



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1510th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Thursday, 27 May 2010, at 3 p.m.

*Chairperson:* Ms. Lee

## Contents

### Consideration of reports of States parties (*continued*)

*Initial report of the former Yugoslav Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)*

*Initial report of the former Yugoslav Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)*

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports of States parties (continued)**

*Initial report of the former Yugoslav Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/MKD/1; CRC/C/OPSC/MKD/Q/1 and Add.1)*

*Initial report of the former Yugoslav Republic of Macedonia on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/MKD/1; CRC/C/OPAC/MKD/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, members of the delegation of the former Yugoslav Republic of Macedonia resumed places at the Committee table.*

2. **Ms. Aidoo** welcomed the State party's adoption of a multidisciplinary protocol for the treatment of street children. She wished to know whether the protocol would tackle the root causes of the problem so that preventive strategies could be developed. It would also be helpful to know whether the day-care centres in Skopje referred to in the written replies to the list of issues would be extended to other towns and cities and what action was being taken to ensure the birth registration of street children, many of whom lacked access to essential services.

3. **The Chairperson** asked for more information on the reasons for the decline in the number of hospitals that were certified as baby-friendly between 2005 and 2008, purportedly because they failed to comply with the requirements for breastfeeding. There were reports that food companies actively advertised breast-milk substitutes for infants at 4 months despite the adoption of legislation on the marketing of such substitutes and the international norm of six months of exclusive breastfeeding. There were also reports that children were not separated from adults in prison. She asked what was being done to remedy the situation not only in Skopje but also other parts of the country.

4. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia), regarding the question of whether the Department on Child Rights Protection was adequately staffed, said that amendments introduced to the law on the Office of the Ombudsman envisaged the creation of four new departments under the Office, covering discrimination, special needs, torture and children's rights. The relevant by-laws had been adopted and the legal requirements for the establishment of those departments had been fulfilled.

5. **Ms. Jakovcevska** (the former Yugoslav Republic of Macedonia), referring to the question raised concerning undocumented children, said that, under the law on nationality, any child born of unknown or stateless parents in the territory of the country would acquire Macedonian nationality. Under the law on birth registry, a child of unknown parents was registered in the birth registry in the place where he or she was found. If it turned out, before the child reached the age of 15, that his or her parents were foreign nationals, the child was no longer entitled to citizenship. The decision to grant nationality was made and records were kept by the Ministry of Internal Affairs. The Ministry had adopted eight decisions granting children nationality between 1994 and 2008. In 2009, an appeal was won against a negative decision of the Ministry and the person in question was granted citizenship.

6. **Mr. Kotrane** would like to know what criteria, other than being born in the territory of unknown or stateless parents, were used for determining eligibility for citizenship. It was not clear whether children of Macedonian parents automatically obtained Macedonian citizenship or whether the mother and father were equally entitled to transmit citizenship to their children.

7. **Ms. Al-Asmar** (Country Rapporteur) asked whether the registration process was affordable for all families.
8. **Ms. Jakovcevska** (the former Yugoslav Republic of Macedonia) said that under the law on nationality the birth of a foundling could be registered in any part of the country, and birth registry fees were nominal.
9. **Mr. Kotrane** requested further clarification of the question he had raised earlier. He understood that the State party applied the rule of *jus soli*. It was not clear, however, whether the children of Macedonian citizens who were born abroad automatically received Macedonian citizenship.
10. **The Chairperson** asked why the State party had not yet ratified the Council of Europe Convention on the avoidance of statelessness in relation to State succession.
11. **Ms. Jakovcevska** (the former Yugoslav Republic of Macedonia) said that Macedonian citizens with children born abroad must apply to the relevant office in the former Yugoslav Republic of Macedonia or consular office for registration of the children in the birth registry. The child would then acquire nationality. If they had not done so, the person in question could apply for Macedonian citizenship on his or her own between the age of 18 and 25 on the basis of the nationality of either parent. She did not know the current status of ratification of the aforementioned European Convention.
12. **Mr. Mucha** (the former Yugoslav Republic of Macedonia) said that adoption procedures were covered by the law on the family. Adoption applications were filed with the relevant social welfare centre. Professional teams then processed the applications within six months. The applications were subsequently submitted to a commission under the Ministry of Labour and Social Policy. The adoptive family then underwent a three-month trial period to determine whether the adoption was suitable. On successful completion of the trial period, the adoption was finalized and the child's identity was changed. The law stipulated that the adoption procedure was entirely confidential.
13. **Mr. Citarella** requested clarification as to whether the social welfare centre was responsible for determining whether a given adoption was feasible.
14. **Mr. Puras** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) asked for more information on the amendment to the law on the family mentioned in the delegation's introductory statement, according to which the selection of adoptive parents would be made by electronic means. More details were needed to assess whether the amendment would meet the needs of both the children and the family in question and was in the best interests of the child.
15. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that by law the social welfare centres recommended whether or not a child should be adopted by a given family. If the centre considered a child had adjusted well to a family, it then submitted a recommendation to the aforementioned commission and a decision was taken. Turning to the electronic selection of adoptive parents, he said that there were more potential adoptive parents applying to adopt children — over 700 in total — than there were children up for adoption. The electronic adoption process had been established to avoid abuse in the adoption decisions. The potential adoptive parents' educational level, social status and other indicators were entered into a database to select the best possible candidates. The potential adoptive families were narrowed down to five candidates, who were then selected by the commission. The electronic selection system had met with widespread approval by Macedonian citizens, particularly parents who had been waiting to adopt children.
16. **Mr. Gurán** said that he would like details of the State party's initial experiences with intercountry adoption, following its ratification of the Hague Convention on Protection

