



# 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 to the list of issues (CRC/C/OPSC/MKD/Q/1) to be taken up in connection with the consideration of the initial report of the former Yugoslav Republic of Macedonia submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MKD/1)\***

1. Please provide, if available, disaggregated data (including by sex, age group, urban/rural area) for the years 2007, 2008 and 2009 on:

(a) The number of reported cases of sale of children, child prostitution and child pornography; the number of cases prosecuted and the outcome of these cases, including withdrawals; any institutional measures adopted to investigate these cases; and sanctions for perpetrators

1. As of 2005, the Sector for Equal Opportunities at the Ministry of Labour and Social Policy also includes the Office of the National Mechanism for Referral of Victims of Trafficking in Human Beings (NRM). In context of its competences relating to prevention and protection of victims of trafficking in human beings, the coordinative Office of the NRM provides, in cooperation with the Centres for Social Work, assistance and protection to victims of trafficking in human beings, mostly women and children.

2. In order to reach higher efficiency in appropriate prevention and protection of victims of trafficking in human beings, especially child victims of trafficking in human beings, the Ministry of Labour and Social Policy proposed amendments to: the Law on Family (Official Gazette of the Republic of Macedonia No. 84/08) whereby a new Chapter (C-a) 'Custody of Minors-Victims of Human Trafficking' was added, and the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79 of 24 June 2009) by adding Art. 31. This Article provides for non-institutional protection which is provided, at or by the Centre for Social Work, in a so-called Centre for Daily and Temporary

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

Admission and Care for Victims of Trafficking in Human Beings. To this end, the Government of the Republic of Macedonia allocated an apartment where the said Centre will be located. Drafting of bylaws and other acts is under way in order to make the Centre operative. Competent institutions for the operation of the Centre for victims of trafficking in human beings are: the Ministry of Labour and Social Policy, the Inter-municipal Centre for Social Work in Skopje, and the Ministry of the Interior, while psychological and social support will be provided by NGOs which are specialized in treatment of victims of trafficking in human beings.

3. The 2009 amendments to the Law on Child Protection and its Art. 9 prohibit all forms of sexual exploitation and sexual abuse of children (child pornography, child prostitution), forced procurement, sale or trafficking in children, psychological or physical violence and mistreatment, punishment or other inhuman treatment, all types of exploitation, commercial exploitation and abuse of children, whereby fundamental human freedoms and rights and rights of the child are violated.

4. In 2007, the NRM Office recorded 37 cases of trafficking in human beings processed by social workers, of which 30 cases involved minors, as follows: 6 or 16% minors in the 8–14 age group; 24 victims or 65% in the 15–18 age group; 4 persons or 11% were in the 19–22 age group; and 3 women or 3% were in the 23–26 age group. All victims were females. Out of the total number of victims, 16 or 43% were persons belonging to the Roma community; 10 persons or 27% were of Macedonian ethnic affiliation; 8 persons or 22% were of Albanian ethnic affiliation; and, 3 victims or 8% came from the Turkish community. It is to be noted that even 62% of cases of victims of trafficking in human beings come from the urban environment, while 35% of such victims originate from rural environment.

5. In 2008, 11 minors/local victims of trafficking and of 3 minors/foreign nationals were identified. Their age was between 8 and 17 years. All minors were given a temporary guardian.

6. In 2009, the NRM Office and competent Centres for Social Work offered assistance and support to 8 persons, including 6 minors; all such persons were referred to the Shelter Centre for Victims of Trafficking. In addition, in 2009, the Centres for Social Work appointed temporary guardian to 4 minors-foreign nationals who were accommodated at the Shelter Centre for Foreigners.

**(b) The number of child victims provided with recovery assistance and compensation as indicated in article 9, paragraphs 3 and 4, of the Protocol, including compensation granted from the compensation fund**

7. In the context of its competences relating to prevention and protection of victims of trafficking, the coordinative NRM Office, together with Centres for Social Work, provides assistance and protection to victims of trafficking in human beings.

- *Preliminary evaluation of the needs* of persons assumed to be victims of trafficking, organization and coordination of proper assistance (crisis intervention, psychological and social support and counselling, food, clothes, medical care)
- *Referral to the Shelter Centre for Victims of Trafficking*, at the NGO 'Otvorena Vrata' ('Open Door') with which a Memorandum of Cooperation has been signed, or to the Shelter Centre for Foreigners (by the police), return to their family, or finding a proper place for accommodation
- *Collecting necessary documents* for such persons: personal documents, healthcare booklets, etc.

