunities for quality education to all children irrespective of religious, national or any other grounds, and establishing a monitoring system that will ensure unimpeded and quality provision of instruction for all children via mutual cooperation and inclusion of all parties concerned.

49. This project is fully financially supported by the Roma Education Fund from Budapest, Hungary.

50. An analysis determining the exact number of Roma children enrolled in schools for children with special needs and the reasons for their enrolment has been prepared and delivered to the Ministry of Labour and Social Policy. The analysis establishes that all enrolled children have a certificate of the category of their disability. It also concludes that the number and composition of the categorization commissions and the socio-economic situation of the families are part of the reasons for enrolment in such schools.

51. Aiming at eliminating the possibilities for malfeasance, the entire system is being restructured, starting with the formation of 4 regional commissions (centres) for categorization of children for special schools, with a rotating composition of doctors who identify the special needs.

- Measures are taken for inclusive education and greater enrolment in mandatory education
- Development of four-year vocational education for pupils with special needs on the principle of lifelong learning and inclusion in the higher education
- A plan for the education of children with special educational needs is being prepared
- Adaptation of computer equipment and digital teaching aids to the specific needs of the children with special needs
- Competitions have been published and completed for the purpose of raising public awareness about anti-discrimination. A point in case is the activity conducted with the Polio Plus non-governmental organization on the topic of “My different friend”
- Projects for inter-cultural dialogue.

8. Please provide information on the situation of mental health among children and adolescents in the State party and on the availability of mental health services, including preventive programmes and specialized care. Please further clarify whether primary health care includes the provision of mental health services.

52. Thus far, health care reforms in the Republic of Macedonia have addressed mental health of the entire population through development of appropriate and effective legislation and strategic document that serve as guidelines in improving mental health services for the entire population, including children and adolescents. The following strategic and legislative documents are developed:

- (a) National Strategy for mental health promotion in the Republic of Macedonia for the 2005/2012 period
- (b) Mental Health Law, 2002
- (c) National Strategy for adolescent health and development
- (d) Action Plan for Improvement of Health of Children with disabilities in Macedonia for the 2010-2018 period.

53. All these documents have addressed social stigma, segregation and exclusion from mainstream society of persons with mental health disorders, as well as respect for human and civil rights, through appropriate and effective legislation and proposed strategic direction aiming at improving the quality and accessibility of mental health services. Mental Health Law and National Strategy for mental health have integrated principles of community-based mental health care as a target in expanding availability and accessibility of mental health services.

54. Programs for promotion and prevention of mental health of children and adolescents are still far from meeting the needs of these vulnerable population groups.

55. There is a lack of professional staff: child and adolescent psychiatrist, child and adolescent psychologists and social workers.

56. There are a few existent mental health care services for children and youth on the territory of the Republic of Macedonia:

- (a) In the area of prevention and early intervention:
 - Institution for Mental Health Care of Children and Youth – Mladost (which includes 2-18 year-olds) and the Developmental Counselling Service for pre-school children (including 0-7 year-olds), both within the Health House Skopje
 - Mental health service for children and youth within the Medical Centre Bitola and the Developmental Counselling Service in Bitola
- (b) In the area of hospitals for treatment of mental health problems:
 - Department for children and youth at the Psychiatry Clinics, Clinical Centre Skopje, with 15 beds
- (c) 8 day care centres for children with developmental disabilities in the following cities in Macedonia: Tetovo, Veles, Delcevo, Makedonski Brod, Kriva Palanka, Prilep, Bitola and Skopje.

9. **Please provide detailed information on the treatment and conditions for children deprived of their liberty, especially in the Educational Correctional Institution in Skopje. In particular, please comment on measures to ensure adequate material conditions, educational/vocational and leisure-time activities, health care, separation from adults, and that disciplinary measures are consistent with the inherent dignity of the child. Please further clarify whether the State party intends to relocate the Educational Correctional Institution, and whether it has issued any guidelines with respect to children in detention.**

57. The Directorate for Execution of Sanctions has continuously taken activities and measures to improve the conditions in which minors serve an educational measure – referral to an educational-correctional institution.

58. The Tetovo Educational-Correctional Institution is a specialized institution of semi-open type in which the educational measure of “referral of minor male children to an educational-correctional institution” in accordance with Article 83 of the Criminal Code, Article 311 of the Law on Execution of Sanctions and Article 40 of the Law on Juvenile Justice is executed. The Institution accommodates minors of 14-23 years of age who have committed various crimes and on whom adequate educational and correctional measures should be imposed and who should be separated from their present living environment. It should be noted that this specialized institution is not located in Tetovo. Following the conflict in the Republic of Macedonia, more specifically since 26 December 2001, it has been seated at the remand prison in Skopje, i.e. within the open ward of the Skopje Penitentiary.

59. A priority activity of the Directorate in the past period has been ensuring adequate premises for the Tetovo Educational and Correctional Institution.

60. Namely, under the Infrastructure Projects Facility in Western Balkans (IPF) program of the European Commission, the project Reconstruction of Penitentiaries and Correctional Institutions in the Republic of Macedonia has been planned.

61. This project has been defined and a timeframe has been set for all its stages. The urban and draft projects for the following institutions have been completed: Idrizovo Penitentiary, Skopje Prison, Kumanovo Prison **and the Tetovo Educational-Correctional Institution.**

62. Construction of a new compound at the Tetovo Educational-Correctional Institution is envisaged, with the following features:

- Accommodation capacity: three pavilions - 84 beds,
- Administration, kitchen and infirmary,
- Reception ward,
- Visiting area,
- Workshops and classrooms,
- Sports grounds,
- Water treatment station and water tank, and
- Perimeter security fence.