of Children and Cooperation in Respect of Inter-country Adoption. He asked whether inter-country adoptions were contemplated only when a child could not be placed in a foster or an adoptive family or could not in any suitable manner be cared for in the child's country of origin, and whether the Government had established a national authority for such adoptions. It would also be helpful to know the nationalities of the persons who had been involved in inter-country adoptions in the former Yugoslav Republic of Macedonia and whether their Governments had all ratified the Convention.

17. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that all persons applying to adopt a child must comply with domestic law. There had been adoptions by parents from countries such as Slovenia, Germany and the United States. Foreign nationals did not face any obstacles to applying for adoption in the former Yugoslav Republic of Macedonia. He emphasized, however, that everyone must comply with the relevant bilateral agreements entered into by his Government.

18. **Mr. Gurán** asked what was done by way of follow-up to ensure respect for the rights of children adopted by foreign nationals of States that were not a party to the Hague Convention.

19. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that the compulsory adaptation period for the placement of the child in the family of future adoptive parents who were foreign nationals took place within the former Yugoslav Republic of Macedonia. After that period, a final decision was taken. Once the foreign nationals were granted authorization to adopt the child, the adoptive parents had the same rights as biological parents.

20. **Mr. Mucha** (the former Yugoslav Republic of Macedonia) said that children without parents or parental care were given a one-time allowance of 3,000 euros when they turned 18. The Government had also introduced employment and social housing programmes for such persons. It had embarked on a process of deinstitutionalization of children without parental care in cooperation with the Soros Foundation Open Society Institute. Efforts were under way to establish 16 apartments for some 96 persons with the requisite assistance provided so as to promote independent living. He also noted the conditional cash transfers project in conjunction with the World Bank, which was aimed at strengthening the social safety net and improving the administration of social assistance benefits.

21. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) reported that there were around 30 social work centres operating in the former Yugoslav Republic of Macedonia. Those centres were regulated by the Social Protection Act and related secondary legislation defining their competencies, sources of funding, the records to be kept and the procedures to be followed, and were staffed by multidisciplinary teams composed of teachers, lawyers, social workers and psychologists. The Social Protection Act provided for a three-year period of adaptation to the conditions that it established for their operation, and the Ministry of Labour and Social Policy had established a dedicated social inspection team to monitor compliance with the physical and human resource requirements.

22. Training was the responsibility of the Institute for Social Protection. The introduction of the new Act had extended the competencies of the social work centres, necessitating a parallel expansion in the training curricula. New courses available as of 2009 included training on how to apply the Act on Juvenile Justice, how to treat child victims, and how to enhance parental capacity to deal with behavioural problems. In addition, around 30 professionals from different institutions caring for children at risk had participated in institutional capacity-building workshops. The scope of the curricula also extended to non-institutional child protection options, including courses to expand the base of registered foster families and increase the number of children placed in foster care.

23. Reflecting the extended competencies of the Institute for Social Protection, which had been given responsibility for granting and withdrawing the licences of social work professionals, staffing levels in social work centres were being continually increased and a further 54 professionals were due to be added to the existing workforce of 898. The centres were funded predominantly from the central State budget, with additional project-based funding coming from the World Bank (technical and administrative equipment for social work centres) and UNICEF (dedicated programme for children at risk run by the Institute for Social Protection in Skopje).

