



# 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 1512th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Friday, 28 May 2010, at 10 a.m.

Chairperson: Ms. Lee

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*The meeting was called to order at 10 a.m.*

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

*Second periodic report of the former Yugoslav Republic of Macedonia* (continued)  
(CRC/C/MKD/2, CRC/C/MKD/Q/2 and Add.1)

*Initial report of the former Yugoslav Republic of Macedonia under 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 under 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, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Puras** (Country Rapporteur), in an introduction to the consideration of the State party's initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, said that the State party, one of 30 new democracies in Europe, had achieved a great deal over recent years during a complex transition and that the crucial factors for success in implementing the basic rights of children were the attitude and commitment of the Government, political will and the level of maturity attained in cooperation with civil society. The State party had made significant progress in all areas covered by the Optional Protocol since its ratification, including prohibition of the sale of children and of child pornography, preventive measures, protection of the rights of child victims and overall law enforcement efforts. A great deal remained to be done, however, as the reports by the State party and civil society made clear, in areas such as assisting child victims of sexual exploitation and placing more emphasis on the best interests of the child.

3. Noting with satisfaction that several ministries appeared to be involved in the implementation of the Optional Protocol, he asked how activities of the various ministries were coordinated and evaluated in order to ensure that a systematic and coherent approach was being taken to the complex issues involved. Several strategies and action plans had been launched in recent years, which, while relating to the areas covered by the Optional Protocol, did not seem to address them specifically. He asked which bodies managed and coordinated those strategies and action plans, since the implementation of the Optional Protocol was not, to the Committee's knowledge, part of the mandate of the National Commission on the Rights of the Child.

4. He asked the State party to supplement the information it had provided on its efforts to combat trafficking with details on the measures taken to address the specific offences covered by the Optional Protocol. Did national legislation address traditional practices that endured in the State party, such as selling girls for marriage and renting or selling children to work as beggars? He also requested information about the prosecution of persons engaging in those practices.

5. He asked for information about government support for the activities of NGOs. During its meeting with NGOs working in the areas covered by the Optional Protocol, the Committee had been impressed by their high level of competence and expertise. Those attributes could be used much more effectively if NGOs were trusted as equal partners and empowered by State agencies. The Committee was concerned that NGOs had not been fully involved in the preparation of the State party's initial report under the Optional Protocol.

6. He asked what measures had been taken specifically to protect vulnerable children who were at higher risk of sexual exploitation, such as Roma children, street children and children living in State institutions. He would like to know whether cases of sex tourism involving children had been identified in the State party and whether research had been conducted into the root causes of the offences covered by the Optional Protocol. Recalling that the previous day the Committee had been informed that every child had access to a computer and the Internet at school, he asked how the State party protected children from abuse over the Internet and what body was responsible for doing so.

7. Despite the progress achieved, many challenges remained with respect to the rehabilitation and reintegration of child victims. Interviews with children were not conducted in a child-friendly environment, and there was a lack both of trained professionals to work with child victims and of State support for NGO-administered shelters and other services. He wondered what action the State party was taking to address those challenges and to ensure that the appropriate services were provided to child victims in a way that shielded them from any further harm or stigmatization during the interview and support process. Finally, he asked what measures had been taken to protect children, especially child victims of sexual exploitation, from inappropriate practices by the mass media, such as the direct disclosure of a child's identity.

8. **Mr. Uzunovski** (the former Yugoslav Republic of Macedonia) said that the use of small arms and light weapons was a serious concern in the State party and throughout the region. The State party had adopted legislation on small arms and light weapons in 2007 in line with the relevant international instruments and, a year later, a special national commission had been established to monitor implementation of that legislation and to launch initiatives to ensure the protection of citizens, especially children. The national commission focused on possession of small arms and light weapons, and it submitted annual reports to the Government on that subject. In the current year, there had been five cases of possession by juveniles of small arms and light weapons. Those weapons had been confiscated by the police and the cases referred to the Ministry of Labour and Social Policy for prosecution. It was encouraging that the number of cases had fallen by 30 per cent in comparison with the previous year, and government campaigns were likely to have contributed to that decline. Over the previous five years, two campaigns had been conducted in coordination with the Organization for Economic Cooperation and Development (OECD) to encourage people to give up their small arms and light weapons. There were plans to run another campaign later that year or early the following year to help protect citizens, including children, from illegal trafficking of small arms and light weapons.