63. A construction site has been provided and, in accordance with the feasibility report, it is envisaged that the construction of the new compound at the Tetovo Educational-Correctional Institution will start at the end of this year and will be completed by the end of 2011.

64. At the Tetovo Educational-Correctional Institution there is a special Resettlement Sector, which deals with the most important and most dynamic part of the realization of the educational measure. This sector manages the professional part of the full implementation of the Program for Individual Work with Every Minor at the Individual and Group Levels, which is a primary goal of the imposed educational measure.

65. In 2009, correctional treatment was provided to 48 minors, 17 of whom were admitted in the course of the year.

66. The correctional activities with the minors at the Institution are realized through the correctional units:

- Reception Ward;
- two open-type educational groups; and
- the Enhanced Supervision Ward (ESW)

67. The primary function of the Reception Ward is performed by the professional team that receives the minors, studies the personality of the newly-admitted minors, classifies and monitors the realization of the correctional treatment, maintains contact with the participants in the procedure and discharges minors who have fulfilled the program goals.

68. During the first 30 days upon reception, the minor goes through a process of observation and personality study, using professional methods, techniques and means. Based on the data gathered, professional findings and pedagogical, psychological and social reports are prepared. Based on the findings, a program for individual work is prepared for each minor, which constitutes the basis for realization of the correctional treatment.

69. In 2009, professional findings and programs for individual work were prepared for 14 minors.

70. In addition to the activities at the Reception Ward, the members of the professional team conduct correctional activities with minors in educational groups and at the Enhanced Supervision Ward in alternating shifts, for the purpose of maintaining continuity in the work.

71. The educational groups are structured by the criterion of personality traits of the minors, their needs in the correctional treatment and under a system of adaptability. They are heterogeneous in their composition and the correctional treatment in each educational group is adjusted to the needs of the minors and the adaptation process. The basis of the correctional work that is conducted in all educational groups is individualization of treatment and realizing all activities through group interaction. The individual work is carried out through planned and adjusted forms of advisory work. The planned discussions are conducted in accordance with previously set corrective topical goals. 2 thematic discussions are held each month and they are recorded in a special form in the professional documents.

72. In 2009, 327 planned discussions were conducted with minors in the two educational groups. Considering the fact that planned discussions were held at the Reception Ward (330) and at the Enhanced Supervision Ward (307), the total number of planned discussions with minors was 964. The discussions are important for accommodating the everyday needs of the minors, overcoming their problems and carrying out other activities related to the daily correctional activities. These discussions are recorded in a special log of correctional work: 1,172 non-planned, spontaneous discussions were held with minors in all educational groups.

73. Group work is realized through several forms and it is aimed at producing corrective changes, in which process the power of the group is used and group interactions are focused

on group stimulation and progress. Group meetings are organized once a week at which there are discussions on: collective life, group atmosphere, mutual relations, problems and manners of resolving problems, hygiene, privileges, mutual interactions, the educational process, working engagements and any other activities.

74. Group follow-up meetings are organized 2-3 times per week. They accommodate the present needs of the groups with long-term but effective interventions. Group counselling sessions are organized at least one a month or several times a month if need be. These sessions address topical subjects from everyday life, mental health, emotional, family and social life, addictions etc. They are basically of informative and educational character and encourage corrective changes.

75. In 2009, the instructors and the expert team members conducted a total of 164 group meetings, 280 group follow-up meetings and 74 group counselling sessions within group forms of work.

76. In essence, educational groups are stimulatory and encourage corrective changes, via a system of privileges that depend on conduct.

77. There are no violations of the stipulated and standardized rights, and the exercise of privileges depends on the conduct of the minor, which is aimed at encouraging responsible behaviour in minors.

78. In 2009, the minors exercised the following privileges: holiday (1), extraordinary leave (14), leave (20), good-conduct leave (16), school break (3), family care (1), town leave accompanied by a visitor (23), unaccompanied town leave (64), and visit at the Institution (293).

79. At the Tetovo Educational-Correctional Institution there is an Institution Community, which represents a form of voluntary participation of the minors in the resettlement process and is composed of all minors at the Institution. The Institution Community is represented by the Institution Board, which is composed of one representative of each educational group. The Institution Board selects its president, who is also the president of the Institution Community. The coordinator of the Institution Community is an instructor who oversees its proper functioning. The meetings usually discuss the improvement of the accommodation conditions, individual cases of deviation from the established norms of conduct, initiatives and proposals for forms of organizing leisure activities in the free time etc. The thus far experiences show that the minors demonstrate interest, creativity and initiative.

80. The educational groups synthesize, coordinate and integrate all other correctional activities, such as vocational training, the educational process and the leisure activities, which make this process complex, dynamic and progressive.

81. The educational process is conducted within the overall correctional process at the Tetovo Educational-Correctional Institution.

82. The year 2009 encompassed two school years: school year 2008/2009 and school year 2009/2010.

83. In the school year 2008/2009, 8 pupils were awarded certificates for a completed school year, while in the school year 2009/2010 a total of 23 pupils have received instruction.

84. At the Institution there is a library which has the necessary collection of books, textbooks and literature for broadening one's knowledge (the books are a donation from the Tetovo City Library and the Red Cross).

85. The working engagement of the minors in 2009 was mainly reduced to theoretical training by instructors and occasional practical renovation of the building accommodating the minors, which naturally does not suffice for complete working engagement. In spite of the lack of working engagement of the minors (for objective reasons), the Sector for Resettlement intensively carries out the educational and correctional activities.