24. **Mr. Uzunovski** (the former Yugoslav Republic of Macedonia) said that his Government was still in the informal, inter-ministerial discussion stage with regard to ratification of the Hague Conventions Nos. 22, 23, 24 and 34. It did, however, intend to ratify the United Nations Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance before the end of the year. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would not take place in 2010 but remained a priority.

25. He was pleased to report that significant progress had been made in improving protection of the privacy of children in the media. A recent seminar organized jointly by public sector and civil society bodies and attended by representatives of the media and journalism had resulted in the adoption of a code of ethics for the media that strictly prohibited the identification and video recording of children whose rights had been violated. Any member of the media who failed to observe that provision would be sanctioned by the State broadcasting agency.

26. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia), referring to the age of criminal liability, explained that, under domestic legislation, minors under the age of 14 at the time of committing an offence could not be subject to criminal sanctions. Pursuant to the Act on Juvenile Justice, only educational and disciplinary measures were permitted.

27. The Act on Juvenile Justice also established that competence for cases involving children in conflict with the law lay with the first instance courts. At present, there were 11 courts equipped with special juvenile crime units and staffed by judges and prosecutors specially trained to process such cases. Training in the application of the Act had also been provided to staff at the Ministry of Justice and to lawyers. The Act further stipulated that specific training should be provided for persons processing cases involving child victims.

28. With regard to the segregation of adults and minors in places of detention, she said that the Government was aware that juvenile offenders came into contact with adult convicts at one of its correctional facilities – the semi-open institution catering for minors subject to educational and disciplinary measures, who had previously been located in Tetovo but in 2005 had had to be rehoused within the Skopje prison. The Government was working to resolve that situation, conscious that the minors placed in the facility were being denied proper education and that educational staff faced serious impediments to fulfilment of the educational and reintegration goals set for those children.

29. Finding proper premises for the facility was therefore a top Government priority, especially since improving the physical conditions of custodial facilities was a cornerstone of its overall prison reform strategy. The national plan for the reconstruction of the prison network established a specific time frame for rehousing the Tetovo correctional institution; a site had already been found, and construction should be completed in 2011. The architectural plans envisaged three residential buildings with 84 beds, an administration block, admissions unit, visiting centre, classroom, workshops and support facilities. Pending completion of the new complex, pursuant to a memorandum of cooperation signed between the Ministry of Justice and the Ministry of Labour and Social Policy, juvenile

offenders would be transferred from the Skopje prison and rehoused in the Ranka Milanovic social care institution, where the educational and support facilities for young offenders were far superior.

30. **Mr. Kotrane** requested clarification regarding the age of criminal liability in the former Yugoslav Republic of Macedonia; the fact that minors below the age of 14 could be subject to educational or disciplinary measures suggested that they were deemed to be to some extent responsible for their actions even if they were not deprived of their liberty. He therefore wished to know the age threshold below which children were deemed to be in no way criminally responsible and could therefore neither be brought before the courts, nor placed in a correctional facility, nor be subjected to any kind of correctional measure.

31. He also wished to know which ministry was responsible for oversight of the educational care homes, noting that some countries had taken the positive step of moving such centres from the Ministry of the Interior to the Ministry of Education. Finally, referring to a 2008 report of the Committee against Torture, which indicated that juvenile offenders could be placed in solitary confinement or undergo corporal punishment, he asked what steps the Government had taken to ensure the absolute prohibition of any practice that might constitute an assault on the dignity of a child.

32. **Mr. Citarella** wished to express similar concern about the fact that, because sanctions could apparently be imposed upon minors under the age of 14, some degree of criminal liability was implied. He wished to know which authority was responsible for imposing such sanctions: was it the courts or some other social institution specifically empowered to discipline minors?

33. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) explained, for clarification, that no criminal sanctions could be applied under the age of 14 but that minors between the ages of 14 and 16 could be subject to educational measures.

34. **The Chairperson** requested further clarification: did the detailed information about educational correctional centres that Ms. Kikerekova had just provided apply only to children between the ages of 14 and 16 and not to children under the age of 14?

35. **Ms. Aidoo** said that the Committee would also like to know what happened in the case of 16–18 year olds.

36. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) further clarified that minors below the age of 14 could not be subject to any form of sanction. Between the ages of 14 and 16, young offenders could be subject to educational measures only. Juveniles aged between 16 and 18 at the time of the offence were generally subject to educational measures only but could in exceptional cases be sent to a juvenile prison.