9. In response to the question about the participation of NGOs in the preparation of the State party's reports, he said that, while NGOs had been involved in preparing the initial report submitted under the Convention, that had not been the case for the second report or for the initial reports submitted under the Optional Protocols. The idea had been that the report should focus on government action, while taking NGO activities, views and proposals into consideration. The Government stood ready to engage in further discussion with NGOs and civil society in order to increase NGO involvement in the future.

10. **The Chairperson** asked whether children had participated in the preparation of the reports.

11. **Mr. Uzunovski** (the former Yugoslav Republic of Macedonia) said that the involvement of children in that connection would have been channelled through NGOs.

12. **Ms. Todorova** (the former Yugoslav Republic of Macedonia), responding to a question about child refugees and asylum-seekers, said that, in the case of unaccompanied children, the Ministry of Labour and Social Policy provided services through the social work centres, and a guardian was appointed to ensure their protection in accordance with

the Law on Social Protection. Unaccompanied children were accommodated in a special section of the reception centre for asylum-seekers in Skopje, where they received support from professionals, including social workers and psychologists.

13. In response to a question about rehabilitation and reintegration programmes, she said that during the Kosovo crisis many international organizations had set up programmes to support children coming from areas affected by armed conflict. However, since no children were currently entering the State party from crisis areas, existing programmes for the rehabilitation and reintegration of children had the capacity to accommodate unaccompanied children.

14. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that she wished to correct a statement that she had made the previous day, when she had indicated that the State party had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and to apologize to Ms. Aidoo for that error. The State party had not yet, in fact, ratified that Convention. The ratification bill was currently before Parliament, however, and should be adopted soon.

15. Replying to questions relating to article 4 of the Optional Protocol on the involvement of children in armed conflict, she said that the recruitment and use of children in hostilities was classed as an offence in the Criminal Code under article 404 on military war crimes against the civilian population, which was in the section on crimes against humanity and international law. That offence was punishable by a minimum of 10 years' imprisonment and a maximum of life imprisonment.

16. The relevant provisions on extraterritorial jurisdiction were contained in the section of the Criminal Code that dealt with the application of criminal legislation in relation to the location in which the offence was committed. Those provisions, a copy of which would be submitted to the Committee, established that national criminal legislation and the jurisdiction of the State party's courts extended to offences committed on its territory by persons of any nationality, to a number of offences if committed abroad by its nationals and to those committed abroad by foreign nationals against the State party or its nationals. Nationals of the State party or foreign nationals could be prosecuted when they returned to the State party's territory or upon extradition.

17. In response to an earlier question about sexual assault of children under the age of 14 years and specifically of children who were 14 years of age, she said that article 186 of the Criminal Code, which covered the crime of rape, would be applied in such cases.

18. **The Chairperson** said that the delegation's statement that no children were currently entering the State party from conflict areas contradicted the written replies to the list of issues relating to the Optional Protocol on the involvement of children in armed conflict, which contained disaggregated data on child asylum-seekers that indicated that 98 per cent of those children came from Kosovo and a small number from Afghanistan, Iraq, Somalia and other countries that were known to be conflict areas. She asked whether military academies existed in the State party and, if so, what age group they served. Were any of their students under the age of 18 years? She wished to know whether there was a complaints procedure for use in the event of a violation of students' rights, whether students had access to the Deputy Ombudsman and whether there were any restrictions on entry into the academies. She also asked the delegation to respond to an earlier question about the role of mass media in raising awareness about the Convention and Optional Protocols.

19. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that all projects undertaken by the Government in order to raise awareness about the protection of children's rights, including those focusing on the Convention and the Optional Protocols, involved the media. The Government had been working closely with journalists, who, on their own initiative, had prepared a code of conduct for members of the press who were

reporting on cases involving sexual abuse of children, paedophilia, exploitation of children and other such cases in order to ensure respect for children's rights. The Government viewed such cooperation as vital to the implementation of the Convention and to the protection of children's rights.

20. **The Chairperson** asked the delegation to respond to an earlier question about the procedures in place for the identification of unaccompanied child refugees.

21. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that the Ministry of Labour and Social Policy was responsible for identifying and providing care for child refugees and asylum-seekers. A legal guardian was appointed by one of the social work centres to safeguard the best interests of such children. The registration procedure for asylum-seekers was supervised by the Ministry of the Interior and, while the asylum application procedure was pending, the child was accommodated, if possible, in childcare facilities in Skopje.

22. **Mr. Kotrane** (Country Rapporteur) asked how the authorities determined the age of a refugee, asylum-seeker or person without documentation who claimed to be a minor. Were international principles applied in cases of reasonable doubt?

23. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that one such case had come to light recently. In that instance, a guardian had been appointed to protect the best interests of the individual and to ensure that his rights were not infringed.

24. **Mr. Gurán** asked what guarantees were in place to protect the rights of unaccompanied children lodged in childcare facilities, particularly with regard to their right to practise their religion and to use their native language. As it was common for children in such situations to disappear or leave the country, what provision was made for monitoring the situations of such children once the administrative procedures had been completed and to integrate them into the society of the State party? He wondered if any data were available on what happened to such children afterward.

25. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that the reception centres were supervised by the Ministry of Labour and Social Policy in cooperation with the Ministry of the Interior. There were no cases of children having disappeared from those centres. While the corresponding administrative procedures were being completed, children were protected and, once they had been granted asylum, they enjoyed the same rights as other citizens.

26. **The Chairperson** invited the Committee to consider the initial report submitted by the State party 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).

27. **Mr. Kotrane** (Country Rapporteur) said that he welcomed the State party's efforts to adapt domestic legislation, notably the Criminal Code, and to introduce criminal definitions of the offences set out in the Optional Protocol. He noted, however, that article 418 (d) of the Criminal Code on the sale of children did not appear to provide for the punishment of intermediaries in cases of illegal adoption who had not recruited, transferred, transported, bought, sold, sheltered or received the child in question. In a similar vein, he noted that the Criminal Code established penalties for persons who had pornographic material in their possession for the purpose of distributing it or showing it to a third party, yet no provision had been made for the punishment of those who had such material in their possession for their own personal gratification.

28. Finally, he asked the delegation to provide clarification on the extraterritorial competence of domestic courts in cases in which an offence had been committed abroad

against a child victim who was not a national of the State party by a foreign national who was a resident in the former Yugoslav Republic of Macedonia.

29. **Ms. Aidoo** said that she welcomed the State party's efforts to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, as such regional treaties served to reinforce the provisions of the Convention on the Rights of the Child. She asked whether the Convention and its Optional Protocol were referred to in the training programmes on human trafficking and domestic violence which were being conducted and whether children, their parents and the wider community were aware of their provisions and of the relevant domestic legislation and administrative procedures. She also asked whether the social work centres had sufficient resources and capacity to provide assistance to victims and to respond quickly to urgent situations.

30. **Mr. Citarella** asked whether there was a specific agency in the State party that was responsible for monitoring Internet sites and taking action against those that posted harmful or dangerous content.

31. **Mr. Gurán** asked if the Government provided any long-term financial support for the national emergency telephone helpline for reports of sexual abuse of children and paedophilia and if there were plans to integrate it with the six-digit, toll-free number used throughout the European Union. It would be useful to monitor the statistics and work of the NGO that operated the helpline with a view to the development of preventive measures. He also asked whether the State party was participating in the project undertaken by the International Organization for Migration to help victims of prostitution to return to their countries of origin.