86. The Instructor Unit adapts its activities to the conditions in order to ensure that the minors complete the vocational training successfully.

87. Practical training is conducted in the following vocations: carpentry, catering, masonry, upholstery, plumbing and agriculture, for which purpose appropriate instructors were engaged.

88. Logs are kept on the work of the minors, recording the implementation of the program as per the weekly distribution of the teaching material. Quarterly reports are prepared for the minors doing training outlining the results attained during the training, the commitment and conduct of the minor towards the tools, and training attendance. The reports are kept in the files of the minors. An instructor meeting is held once a month and it discusses the realization of the training in each vocation, the problems, the obligations and the planned activities in the forthcoming period, aiming at normal functioning of the Institution.

89. In the specific operating conditions of the Institution, special attention is devoted to the organized forms of leisure activities as a constituent part of the correctional process. The leisure activities consist of sports, entertaining and recreational activities. The minors also have access to other entertaining and creative games, especially in the winter period, such as the music club, the art club, drawing, scale modelling etc. All minors are encouraged to take part in and entertain themselves through the organized activities according to their skills and preferences. One-day trips and football matches against other educational institutions are also organized.

90. In accordance with the successful realization of the activities of the health care service, the following measures and activities are taken regularly and timely: measures for raising the level of general hygiene and the sanitary conditions in the rooms where the minors are accommodated and reside, ensuring healthy and balanced diet and fulfilling the norms related to the composition and energy value of foodstuff.

91. Raising the level of health care culture and awareness among minors is attained by giving advice and holding lectures aimed at forming positive views and acquiring knowledge of interest to the individual and collective health of the minors and by taking measures for prevention and adequate treatment of illnesses in minors.

92. In the interest of regular following of the situation of illicit abuse of psychotropic substances, such as heroin, periodical screening tests are performed on the risk group of minors for the purpose of detecting any occurrence of psychotropic substance abuse.

93. Disciplinary measures: In 2009, a total of 127 disciplinary measures were taken against minors for committing various disciplinary offences, such as wilful estrangement, breakout, aggressive conduct, privilege abuse, destructive conduct and other deviations from the set norms of conduct.

94. In some minors, the restrictive measures did not result in better cooperation and adjustability to the standard correctional activities.

95. However, in most of the minors on whom one to three disciplinary measures were imposed, the actions encouraged corrective changes and their correctional treatment is progressing well. Most of the disciplinary measures imposed are warnings, bans and

probations and are aimed at preventing misconduct and encouraging responsibility and conduct awareness.

96. There are more complex disciplinary measures as well, such as solitary confinement, which can be imposed for a period of 3-7 days and plays a security and preventive role as a pedagogical measure.

97. All disciplinary measures are recorded in a special form entitled “disciplinary punishment report”, which details the procedure of imposing the action. The imposed actions serve the purposes of correctional treatment and application of the model of stimulative correctional treatment and do not threaten the dignity of minors.

10. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

98. Regarding child protection, the Ministry of Labour and Social Policy is particularly focused on undertaking coordinated, planned and efficient measures aimed at preventing and countering sexual abuse of children and paedophilia, as well as protecting and helping street children and their families, children with developmental disabilities, children from families with several children and underprivileged and socially excluded families.

99. In November 2008, the Government of the Republic of Macedonia adopted the 2009-2012 Action Plan for Prevention and Countering Sexual Abuse of Children and Paedophilia. This document envisages a set of inter-ministerial and coordinated measures for the prevention, the protection against and the treatment of sexual abuse of children and paedophilia in the Republic of Macedonia, as well as for the inclusion of all relevant institutions and non-governmental organizations at the national and local level.

100. Aiming at achieving an effective and coordinated implementation of the Action Plan, a National Coordinative Body for the Implementation of the 2009-2012 Action Plan for Prevention and Countering Sexual Abuse of Children and Paedophilia has been established under a decision of the Government of the Republic of Macedonia and upon a proposal by the Ministry of Labour and Social Policy. The National Coordinative Body is composed of representatives of all relevant ministries and non-governmental organizations, whereas the Ministry of Labour and Social Policy acts as the coordinator of the overall activities.

101. In pursuance with the Action Plan, research and analyses have been prepared in order to establish the facts on sexual abuse of children and paedophilia in the Republic of Macedonia. This research was conducted by the Institute for Sociological Political and Juridical Research at the “Ss. Cyril and Methodius” University in Skopje, with the financial support of the UNICEF Office in Skopje. The preparation of the final survey on the conducted research is under way and is due to be published soon.

102. A national emergency line was opened for the purpose of reporting cases of sexual abuse of children and paedophilia. The National Emergency Line for Reporting Cases of Sexual Abuse of Children and Paedophilia was operative during 2009 and was managed by the First Children’s Embassy in the World “Megjashi”. With respect to the functioning of the National Emergency Line for Reporting Cases of Sexual Abuse of Children and Paedophilia, there are activities under way which are aimed at providing conditions for keeping the line operational, by once more announcing a public competition for citizens’ associations and enabling a specialized free-of-charge telephone number for this purpose

103. Furthermore, training courses for recognizing children who have been victims of sexual abuse and paedophilia have been organized for part of the employees of the social

work centres, as well as training courses for journalists offering instructions for proper informing the public in cases of sexual abuse of children and paedophilia.

104. Activities have also been undertaken for the adoption of special Code of Conduct for Journalists when covering cases of sexual abuse of children and paedophilia. Preparations are under way for the signing and promotion of the Code of Conduct for Journalists when covering cases of sexual abuse of children and paedophilia. The Code has originated from and has been proposed by the journalists themselves during three-day training courses for journalists that were organized in June and July 2009 by the First Children's Embassy in the World "Megjashi", with the financial support of the Ministry of Labour and Social Policy.