37. The Act on Juvenile Justice stipulated that the only measures permitted for children under the age of 14 were protection and assistance measures. Responsibility for their application lay principally with the social work centres. Such measures formed part of a broader strategy for eliminating the root causes of delinquency in young children and applied to all offences liable to carry prison terms of up to three years for persons of full age.

38. **Ms. Janeva** (the former Yugoslav Republic of Macedonia) said that, contrary to reports, there had been no reduction in the State health budget. In fact, between 2009 and 2010 there had been a huge increase, reflecting a parallel expansion in preventive health services, which had included the introduction of new vaccines within the national schools immunization programme. While it was true that some funds had been diverted from certain specific programmes, those amounts had been reallocated to the programme providing comprehensive health insurance for the estimated 35,000 families currently excluded from the mainstream health insurance fund.

39. **Ms. Aidoo** was pleased to hear of the rising health budget but requested confirmation as to whether investment in maternal and child health was rising in equal proportion.

40. **Ms. Janeva** (the former Yugoslav Republic of Macedonia) explained that while in 2009 most of the funds allocated to the uninsured health-care programme had been channelled through the mother and child programme, in 2010 the bulk had been allocated directly to the special programme for those without regular health insurance, leaving only essential protection and promotion services within the mother and child programme. Clinical and outpatient services had also been reallocated to another programme. Overall, however, there had been no decline in the funding of mother and child health services.

41. **Mr. Ginovski** (the former Yugoslav Republic of Macedonia) wished to inform the Committee of the slogan that had been adopted by the Ministry of Education and Science: "Knowledge is power, knowledge is strength". That slogan, he explained, reflected the importance accorded to education in the former Yugoslav Republic of Macedonia. The education budget was significant and growing, as evidenced by the 100,000 computers installed in schools, the free textbooks distributed at both the primary and secondary levels, and the increased investment in sports halls.

42. The Ministry was also working to ensure that multiculturalism was properly represented in schools in the former Yugoslav Republic of Macedonia, responding to a criticism raised by a UNICEF representative. Analysing the causes and incidence of violence was another of its priorities, and a multidisciplinary team that included student members had been set up for that purpose. Those students had made some very interesting suggestions; the Ministry was considering their implementation and expected the exercise to yield very positive results. To combat discrimination on language grounds, in 2009 it had launched awareness-raising initiatives in conjunction with the non-governmental organization (NGO) Polio Plus, which had been very positively received by parents and students alike. The Ministry was also providing ongoing financial support for a project to promote intercultural dialogue.

43. The school dropout rate had fallen dramatically in recent years, as families previously unable to afford to keep their children in education henceforth benefited from free textbooks and transport thanks to ministry funds.

44. The Ministry did not have information concerning the use of religious symbols in schools. It was working to introduce religious instruction into the curricula to give students the opportunity to learn about their particular religion, but was not aware of symbols being used within that programme. Should it become aware of inappropriate use, the Ministry would take appropriate and timely action.

45. Lastly, responding to a question about the limited number of sports halls in small towns, he was very pleased to report that the President of the former Yugoslav Republic of Macedonia had recently opened the fifty-first sports hall in the country. More new facilities were already in the planning stages, reflecting the Government's commitment to increasing children's participation in sporting activities and its awareness of the importance of sportsmanship for their development.

46. **Ms. Aidoo** noted that the budget for education had increased, but she remained concerned about certain aspects such as holistic early childhood education and the general quality of education. She encouraged the State party to invest more in those areas.

47. **Mr. Kotrane** expressed his concern about the rate of school enrolment among certain groups such as street children, children with disabilities and certain ethnic minorities. Family allowances were granted only to families with three or more children

attending school, which put children who had dropped out of school at an even greater disadvantage.

48. **The Chairperson** asked what measures were being taken to provide inclusive education and to avoid the segregation of Roma children in schools.

49. **Ms. Al-Asmar** (Country Rapporteur) wondered how the Government aimed to balance education in the majority language of the State party with education in the students' mother tongue in order to best prepare the children for the future. She also asked for the delegation's view on balancing respect for students' own religion and beliefs with education about other cultures in their society as part of multicultural education.

50. **Mr. Polozhani** (the former Yugoslav Republic of Macedonia) said that the former Yugoslav Republic of Macedonia was a multilingual, multicultural and multi-ethnic nation and that it was the Government's priority to create a system that could manage that diversity and strengthen social cohesion. For that purpose, education had been decentralized in recent years, giving more responsibility to municipalities while still retaining a common curriculum. Special schools for children with disabilities were, however, still controlled by the central Government.