32. **Ms. Al-Asmar** (Country Rapporteur) asked what procedure was followed in cases of incest and what steps were taken to work with the family concerned before the child was returned to the family home. Was sex education included in the school curriculum and, if so, did the course cover topics addressed in the Convention and the Optional Protocol? Lastly, had NGOs been involved in drafting the report and had assistance been provided to NGOs for the preparation of the shadow report?

33. **The Chairperson** asked the delegation to specify whether the offence of moving children across borders was prosecuted under article 191 or article 418 (d) of the Criminal Code. Cases of the sale of children had increased in the State party, and further information was needed on that issue. Would the code of conduct for the media be binding and, if so, what mechanisms were foreseen to enforce it? The Government should encourage the media to disseminate and raise awareness of the Optional Protocol.

34. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that, with regard to the questions on government cooperation and the coordination of relevant activities and mechanisms, and in line with the Government's commitment to meeting its international obligations and to preventing offences proscribed by the Optional Protocol, several national commissions had been created to address particular issues relating to its provisions. All relevant bodies and institutions were involved in those initiatives and were responsible for implementing any decisions that were reached in that connection.

35. **The Chairperson** said that the Committee remained concerned by the overlapping mandates and activities of some of the national commissions and by the fact that certain issues did not appear to be covered by a specific mandate. She asked which body was responsible for overseeing or coordinating the implementation of the Optional Protocol.

36. **Mr. Bajrami** (the former Yugoslav Republic of Macedonia) said that whenever a national commission or other national coordination body was established, a national coordinator was appointed to act on behalf of the Government. The overall coordination of

activities was the responsibility of the President of the National Commission on the Rights of the Child.

37. **Mr. Ginovski** (the former Yugoslav Republic of Macedonia), in reply to a question as to whether minors could be enrolled in the Military Academy, said that military secondary schools did not exist in the former Yugoslav Republic of Macedonia. According to the data available, 80 per cent of the students attending the Military Academy were military officers undertaking additional training. Since the Military Academy only admitted students who had completed their secondary education, which had been made compulsory up to the age of 18, no minors were, nor could be, enrolled at the Military Academy. Concerning Mr. Citarella's question on how the Government was dealing with harmful Internet content, as part of the project being conducted to provide all school pupils with a computer, the Ministry of Education and Science, together with the Ministry of the Interior and the Ministry of the Information Society, was preparing software that would serve as a tool for combating harmful content. The Broadcasting Council was responsible for monitoring the content of all electronic media. In response to Ms. Al-Asmar's question, he said that an education protocol for dealing with sexual abuse had been prepared as part of the action plan for the prevention and prosecution of sexual abuse of children and paedophilia. A special programme for primary schools had been introduced, and an educational handbook on the identification of cases of paedophilia would be distributed shortly.

38. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that child refugees coming from post-conflict Kosovo who had entered the country in 2009 had benefited in full from humanitarian protection programmes and were, after recently having been granted asylum status, enjoying all the rights guaranteed under the Law on Social Protection. No children were currently entering the State party from areas of ongoing conflict and, consequently, there were no rehabilitation or reintegration programmes for them at present.

39. In response to Ms. Al-Asmar's question on procedures in cases of incest, she replied that, as soon as a social work centre was informed of such a case, it immediately put into effect protective measures tailored to the individual needs of the victim. Those measures included safeguards to protect the victim and his or her family from the perpetrator. The authorities pursued offenders but, if a perpetrator could not be apprehended, the child in question might be placed with a foster family who had received special training in helping incest victims. Mobile teams comprising professionals in different areas of expertise were available around the clock to help child victims, and emergency assistance was also provided by the social work centres. In serious cases involving mental health problems, the mental health services were also called upon to provide assistance. Several high-profile cases of sexual abuse and paedophilia involving children under 14 years of age had sparked a fierce public reaction. As a result, in November 2008, an action plan for the introduction of preventive measures and research into the issue had been formulated by several ministries under the coordination of the Ministry of Labour and Social Policy with the involvement of NGOs and the financial support of UNICEF. In addition, in 2009 an SOS telephone helpline had been set up by the Megjashi First Children's Embassy in the World to enable people to report cases of child sexual abuse and paedophilia; the possibility of establishing a six-digit number, in line with international standards for child abuse helplines, was under discussion. A selection process was currently under way to choose an organization to continue the operation of the SOS helpline and to set up an Internet site to help to protect children from harmful content and sexual abuse through the Internet. The Ministry of Labour and Social Policy had also organized training courses for staff at the social work centres who dealt with child victims of sexual abuse.

