



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Written replies by the Government of the Former Yugoslav Republic of Macedonia concerning the list of issues (CRC/C/OPAC/MKD/Q/1) to be taken up in connection with the consideration of the initial report of the former Yugoslav Republic of Macedonia under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/MKD/1)*

[Received on 19 April 2010]

- 1. Please clarify whether at present mandatory conscription for the Armed Forces in the State party has been suspended and/or abolished. Please inform the Committee of any measures taken by the State party to verify the age of volunteers and/or persons mandatorily conscripted into the Armed Forces.**

1. The Law on Defence (Official Gazette of the Republic of Macedonia No. 42/01, 5/03, 58/06 and 110/08) stipulates that all citizens of the Republic of Macedonia, aged from 18 to 55, are subject to national military service. Citizens have the right to do their military service voluntarily in a way and under conditions defined by the Law on Defence. Voluntary military service in the Republic of Macedonia lasts three months.

2. Any citizen of the Republic of Macedonia, who is considered to be “able to do military service”, may, upon his/her own request, be sent to do military service after reaching the age of 18. The citizens prove their age on the basis of a document issued by competent departments of the Ministry of the Internal Affairs.

* 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. Please describe legal measures in place to prohibit and criminalize the recruitment or use in hostilities by armed groups other than the Armed Forces of the State party, in accordance with article 4, paragraph 2, of the Optional Protocol.

3. The Law on Military Service of the Republic of Macedonia regulates, inter alia, the reception of persons for doing their military service at the Army. One of the general conditions is that a person has to be of a legal age. The legal age is reached after reaching 18 years of age.

4. Therefore, it can be concluded from the above-mentioned that the mandatory conscription for the armed forces in the Republic of Macedonia has been abolished. The members of the armed forces are not younger than 18 years of age, and this matter is regulated by a law.

3. Please explain whether the State party can assume extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 years into the Armed Forces or using them to participate actively in hostilities. In relation to extraterritorial jurisdiction, please inform the Committee whether courts have jurisdiction in cases of forced recruitment or involvement in hostilities of a person under 18 years if committed outside the State party by or against one of its nationals.

5. The acts of the war crime of conscripting or enlisting children under the age of 15 years into the armed forces or using them to participate actively in hostilities committed extraterritorially are incriminated in the articles 116 through to 121 of the Criminal Code. In addition, courts have jurisdiction and may file cases on forced recruitment or involvement in hostilities of a person under 18 years if committed by or against one of its nationals outside territory of the Republic of Macedonia.

4. Please provide disaggregated data (including sex, age and country of origin) covering the years 2007, 2008 and 2009 on the number of children with refugee and/or humanitarian status in the State party who have been displaced by conflicts in neighbouring countries; and on the number of unaccompanied asylum-seeking, refugee and migrant children coming to the State party from areas affected by armed conflict. Furthermore, please explain mechanisms in place to identify children who have been involved in armed conflict, in order to provide them with physical and psychological recovery measures.

6. Data about children-asylum seekers and about refugees in the Republic of Macedonia:

2007

- **Age group 0-5:** males 145, females 140, total 285
- **Age group 5-18:** males 384, females 368, total 752

2008

- **Age group 0-5:** males 139, females 121, total 260

- **Age group 6-11:** males 151, females 149, total 300
- **Age group 12-17:** males 115, females 135, total 250

2009

- **Age group 0-4:** males 79, females 73, total 152
- **Age group 5-17:** males 256, females 282, total 538

7. In respect of the issue of the country of origin of asylum-seekers and of refugees in the Republic of Macedonia, respectively, it is underlined that the greatest number of them, or 98%, are from Kosovo, and only a small number come from Afghanistan, Serbia, Iraq, Iran, Eritrea, Somalia and India. In the case of non-accompanied children asylum-seekers or refugees, the Ministry of Labour and Social Policy, through the Social Work Centres, appoints a guardian for the juveniles ex officio and, in compliance with the Law on Social Protection, they are placed at the Reception Centres for asylum-seekers or, if necessary in certain cases, the competent persons from the Social Work Centres place the juvenile asylum-seekers at adequate institutions.