105. The next planned activity is the preparation of a Protocol for handling cases of reported sexual abuse of children and paedophilia, with the participation of all relevant ministries, institutions and non-governmental organizations.

106. The Ministry of Labour and Social Policy has developed standardized procedures and mechanisms in order to offer a thorough answer to the problem of the protection and help for street children, all for the purpose of protecting their rights, as well as providing them with conditions for proper growth and development by honouring the principles of the children's best interest, their right to life, survival and growth, non-discrimination and equal opportunities. To this end, the Government of the Republic of Macedonia has adopted a Multidisciplinary Protocol for the Treatment of Street Children in the Republic of Macedonia.

107. The Protocol is unified, standardized and creates an adequate manner of working with street children on the territory of the Republic of Macedonia, which, through its multidisciplinary and multi-sector approach, creates a basis for getting these children out of the street, as well as for their protection and full integration in society. It also creates grounds for defining and demystifying the occurrence of street children, as well as for creating an effective operational procedure which is to contribute to a quick, timely, correct and efficient reaction and coordination in identifying the need for referring these children to relevant facilities by taking into consideration the network of state/governmental and non-governmental institutions cooperating in this area. Furthermore, aimed at providing rehabilitation and reintegration for street children, the Ministry of Labour and Social Policy has opened two day-care centres for street children in Skopje. There are around 500 children annually rotating in these two centres. Moreover, a procedure is under way for opening a day-care centre for street children in Bitola, whereas such day-care centres are also to be opened in Prilep and Ohrid in the second half of 2010.

108. In addition, the UNICEF Office in Skopje has provided expert assistance for developing a training program for professionals working with street children. At the same time, there are on-going training courses for professionals, providing them instruction for their work with this category of children, as well as for working with the children's families and the entire community.

109. There are future plans for joint activities with the Roma NGO's working in this field. An invitation has been extended to all interested citizen's associations calling upon them to apply with and offer support for the efforts of the Ministry of Labour and Social Policy aimed at minimizing the damage that the street causes to the children's development.

110. Regarding the protection of children with developmental disabilities, the Ministry of Labour and Social Policy has opened 22 day-care centres, attended by 348 children with developmental disabilities.

111. According to the 2010 Social Protection Implementation Program, a day-care centre for autistic children is due to be opened in Skopje, as well as a centre in each of the

municipalities of Strumica, Valandovo, Kocani and Sveti Nikole. Furthermore, in the context of implementing the National Deinstitutionalization Strategy, there are plans for additional expansion and strengthening the existent network of non-institutional forms of protection, through the opening of 24 new housing units planned for accommodating additional 96 beneficiaries.

112. A number of strategic documents are also prepared for families with several children, as well as for underprivileged and socially excluded families in the Republic of Macedonia.

113. A National Demographic Strategy has also been adopted. This Strategy envisages a number of measures ensuring protection and assistance to families, as well as for improving parent care, by government-provided assistance.

114. Furthermore, the preparation of a National Strategy for Reduction of Poverty and Social Exclusion is under way. This document proposes measures, activities and decisions leading to social inclusion and decreasing poverty, all set in a defined timeframe. The Strategy also includes the protection of children's rights. The Ministry of Labour and Social Policy is designing a National Program for Development of Social Protection, which will define the goals, as well as the priorities and the directions in the development of social protection of citizens of the Republic of Macedonia through measures of medium and long-term active social policies.

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:

(a) New bills or laws

115. A new Law on Social Protection was adopted in June 2009³. This Law will help achieve the following priorities:

- Focusing the rights to pecuniary welfare benefit to the poorest citizens
- Providing further development of non-institutional protection by introducing a new right to self-sustained assisted life and to establishing small group households
- Improving professional work by introducing an obligation for preparation an individual plan for work with the beneficiary, except for the beneficiaries of the right to pecuniary welfare benefit
- Strengthening human resources in social protection institutions by introducing continuous training for professionals and issuing operation licences by establishing a special professional commission
- Pluralizing service providers by offering religious organizations and groups a possibility to participate in the provision of certain social services
- Continuing the decentralization through the adoption of programs reflecting the local social protection needs of citizens and offering municipalities the possibility to also introduce other social protection rights for citizens of their regions

³ Official Gazette of the Republic of Macedonia No. 79/09

- The Law stipulates that a larger one-off pecuniary benefit is to be provided for integration of children and youth in the community after leaving the institutions and the foster families care providing families

116. The Assembly of the Republic of Macedonia adopted the Law on Juvenile Justice (entered into force on June 30, 2009). It puts into operation standards defined by the following ratified international conventions and documents on the rights of the child: the UN Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children in Armed Conflict, as well as the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

117. The Law on Juvenile Justice represents a reform of the juvenile legislation of the Republic of Macedonia considering that international standards on juvenile justice are implemented in it. The Law is guided by the principle of protecting juveniles and their rights, as well as of socialization and assistance in the treatment of juveniles, of restorative justice and the prevention of juvenile delinquency.

118. Aiming at creating the necessary prerequisites for an effective application of the Law, the Government considered and adopted a 2008-2009 Action Plan and a budget framework for the implementation of the Law on Juvenile Justice.

119. In the context of monitoring the implementation of the Action Plan, the Ministry of Justice has held regular meetings with the Working Group composed of representatives of institutions relevant to the Plan's implementation.