51. The right to primary and secondary education in the students' mother tongue was guaranteed by the Constitution for both majority and non-majority communities. Not all communities were exercising that right due to a lack of capacity, but the Government was helping to build capacity in that regard. In order to guarantee equality, all primary education was provided through State-run schools; private primary schools were banned. Compulsory courses on citizenship and human rights were taught in primary and secondary schools. Students from non-majority groups were required to study the majority language, but there were also proposals for communities to study non-majority languages as a way to create social cohesion.

52. There was no segregation policy in place, but because schools serviced the districts in which they were located, those schools in areas populated by a single group would teach only students from that group. Extra-curricular activities, however, brought children together from various ethnic groups.

53. He clarified that, while income tax contributions to health and education funds had been lowered, the budgets for those sectors had not decreased. There were special funds dedicated to teacher training and curriculum development, and information technology was prioritized in schools. Every student and every teacher received a personal computer, and all schools had Internet access.

54. No hospitals had lost their certification; rather, in 2005 different terminology had been adopted to clarify the distinction in services offered. Those health institutions with beds were referred to as hospitals, while those offering only primary care were called health centres. However, the change in name had not impacted the quality of health care provided.

55. **The Chairperson** said she believed the question concerned rather hospitals that had lost their baby-friendly certification. She also reminded the delegation that there were still questions pending on issues such as street children and transparency in the allocation of international funds for children's programmes.

*The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.*

56. **The Chairperson** asked the delegation to explain how the State party's report had been prepared and how children had participated in the preparation of the report and of policies and programmes for children.

57. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) explained that the child allowance and the child benefit were two separate programmes. The purpose of the former



was to increase population growth in the State party, and it was granted to families of the former Yugoslav Republic of Macedonia who had three or more children. The child benefit, on the other hand, was granted to parents employed in the country with low income. A law had been passed to extend that benefit to unemployed parents, but due to financial constraints it would only be implemented upon the State party's accession to the European Union.

58. A new conditional cash transfer programme was to be implemented in the following school year to encourage children from poor families to attend secondary school. That project would be the first of its kind to be implemented in Europe.

59. **Mr. Mucha** (the former Yugoslav Republic of Macedonia) said that there were two State-run day centres for street children in Skopje and one managed by an NGO within a Roma settlement. A multidisciplinary protocol on the treatment of street children had been adopted, and an awareness campaign was currently under way to promote that protocol at the local level. Two new day centres were set to open shortly in Bitola and Prilep. A counselling centre for street children in Skopje was also planned as a pilot project; if that project proved successful then the Government hoped to open more such counselling centres.

60. **Ms. Janeva** (the former Yugoslav Republic of Macedonia), in response to the question on why some hospital maternity wards had lost their baby-friendly status, said that many of the coordinating bodies that had previously implemented baby-friendly standards in hospitals had moved to the private sector. The Government recognized the need for improvement in the baby-friendly facilities of maternity wards. Part of the budget of the Mother and Child Health Care Institute had been allocated to campaigns on breastfeeding and safe motherhood, and activities were being carried out to promote breastfeeding and baby-friendly standards. Great efforts were being made to ensure that the baby food industry did not interfere with the country's public health interests with regard to breastfeeding. The marketing of baby food for infants up to 6 months old was prohibited and incurred a penalty of €2,000 to €4,000.

61. **Ms. Aidoo** said that many countries had a plan of action for children but did not provide regular budget allocations and she wondered whether that was the case in the former Yugoslav Republic of Macedonia. She also wondered whether the State party held an annual implementation review on the plan of action.

62. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that the National Plan on Children received a regular budget allocation, which was supplemented by contributions from international donors. The implementation of the plan was reviewed periodically.

63. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia), replying to the question concerning solitary confinement, said that young offenders could be placed in solitary confinement, not in a cell but in a special ward where they were kept under close supervision. It was treated as an opportunity for re-education and respected the dignity of the young person concerned. The implementation of punishments was overseen by the Directorate for Execution of Sanctions, a body within the Ministry of Justice, which ensured the legality of punishments, coordinated the work of educational correctional facilities and supervised their operations. The Directorate reported annually on the number of disciplinary measures taken. In 2009, there had been 127 disciplinary measures for a variety of offences, including running away from a correctional institution, aggressiveness and abuse of privileges. Most sanctions consisted of reprimands, while other punishments were suspended, the aim being to appeal to the conscience of the offender. As for the implementation of measures against children under 14, such supervision was the exclusive

responsibility of the Centres for Social Work, although more serious cases were decided by the courts.