- *Protection coordination* (contact with the family of victim, appointing special guardian for minors, assessment of conditions and opportunities to return to the victims' families, etc.)
  - *Informing victims on their rights and status* (legal aid, information on legal provisions, representation)
  - *Preparation and implementation of individual resettlement program*, and
  - Reintegration of children-victims of trafficking. The programme is designed on basis of individual needs and abilities of every victim
8. The Programme provides:
- *Therapeutic activities, such as:* short-term, symptomatic therapy and long-term (developmental) therapy
  - *Activities related to the exercise of rights* in the fields of public health, housing, legal aid and social security, education and employment
  - *Social-educational activities* that include two groups: with the child and his/her primary environment (parents/guardian of the child-victim of trafficking in human beings, as well as other persons important for the child)
9. In 2007, 13 persons were referred to the shelter for victims of trafficking in human beings; in respect of 4 girls family assessments were made and possibilities were considered for return to their families in the Republic of Macedonia; 4 girls received direct assistance and they are included in the program for resettlement and reintegration which is financially supported by the IOM. A temporary guardian was appointed for seven children-foreign nationals placed at the Transit Shelter for Foreigners, who provided care for the children's interests until their return to their countries.
10. In 2008, the legal counsellor at the Office of the National Referral Mechanism (NRM) was appointed as a special guardian and, at the same time, he represented 9 juvenile victims of trafficking in human beings at the First Instance Court Skopje I in Skopje. The court procedures at the First Instance Court Skopje I were completed. The sentences for the indicted ranged from 4 to 7 years, and compensation claims were granted. The indicted were obliged to pay off the compensation and to indemnify nonmaterial damage in the amount of 200,000.00 to 500,000.00 denars.
11. In 2009, the legal representative worked with 2 juveniles-victims in respect of whom proceedings have been instituted. In December 2009, the legal representative of the NRM represented a victim of trafficking in human beings at the First Instance Court Skopje 1 in Skopje, for the crime of trafficking in juveniles, Art. 418, paragraph 1 of the Criminal Code of the Republic of Macedonia.

**(c) The number of reported cases of crimes related to child sex tourism involving Macedonian children, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators**

12. For the time being, there are no indicators for such type of abuse of children in the Republic of Macedonia. Given the fact that it is a problem of international character, the Government remains seriously committed to following the international trends, and it cooperates with international organizations and bodies that monitor issues in this area. However, the national legal regulations include sanctioning of Macedonian nationals that would, eventually, participate in such an illegal act.

**(d) The incidence of practices that involve the transfer of a child by any person or group of persons to another for any type of consideration (such as for the purpose**

**of forced early marriages and exploitation through begging), and any available indicators of the number of children affected by such practices**

13. In respect of the incidence of practices that involve transfer of a child by any person or group of persons for the purpose of exploitation through begging, there have been cases of organized transfer of children to tourist resorts in the Republic of Macedonia (to Ohrid, for example) for begging, especially during the summer period. In addition, such groups have been noticed also in Tetovo and Gostivar, especially during the Muslim holidays. At present, activities are undertaken to identify these children in order to define their number.

**2. Please provide a brief update on the implementation of and specific budgetary allocations for the 2006 Action Plan to Combat Trafficking, the 2008 Action Plan for Prevention and Fight against Sexual Abuse and Paedophilia, and the 2008 Programme for Re-socialization and Reintegration of Child Victims of Trafficking, in relation to the sale of children, child prostitution and child pornography. Please further provide the most relevant information on the competent authorities responsible for their implementation and monitoring.**

14. The allocations for the realization of the activities of the 2006 Action Plan to combat trafficking under the competence of the Ministry of Labour and Social Policy, were provided by the OSCE Mission in Skopje in the amount of 1,673,600 denars, and they are intended for the functioning of the NRM in the course of 2006.

15. In the context of the implementation of the 2008 Program for resettlement and reintegration of child victims of trafficking, funds were provided by the IOM Office in Macedonia, as well as professional assistance from the social work centres and from the Office of the NRM.

16. The allocations necessary for the realization of the Action Plan for prevention and Countering sexual abuse and paedophilia are projected under the budgets of each ministry responsible for the implementation of the measures within its competence. The monitoring of the implementation of the Action Plan is carried out by a National coordination body consisting of representatives of all relevant ministries and non-governmental organizations.