120. Furthermore, the Ministry of Justice regularly reports to the Government on the implementation of the Action Plan. The 2008 findings of the Ministry of Justice regarding the degree of implementation of the activities foreseen in the Action Plan for the Implementation of the Law on Juvenile Justice were instrumental in prompting the Government to task the institutions in charge of the implementation of the Action Plan to intensify the planned activities according to the set deadlines and allocate funds for their realization.

121. As regards the normative framework, the following secondary legislation deriving from this Law has been designed: a Rulebook on the Conditions, the Procedure and the Manner of Issuing and Revoking the Licence for Executing the Alternative Measures, a Rulebook on the Type and Conditions for Performing Community Service (Official Gazette of the Republic of Macedonia No. 118/08), a Rulebook on the Form, Contents and the Manner of Keeping the Register of Application of the Measures of Assistance and Protection of Children and Juveniles at Risk and a Rulebook on the Form, Contents and Manner of Keeping the Register of Received Reports on Children and Juveniles at Risk (Official Gazette of the Republic of Macedonia No. 136/08).

122. Based on this secondary legislation, registers have been designed for recording the received reports and the measures of assistance and protection of children.

(b) New institutions and their mandate

123. In compliance with the Law Amending and Supplementing the Law on the Registry of Births, Marriages and Deaths, dated January 1, 2010, the competences for keeping the Registry of Births, Marriages and Deaths has been transferred from the Ministry of the Interior to the Department for Keeping the Registry of Births, Marriages and Deaths, as a body within the Ministry of Justice.

124. A National Council for Prevention of Juvenile Delinquency – a Parliamentary body has been established and the Ministry of the Interior of the Republic of Macedonia participates in it with its representative coming from the Criminal Police Sector.

(c) Recently introduced policies, programmes and plans

125. For the purpose of establishing an all-encompassing and efficient system of prevention and protection against domestic violence in the Republic of Macedonia, in April 2008 the Government adopted the 2008-2011 National Strategy for Protection against Domestic Violence. This document aims at reducing domestic violence and improving the quality of the protection by introducing systematic measures in the fields of prevention, intervention, education, monitoring and inter-ministerial coordination, in order to implement effective and efficient actions in dealing with domestic violence by maintaining a unified position and approach. A National Coordination Body has been established for the purpose of monitoring the implementation of this Strategy. It is composed of representatives of all relevant ministries and non-governmental organizations.

126. At the end of 2008, the Government of the Republic of Macedonia adopted an Action Plan for Prevention and Countering Sexual Abuse of Children and Paedophilia. This document takes an inter-ministerial approach, by including all relevant ministries, organizations and citizen's associations, as well as by undertaking in coordination comprehensive measures and activities at the level of prevention and protection, for the purpose of combating this phenomenon.

127. Under the amendments and supplements of the Law on Child Protection, a new type of child benefit has been introduced, in the context of the demographic development in the Republic of Macedonia.

128. As regards standards, a Guidebook containing the standards for work with children at risk and juvenile offenders has been prepared. Furthermore, standards required for premises for work with children at the Social Work Centres have also been designed.

129. In the context of building institutional and human resources, training programs have been prepared for judges and public prosecutors, the staff of the social work centres and lawyers. The following activities have been realized, based on these programs:

- Specialized training courses for the application of the Law on Juvenile Justice which have been attended by more than 150 judges and public prosecutors. There has been a national conference on juvenile justice, in which the representatives of different regions of the Republic of Macedonia exchanged their practices and experiences
- 12 training courses have been organized for more than 200 lawyers. 9 of these training courses have been basic courses, focused on the new role of the lawyers in the procedure for juveniles, while 3 of them have been specialized and focused on international principles on treatment of juveniles. The list of lawyers who have completed the training courses has been submitted to all relevant institutions
- 4 basic training courses have been organized for 80 (uniformed) police officers from the assistance group, on-duty officers and prevention inspectors, focusing on the competences of the police in the treatment of juveniles. Fifty police officers – juvenile delinquency inspectors and general crime and prevention inspectors have attended two specialized training courses
- The process of specializing the professional teams from all Social Work Centres has continued, by training 90 professionals on the standards for treatment of children at risk and juvenile offenders
- A suitable facility has been identified for purposes of establishing a Disciplinary Centre and the construction works for conversion of the building for this type of work have been completed. The professional staff has gone through initial training and a Work Program has been designed

130. Meetings are held with the representatives of the relevant bodies – the Ministry of the Interior, the Basic Public Prosecutor’s Office, the Skopje I First Instance Court and the representatives of the Inter-Municipal Social Work Centre of the City of Skopje, for the purpose of improving the inter-ministerial cooperation and coordination in the treatment of children at risk and juvenile offenders.

131. The following publications and analyses have been prepared: “Restorative Justice” and “Comparative Analysis on the Treatment of Juveniles by Police Officers”. The Analysis will serve as the basis for preparation of the Instructions on the Treatment of Juveniles by Police Officers.

132. Textbooks to be used in the education process have also been prepared and published. The Institute for Social Work and Social Policy has introduced Juvenile Justice as a subject in its new curriculum and has prepared a textbook for students on the role of social workers in the enforcement of the Law on Juvenile Justice, as well as a handbook for the students’ practical work. A Handbook for training courses for the police has also been prepared.

133. With regard to prevention, training courses for the work in education centres have been organized for 7 professional teams (group work with parents of children at risk and juvenile offenders). Meetings have been also held with the professional teams of 7 Social Work Centres and 2 social work public institutions for the purpose of evaluating the implementation of the group work program.