64. **Mr. Kotrane** asked whether the Centres for Social Work were authorized to take legal decisions on such matters as removing children from their parents.

65. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that, in providing assistance and protection for young offenders, the Centres for Social Work aimed to work in cooperation with the children and their parents. If such cooperation failed, the matter was referred to the courts.

66. **The Chairperson** asked whether a Centre for Social Work could suspend parental rights on its own authority or whether a judicial review was required.

67. **Mr. Bajrami** (the former Yugoslav Republic of Yugoslavia) said that any decision by the Centre for Social Work could be referred to the courts, which made the final decision.

68. **The Chairperson** said that, under article 188 of the Criminal Code, it appeared that, in cases of rape of children under 14, the burden of proof lay with the victim. The number of convictions for that offence was low and sentences were short or even suspended.

69. **Ms. Aidoo** said, in that context, that, according to her understanding, the Ministry of Justice was reviewing Chapter 19 of the Criminal Code, because the Court of Appeal had been overturning many of the judgements that came before it. She asked what progress had been made with that review. Secondly, while she noted that the State party had signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2007, she wondered whether it had ratified it.

70. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that, following an increasing number of reports of sexual abuse of children, article 188 of the Criminal Code had been tightened and the penalties made stricter. Moreover, victims were entitled to a defence counsel and did not carry the burden of proof. It was for the public prosecutor to prove that an offence had been committed. A convicted offender could be sentenced to life imprisonment, if there had been permanent physical damage, or to 10 years' imprisonment in the event of serious psychological damage. Punishment was not, however, the only approach. The National Plan also provided for the prevention of child abuse.

71. She confirmed that the State party had ratified the Council of Europe Convention, which had given it the impetus to bring its legislation into line with European Union legislation and to set up programmes specifically aimed at preventing sexual abuse, under which both the victim and the offender were treated. Every year, the Ministry of Justice set out a programme to adopt the latest European Union legislation. As for the Government's transparency regarding funds received from international organizations, she confirmed that it was an integral part of government policy to list the amounts received from donors.

72. **Mr. Citarella** said that the representative of the former Yugoslav Republic of Macedonia had been speaking as though rape was a crime only if directed at children under 14.

73. **Ms. Aidoo** requested that the delegation should provide the date of ratification of the Council of Europe Convention, since it was not mentioned in the written replies.

74. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that her delegation would inform the Committee of the date of ratification of the Council of Europe Convention the following day. As for the point raised by Mr. Citarella, she had been speaking of article 188 of the Criminal Code, which specifically referred to children under 14. The abuse of innocent persons was also covered by the Code and a new offence (art. 193 (a)) on the production and distribution of child pornography had been introduced.

75. **The Chairperson** invited the Country Rapporteur to introduce the topic of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

76. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) noted that a young person could not be conscripted before the age of majority, namely 19, so the State party was not significantly in conflict with the Optional Protocol. He wondered, however, what the position was regarding armed groups that might seek to involve children. Such groups might be prohibited, but it was not clear from the written replies whether the involvement of children in such groups, if they existed, had been criminalized.

77. With regard to the question of violations of the Protocol committed abroad against a child who was a citizen of the former Yugoslav Republic of Macedonia or by a citizen of the country, the delegation had stated that the courts had jurisdiction in such cases. He would, however, be grateful to be provided with a text of the relevant law.

78. He commended the statistical data provided on children displaced because of armed conflict, but he asked how the State party defined a child refugee and how it treated an unaccompanied minor who requested refugee status. He wondered whether international procedures were applied and what was done to protect displaced children. Lastly, he requested clarification as to why there were no military schools for children under 18: were they prohibited by law or were there practical reasons why there were none?

79. **Mr. Citarella** said that the State party should introduce legislation to ensure that small arms did not fall into the hands of children.

80. **Mr. Puras** asked whether any programmes had yet been set up for the protection, rehabilitation and restabilization of children involved in armed conflict, with special reference to refugee and internally displaced children. The Committee was aware that, during the conflict in 2001, children in the conflict zone had not received the support that they needed.

81. **Mr. Gurán** asked how widely known the Protocol was, particularly among military professionals. He wondered whether any training was given to increase awareness.

*The meeting rose at 6 p.m.*