**3. Please inform the Committee of any research carried out on the issues of sale of children, child prostitution, child pornography and child sex tourism, as well as the impact of new technologies such as the Internet on such crimes.**

17. In 2007, the Ministry of Labour and Social Policy carried out two researches through the Office of the NRM.

18. Aiming at developing the cooperation between the NGOs and the institutions, the Coordination Office of the NRM has carried out an analysis of the conditions and capacities of non-governmental organizations that work in the field of fight against trafficking in human beings. This analysis has been made on the basis of a detailed questionnaire. This questionnaire has been filled in by 16 NGOs that have programs in the field of fight against trafficking in human beings.

19. The second research refers to children on the streets – street children from the legal aspect. The legal analysis identifies mechanisms and procedures, the existing legal provisions related to the prevention and protection of street children. This document also offers conclusions and recommendations for future measures for the promotion, and prevention and protection of these children against trafficking in children for the purpose of their exploitation through begging.

20. The National Referral Mechanism for victims of trafficking in human beings has carried out a telephone survey, in the period from 5 to 15 May 2008, to investigate the

extent of information of Macedonian citizens about the issue of trafficking in human beings in the Republic of Macedonia.

21. This survey has been made using a detailed questionnaire on a representative sample consisting of 1,022 respondents from the population in Macedonia. In this respect, the demographic data of the population, such as gender, age, education, ethnic affiliation, place (rural or urban environment) and region have been recorded. The largest part of the respondents or 50.9% has said that children belong to the category exposed to the greatest risk and that they are the most often victims of trafficking. They are followed by women, at the age of 18 to 35 with 38.9% and by women older than 35 who are mostly connected with forced labour, the same as men. The public has been informed about the results obtained from this survey by the Minister of Labour and Social Policy at a public debate, broadcast by the media.

22. In compliance with the 2009/2012 Action Plan for Prevention and Countering sexual abuse of children and paedophilia a research and an analysis were conducted in the period June–December 2009 related to the sexual abuse of children and paedophilia in the Republic of Macedonia. This research was conducted by the Institute for Social and Juridical Political Researches at the Ss Cyril and Methodius University in Skopje, with the financial assistance from the UNICEF Office in Skopje. The preparation of the concluding study on the implemented research is underway, and it is expected to be published in near future.

**4. Please provide information, if any is available, on specifically targeted preventive measures that have been put in place for particularly vulnerable children, such as Roma children, children in street situations and children who lack birth certification and/or registration. With reference to the extreme vulnerability of street children to crimes under the Optional Protocol, please describe measures undertaken by the State party to prevent and protect children, and provide services for recovery and reintegration thereto.**

23. In November 2007, the Ministry of Labour and Social Policy launched a media campaign to raise the public awareness about the risks and threats from the trafficking in human beings, under the motto: "*It is a simple...*".

24. The target groups were the young, the vulnerable groups (single mothers, victims of domestic violence, persons that are materially not secured, children) from the urban and rural environment, as well as citizens in general. This campaign included distribution of printed materials, posters, leaflets, t-shirts, labels and calendars. There was also a banner on the web page of the OnNet, as a link to the web page of the Ministry of Labour and Social Policy containing information about protection against trafficking in human beings. Labels were placed in restaurants and bars containing a warning content. A promotional TV spot was produced which was broadcast on the national and local TV channels. This media campaign ended in March 2008.

25. The Ministry of Labour and Social Policy has developed standard procedures and mechanisms to provide a full-scale response to the issue of protection of and assistance to street children with the aim of protecting the rights of these children, as well as ensuring their proper growth and development, respecting the principles of the best interests of the child, the right of children to life, survival and development, non-discrimination and equality of opportunities. In this context, a Multidisciplinary Protocol has been adopted by the Government of the Republic of Macedonia with regard to the treatment of street children in the Republic of Macedonia.

26. In addition, the Ministry of Labour and Social Policy has opened two day-care centres in Kisela Voda and Avtokomanda for the Skopje street children aimed at their recovery and reintegration. Around 500 children rotate annually in these two day-care

centres. In addition, a procedure is under way for opening such a day-care centre for the Bitola street children, while the opening of day-care centres in Prilep and Ohrid is planned for the second half of 2010.

27. Furthermore, the Office of the UNICEF in Skopje, has provided expert assistance for development of a training program for professionals who work with street children. At the same time, training is underway for professionals who work with this category of children, with their families, as well as with entire community.