134. The start of the implementation of the Law on Juvenile Justice was promoted on June 24, 2009, whereas the already implemented, as well as future activities under the Action Plan for Implementation of the Law on Juvenile Justice were presented to 120 attending representatives of domestic and international organizations.

135. On November 16, the Assembly of the Republic of Macedonia adopted a Decision electing 15 members of the National Council for Prevention of Juvenile Delinquency, while the Council’s inaugural session was held on 27 November 2009, at which the members of the body elected the Chairperson.

136. All activities have been conducted with the technical and financial support of the Offices of the UNICEF and the OSCE in Skopje.

137. For the purpose of improving the capacity of institutions for enforcement of the Law on Juvenile Justice and preventing juvenile delinquency, the enforcement of this Law will continue in 2010 according to the 2010-2011 Action Plan, which is in preparation.

138. The following activities are to be conducted according to the revised Action Plan:

(a) Building, promoting and implementing the normative framework on juvenile justice;

(b) Strengthening the institutional and human capacities for implementation of the Law on Juvenile Justice (training courses, facilities and equipment) and

(c) Preventing juvenile delinquency at the local and national level (designing a Strategy and Action Plans for the implementation at the local level, as well as awareness raising campaigns).

139. These activities will be conducted as part of the IPA (Pre-Accession Assistance) for reform of the juvenile justice system in the 2010-2012 period, for which purposes the European Union has awarded a grant at the amount of EURO 800.000.

(d) Ratifications of human rights instruments

140. The Republic of Macedonia actively participates in the efforts of the international community aimed at protection of children against sexual exploitation and sexual abuse. Namely, the Republic of Macedonia signed the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse on 25 October 2007, for the purpose of protecting the rights of children victims of sexual exploitation and sexual abuse.

141. The 2009-2012 Action Plan for Prevention and Countering Sexual Abuse of Children and Paedophilia has been prepared after the signing of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse, which will contribute to the reduction and the effective dealing with the consequences of this phenomenon. The Plan foresees preventive measures, as well as coordinated and efficient protection by government institutions and the non-governmental sector, such as providing assistance, rehabilitation and reintegration of the children who are victims of sexual abuse.

142. For purposes of undertaking organized measures aimed at the prevention against and the protection of juvenile victims of trafficking in children and exploitation, the Subgroup for Fight against Trafficking in Children (headed by a representative of the Ministry of the Interior) has prepared the 2006-2008 Action Plan for Fight against Trafficking in Children which is implemented, whereas the preparation of another 2009-2012 Action Plan is under way. The Action Plan is based on the Convention on the Rights of the Child and it puts into operation the activities aimed at protection of children against trafficking and exploitation, i.e. measures on the prevention, protection, rehabilitation-reintegration-repatriation, as well as coordination of relevant institutions and international cooperation.

143. In 2010, the Republic of Macedonia will ratify the UN Convention on the Rights of Persons with Disabilities and the UN Convention for the Protection of All Persons from Enforced Disappearance.

Part III**1. Please provide data, if available, for the years 2007, 2008 and 2009:****(a) On the number of stateless children**

144. In the article 6 of the Law on citizenship of the Republic of Macedonia is stipulated that citizenship shall be granted to every child born on the territory in jurisdiction of the state. Furthermore, in line to the provisions of the European Convention on the citizenship in Macedonian legislation is envisaged the policy of granting citizenship to every child in order to avoid stateless children (the Convention is ratified by the Republic of Macedonia, and in accordance of the Constitution is an integral part of the national legislation). Subsequent to the provisions of the aforementioned convention in domestic legislation is enshrined that all children found or born shall be granted citizenship of the Republic of Macedonia.

145. According the article 8 of the Law on citizenship, subsequent to the decision of the respective Center for social care the child found abandon (including orphans) will be directly listed in the register of Macedonian citizens in compliance with the article 6 of the Law on the citizenship.

146. The register of the holders of Macedonian citizenship is under the jurisdiction of the Ministry of Interior of the Republic of Macedonia and it is regularly updated by the respective Ministry and its subsidiary bodies.

147. According the existing data, the Ministry of Interior of the Republic of Macedonia has undertaken action in line of the article 6 of the Law on the citizenship for one case in 2008 and one case in 2009 and citizenship has been granted to both children. In 2007 there was no case relevant to the question 1(a) of the Part III.

- (b) **On the number of children with disabilities and percentage of all children with disabilities attending regular education, changing schools, and dropping out of regular education, disaggregated by age and sex. Please further provide information on the number, and percentage of all eligible parents of children with disabilities, who have benefited from: a one-time cash assistance; special allowance; and a monthly compensation aimed at enabling them to work part-time, respectively**

148. In the 2008-2009 period, 1293 children with disabilities attending regular education were registered: 32 in preschool education, 974 in primary education, and 287 in secondary education.

149. In accordance with the Law on Child Protection, parents of children with specific needs who have physical or psychological or combined disabilities, and are below 27 years of age, are eligible for special pecuniary benefit.

150. In 2007, 5175 children, i.e. 4997 families were beneficiaries of such special pecuniary benefit, in 2008, 5597 children, i.e. 5417 families were beneficiaries of this benefit. In 2007, 719 persons were beneficiaries of pecuniary benefit, while 774 persons received pecuniary benefit in 2008. Permanent pecuniary benefit was distributed to 174 beneficiaries in 2007, while there were 291 beneficiaries in 2008. In 2007, there were 545 beneficiaries of one-off pecuniary benefit, while in 2008 there were 483 such beneficiaries. About 34 beneficiaries receive monthly salary compensation for part time work on grounds of care for a child with psychological and/or physical disabilities.

- (c) **On the number of Roma children and on the number of children among these who have birth registration; are enrolled and regularly attend primary and secondary school respectively; have access to health care and social protection services**

151. The 2005 National Roma Strategy envisages activities with respect to the education of Roma in the Republic of Macedonia as well. After adoption of this document and upon accession to the international initiative Decade of Roma Inclusion 2005-2015, four action and operative plans have been prepared involving education and upbringing.

152. In accordance with reforms in the Law on Primary Education and the Concept of Nine-Year Primary Education, Roma students have been given the opportunity to study their language and culture by introduction of optional subject Language and Culture of Roma. Instruction under this subject is delivered as of the third grade onwards to the end of primary education.

153. According to the most recent statistical data (October 2009), 12,707 Roma students attend primary and secondary schools; 10,753 attend primary, and 1,954 attend secondary schools.

154. According to the national laws of the Republic of Macedonia, competent institutions are obliged to provide to children with foreign nationality and stateless children proper assistance and protection, upon which the country of origin of the involved child is immediately notified.

155. According to information from the Ministry of Labour and Social Policy, the number of child victims of domestic violence, who were registered in the Centres for Social Work and were afforded with psychological and social care and support, was 55 in 2006; there were 35 such children in 2007, and 18 in 2008.

156. To date, official health statistic data is not disaggregated by ethnic affiliation of health service beneficiaries especially data related to health service coverage rates. One of the reasons is that the health system in the Republic of Macedonia is based on equality and solidarity, through the provision of universal financial accessibility to primary and preventative health services for women of childbearing age and for small children. Based on that, all eligible children have access to primary and preventive health care services.

157. The reduction of the health risks in socially vulnerable families in the area of the health of women and children is additionally realized through several vertical programs for health protection that are financed by the Budget of the Republic of Macedonia. The vertical programs are as follows:

(a) Program for compulsory health insurance for all citizens in the Republic of Macedonia for 2010⁴

158. This Program provides conditions for inclusive health insurance for all citizens in the Republic of Macedonia who are not covered by compulsory health insurance otherwise. According to the financial analyses, 35,000 citizens are covered with this Program which allocated 180,000.00 denars from State budget.

(b) The Program for active health protection of mothers and children in the Republic of Macedonia in 2010⁵

159. This programme has the purpose of ensuring equal access to basic health services for all women in relation to safe motherhood and for all children in relation to their healthy start of life and provision of conditions for optimum growth and development of the children, regardless of the social, economic, ethnic or religious background.

(c) Program Health for all in Republic of Macedonia for 2010⁶

160. This Program provides free medical check-ups to all citizens in the Republic of Macedonia regardless of their health insurance status. The activities includes free preventive exams, measuring blood pressure, weight and height, index body mass, determination of sugar in the blood and other medical advice.

(d) Program for obligatory immunization of the population in Republic of Macedonia for 2010⁷

161. This Program provides continuously obligatory immunization against certain diseases.

(e) Program for preventive health care in Republic of Macedonia for 2010⁸

162. This program includes measures and activities which ensure achievement of the guaranteed rights, defined needs and interests of all citizens in the Republic of Macedonia and are aimed on improving the health prevention and combating diseases.

⁴ Official Gazette of Republic of Macedonia No 20/2010.

⁵ Official Gazette of Republic of Macedonia No 20/2010.

⁶ Official Gazette of Republic of Macedonia No 07/2010.

⁷ Official Gazette of Republic of Macedonia No 07/2010

⁸ Official Gazette of Republic of Macedonia No 07/2010.

(f) Program for systematic check-ups of pupils and students in Republic of Macedonia for 2010⁹

163. This program has the purpose of developing monitoring of the nutrition status, detection of risk factors for certain diseases, diagnosis of disorders and diseases, correction and treatment of the identified anomalies and disorders among the students.

2. With reference to child abuse, including sexual abuse, please provide disaggregated data (by age, sex, and types of violations reported) for the years 2006-2008 on the cases of child abuse reported, the number and percentage which have resulted in either a court decision or other types of follow-up, and the number and proportion of victims who have received counselling and assistance for recovery.

164. The issue of sexual abuse of children and paedophilia, especially criminal cases committed in a cruel and brutal manner against children, most often of 14 years of age and under, caused strong reactions in the general public in the 2008-2009 period.

165. On 29 September 2009, the Government of the Republic of Macedonia considered and endorsed the Information by the Ministry of Justice on criminal offences relating to child abuse and paedophilia for the 2005-2008 period. This information considers the type of criminal offence, crime perpetrators and their victims, and the pronounced verdicts for the 1 January 2005-30 June 2008 period.

166. According to data provided by first instance courts in the Republic of Macedonia, it is evident that 'Crimes against Sexual Freedom and Sexual Morality' in Chapter 19 of the Criminal Code are on the rise, especially the crime under Article 188 of the Code 'Sexual Attack upon a Child under 14' which is present with 85% in relation to other crimes defined in this Chapter of the Code.

167. Furthermore, cases of the crime under Article 194 'Incest' and the crime under Article 193 'Showing Pornographic Material to a Minor' have been also registered.

168. The age of perpetrators of this type of crimes ranges from 21 years (the youngest) up to 78 years of age (the oldest).

169. However, the age of victims of such crimes has gone down, and the youngest victim was only 7 years old.

170. With regard to pronounced sentences:

- Suspended sentences were given in 20 cases, or in 27% of all such cases
- In 16% of such cases, prison sentences vary from 3 months to one year

Sentences pronounced by certain courts show that such sentences were mostly short and suspended.