28. Joint activities with the Roma NGOs active in this area are also planned for the forthcoming period. An open invitation has been sent to all interested associations of citizens to take action and give their support to the efforts of the Ministry of Labour and Social Policy in order to alleviate the damages which street life inflicts upon the children's development.

**5. Please provide information on mechanisms in place to ensure that child victims of offences under the Optional Protocol who are foreign nationals are properly identified and receive protection and assistance for recovery and reintegration.**

29. In compliance with the national regulation on children who are foreign nationals and for stateless children, the social work centre is obliged to provide proper protection and assistance and to inform their countries of origin immediately. In compliance with the Law on the Family, the social work centre provides custody for child victims, takes care of them through the system of social assistance and protection, provides for their care and psychological and social support, and assists in the process of finding and returning children to their families or to their countries of origin.

**6. Please provide updated information on the measures undertaken and budget allocated in order to ensure the social integration and physical and psychological recovery of child victims.**

30. The Budget of the Ministry of Labour and Social Policy provides allocations for the exercise of the rights in the area of social protection, including the institutionalized and non-institutionalized protection, as well as for the activities of the social protection institutions, including for social reintegration and physical and psychological recovery of child victims. The total 2010 allocations for social protection are defined by the 2010 Program for social protection, adopted by the Government of the Republic of Macedonia which can be seen at the webpage of the Ministry of Labour and Social Policy.

**7. Please indicate efforts by the State party to strengthen the capacity of local-level authorities in the implementation of the Optional Protocol. Please further clarify whether the State party has organized training on the provisions of the Optional Protocol to all relevant professional and para-professional groups, including immigration and law enforcement officers, judges, social workers, teachers and legislators.**

31. Many activities have been undertaken in the past years in order to strengthen the capacity of local-level authorities in the implementation of the Optional Protocol. Amongst others, the following Conferences, studies, seminars and round tables should be highlighted:

- PUBLIC DEBATE ON THE PROPOSAL TO ADOPT A LAW ON JUVENILE JUSTICE
- JUVENILE JUSTICE – TREATMENT OF JUVENILES
- DETECTING AND PROSECUTING CRIMES OF DOMESTIC VIOLENCE
- DETECTING AND PROSECUTING CRIMES OF DOMESTIC VIOLENCE

- JUVENILE JUSTICE – TREATMENT OF JUVENILES
  - DETECTING AND PROSECUTING CRIMES ACTS OF DOMESTIC VIOLENCE
  - JUVENILE JUSTICE – TREATMENT OF JUVENILES
  - JUVENILE JUSTICE – TREATMENT OF JUVENILES
  - JUVENILE JUSTICE – TREATMENT OF JUVENILES
  - JUVENILE-VICTIM AND JUVENILE IN CONFLICT WITH THE LAW
  - JUVENILE JUSTICE – TREATMENT OF JUVENILES
  - IMPROVEMENTS IN THE FAMILY LEGISLATION VERSUS DOMESTIC VIOLENCE
  - IMPLEMENTATION OF THE LAW ON JUVENILE JUSTICE
  - SEXUAL ABUSE OF CHILDREN AND THEIR CRIMINAL LAW PROTECTION
  - CRIMES RELATED TO SEXUAL ABUSE AND VIOLENCE AGAINST CHILDREN
  - IMPLEMENTATION OF THE LAW ON JUVENILE JUSTICE
  - CRIMES RELATED TO SEXUAL ABUSE AND VIOLENCE AGAINST CHILDREN
  - CRIMES RELATED TO SEXUAL ABUSE AND VIOLENCE AGAINST CHILDREN
  - PLACEMENT OF CHILDREN AND POSSIBLE CONSEQUENCES- INTERNATIONAL ASPECTS
  - CONFERENCE: DOMESTIC VIOLENCE AND TRAFFICKING IN HUMAN BEINGS
  - STUDY: STAY RELATED TO JUVENILE JUSTICE
  - INTERNATIONAL ABUSE OF CHILDREN- NEW CHALLENGES
  - IMPLEMENTATION OF THE LAW ON JUVENILE JUSTICE
  - IMPLEMENTATION OF THE LAW ON JUVENILE JUSTICE
  - IMPLEMENTATION OF THE LAW ON JUVENILE JUSTICE
  - CRIMES RELATED TO SEXUAL ABUSE AND VIOLENCE AGAINST CHILDREN
  - TRAFFICKING IN CHILDREN AND THEIR EXPLOITATION
-