171. Based on information provided by the Courts of Appeal in the Republic of Macedonia, it can be concluded that in most cases the Courts of Appeal amended the initial sentences. In 10 cases, the prison sentence was made longer, while in 7 other cases the prison sentences were reduced.

172. This data points out the fact that by amending the initial sentences, Courts of Appeal represent a factor of correction in the penal policy; in other words, this shows a somewhat

⁹ Official Gazette of Republic of Macedonia No 20/2010.

stricter penal policy, taking in consideration the rate of increase of these crimes, and especially taking in account children as victims and the manner of perpetration of these crimes.

173. Taking due account of this analysis, the Government of the Republic of Macedonia tasked the Ministry of Justice to design amendments to Chapter 19 'Crimes against Sexual Freedom and Sexual Morality' of the Criminal Code.

174. Similarly, the aforementioned Information has been also sent to the Ministry of Labour and Social Policy, so that proper measures are taken against parents of children who are victims of such crimes, on grounds of parental negligence, including also revoking of the parental rights.

175. In accordance with records kept by the Sector for Analytics, Research, and Documentation, data is hereby submitted on type of crime and on the gender of minors; on the other hand, statistical records are not officially kept concerning the age of minors who are victims of such abuse.

176. Pursuant to the provisions of the Criminal Code of the Republic of Macedonia, abuse of minors is penalized under special paragraphs in relevant Articles of the Code, since such type of incrimination presents a complex psychological and social problem and involves sexual, physical, verbal, psychological, intellectual and spiritual ill-treatment.

177. Sexual abuse is most often involved, as defined in Chapter 19 of the Criminal Code. In the 2006-2008 period, there were 221 cases of such crimes recorded in the Republic of Macedonia, in which 260 minors (221 girls and 39 boys) were victims of sexual abuse.

	2006			2007			2008		
Chapter 19 'Crimes against Sexual Freedom and Sexual Morality'	Total number of crimes	Victims per gender		Total number of crimes	Victims per gender		Total number of crimes	Victims per gender	
		M	F		M	F		M	F
Sexual Attack upon a Minor under 14 Years, Art. 188	57	6	49	53	11	41	52	11	47
Statutory Rape with Misuse of Position, Art. 189, para.2	2		2				2		6
Satisfying Sexual Passions in front of Another, Art.190, para.2	6		7	1		14	11	8	9
Mediation in Conducting Prostitution, Art.191 para.4	6		11				3		3
Procuring and Enabling Sexual Acts Art.192 para.2	3		3	4		3	9	1	8
Showing Pornographic Materials to a Child	2		3	2		4	3	2	2

Art.193									
Incest, Art.194 para.3	2		4	1		1	3		4

178. Victims of sexual abuse are mostly girls, with more than 85% of such cases; however, it is indicative that since 2007 the number of abused boys has doubled.

179. In the context of criminal offences against marriage, family, and youth, 313 such crimes were registered, in which 224 boys and 173 girls were the victims.

	2006			2007			2008		
Chapter 20 'Crimes against Marriage, Family, and Youth'	Total number of crimes	Victims per gender		Total number of crimes	Victims per gender		Total number of crimes	Victims per gender	
		M	F		M	F		M	F
Extra-marital Life with a Minor, Art.197	14		15	27		27	21		21
Taking Away a Minor, Art.198	16	9	7	21	17	6	47	38	9
Deserting a Helpless Child, Art.200	2		2	3	2	3	4	3	1
Neglecting and Mistreating Minor, Art.201	23	21	13	46	36	21	33	31	17
Serving Alcoholic Drinks to Minors, Art.204	3	1	3	36	46	15	17	20	9

180. In context of these crimes, it is indicative that same persons appear on several occasions as victims, especially in cases of crimes of 'Neglecting and Mistreating Minor', and 'Taking Away a Minor'.

181. Minors are victims of organized crime, as well. In the context of cases of trafficking in human beings, a case was recorded in 2006 when a juvenile mother was induced to sell her own daughter aged 7 months. In context of forced prostitution, a case was recorded when 13 juvenile girls (12-18 years) were compelled, under threat of physical force, to engaged in prostitution in the homes of the perpetrators or in motels.

182. In 2007, cases of trafficking in human beings, 3 juvenile girls were resold and sexually exploited, while cases of mediation in conducting prostitution and of procuring involved 4 juvenile girls.

183. In 2008, 9 crimes of 'Trafficking in Minors' were identified; charges were brought against owners of restaurants and motels and their employees who resold and sexually exploited 11 juvenile girls (8-17 years), all Macedonian nationals.

2006	2007	2008
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Chapter 34 'Crimes against Humanity and International Law'	Total number of crimes	Victims per gender		Total number of crimes	Victims per gender		Total number of crimes	Victims per gender	
		M	F		M	F		M	F
Trafficking in Minors Art.418 d							9		11
Trafficking in Human Beings Art.418 a, para.5	1		1			3			

184. What is worrying is the fact that in context of the aforementioned crimes minors were brutally sexually and physically mistreated, while some cases also involved the parents of the minor victims as perpetrators of such type of crimes.

185. In the analysed period, minors were also victims in cases of crime 'Murder'; i.e., 5 girls and 5 boys were murdered.

186. In 2006, 5 murders were recorded: 4 by firearms and one by suffocation of the victim, thus 4 boys and 2 girls lost their lives. In 2007, 3 murders were recorded involving firearms, knife, and physical force, whereby 2 girls and one boy lost their lives. In 2008, one murder of a girl was recorded by poisoning the victim with toxic liquid.