40. **Mr. Gurán** asked whether State funds had been allocated for the SOS helpline and if such funds were sufficient to sustain the service.
41. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) confirmed that the helpline was covered under a special budget item of the Ministry of Labour and Social Policy, for the allocation of funds for certain NGO projects.
42. **Ms. Aidoo** asked whether the social work centres had any mechanisms or indicators for identifying children and families at risk in order to facilitate the development of prevention strategies.
43. **The Chairperson**, referring to Mr. Gurán's question on the sustainability of the SOS helpline, said that it was very important for the State to bear responsibility for the service. A centre for child protection should be established under a ministry (in many countries, that role was performed by the Ministry of Child Social Welfare or the Ministry of Social Affairs) along with a six-digit toll-free telephone number for children to call. Funding should also be sufficient to meet whatever needs were identified on the basis of children's calls. She would also be very interested to hear the delegation's answers to Ms. Aidoo's question on whether the social work centres had adequate financial resources and staffing levels to respond to the immediate needs of child victims of the crimes listed under the Optional Protocol.
44. **Mr. Mucha** (the former Yugoslav Republic of Macedonia) said that, in addition to the regular staff of the social work centres, there were also properly equipped and staffed mobile teams available 24 hours a day. As for the identification of children and families at risk and the development of prevention strategies, under the Law on Social Protection the social work centres were required to visit families at risk twice a year. In addition, a new counselling centre for children at risk was about to open which would focus on issues relating to psychotropic substances and child abuse. The Ministry of Labour and Social Policy had a special budget item for NGOs that provided social protection services such as the SOS helpline.
45. **The Chairperson** said that child protection efforts should be based on a comprehensive, holistic approach rather than a project-based approach that required NGOs to compete against each other for Government funding.
46. **Ms. Aidoo** asked whether children were accommodated with adults or in separate shelters and whether foreign child victims of trafficking housed in transit shelters were eventually repatriated and, if so, how their return was organized. Were the best interests of such children safeguarded once they had reached their countries of origin?
47. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that there were no special shelters for child victims of sexual abuse or other crimes covered by the Optional Protocol. Such children were placed in foster care, as it was considered a better environment for them. The Ministry of Labour and Social Policy had established both a day centre and a residential facility for child victims of trafficking, and the Ministry of the Interior had signed a memorandum of understanding with the NGO "Open Gate" to set up a shelter for such children. Several measures were in place with respect to the repatriation of foreign child victims of trafficking, including the appointment of a guardian in the case of an unaccompanied minor who would then contact the family in the country of origin. Should it prove impossible to return a child to a safe environment in the country of origin, alternative measures were provided for. Upholding the best interests of the child was of paramount importance, and the views of the child were always taken into consideration. In addition, the Government provided assistance in the form of health care, social protection and housing. The social work centres appointed a professional in each case to take charge of the child and to ensure that all the relevant procedures were followed in cooperation with NGOs.



48. **The Chairperson** said that intensive therapy was the preferred first-response intervention for child victims of the sale of children, child prostitution and child pornography. Consequently, placement in foster care was not the best initial solution. She reminded the delegation that replies to Mr. Kotrane's questions about the possession of pornographic material and about the punishment of intermediaries in cases of illegal adoption and the sale of children were still outstanding.

49. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that provision was made under article 418 (d) of the Criminal Code for penalization of trafficking in minors and other punishable acts pertaining to child exploitation, such as forced marriages and illegal adoptions. Punishment of intermediaries in cases of illegal adoption was also provided for in several articles of the Criminal Code; for example, paragraph 1 (a) of article 3 defined forms of exploitation such as illegal adoption, and paragraph 2 of article 3 implicitly provided for the penalization of the acts defined in paragraph 1 when perpetrated through the use of force, serious threat, deception or any other form of coercion. Furthermore, article 359 of the Criminal Code provided for the penalization of illegal adoptions as an act of unlawful mediation. Although she believed that existing criminal legislation implicitly or explicitly covered the crimes listed in the Optional Protocol, her Government stood ready to cooperate with the Committee to harmonize its legislation with international standards and to prepare future amendments to its Criminal Code. In response to the Chairperson's question on the sale of children, she noted that article 418 (d) explicitly criminalized the sale of children and other forms of child exploitation. Under article 191, mediation in prostitution and the incitement, deception or recruitment, of a person into prostitution were punishable acts; the transfer, not just the sale, of another person for the purpose of prostitution was also a punishable act. Moreover, article 191 also criminalized acts committed by any person for the purpose of facilitating sexual exploitation for personal gain. The offence of possessing child pornography via a computer system was covered in article 193 of the Criminal Code, which had been introduced as part of the harmonization of domestic law with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse. The crime of child pornography was thoroughly and explicitly defined in the article. The most serious form of the crime was penalized under paragraph 2, which covered the intention to procure child pornography via a computer system for personal use or for the purpose of showing that material to another person or distributing it further afield.

50. **The Chairperson** requested clarification on whether or not the mere possession of pornographic material on children for personal use was subject to penalization.

51. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that the procurement of child pornography for personal use by means of computers was penalized. More stringent sanctions applied if there was proof of an intention to show or distribute such pornography to another person.

52. **Mr. Kotrane** (Country Rapporteur), noting that the article in question had been amended in 2009, said that it apparently criminalized the mere possession of pornographic material. In criminal law, interpretation of legal provisions was by necessity restrictive, and a judge could not convict a person unless an offence figured specifically in a national law. The Committee therefore paid particular attention to such details.

53. **The Chairperson** asked whether the laws criminalizing trafficking in human beings also encompassed the sale of persons when it did not involve the movement of the person in question. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), differed from the Optional Protocol in that respect, as the former did not cover such cases while the latter did.

54. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that the aspect of movement or lack thereof was not specifically addressed in the law, but that it would be taken into consideration in any future amendment.

55. **Mr. Uzunovski** (the former Yugoslav Republic of Macedonia) said that the Ministry of the Interior had a special unit working on cybercrime, part of which was devoted to combating child pornography. It had recently completed an intervention in which it had confiscated equipment used for explicit child pornography. The downloading and possession of such images had been criminalized. In order to become a journalist, a person had to pass two specific examinations: one on a code of conduct that had been prepared by a professional journalists' organization, and one on the provisions of international law that were legally binding in the country. Furthermore, the national law on broadcasting criminalized the transmission of content that would violate the rights of the child, and the law on privacy also included provisions that protected children's rights. The broadcasting of the names of minors or images that compromised children's rights was explicitly prohibited.

56. **Mr. Kotrane** (Country Rapporteur) noted that it was an ad hoc administrator who contacted refugee children's families with a view to arranging for their repatriation. He asked whether the administrator's decisions were subject to review by a judge.

57. **Ms. Todorova** (the former Yugoslav Republic of Macedonia) said that decisions regarding parent-child relationships were taken by social workers, bearing in mind the paramount importance of the best interests of the child, in consultation with representatives of the Ministry of the Interior. Children were repatriated only when conditions were deemed to be acceptable.

58. **Ms. Janeva** (the former Yugoslav Republic of Macedonia) said that sex education in schools was a major means of spreading knowledge among children and adolescents and that it was particularly important for such programmes to be highly participative. Following a qualitative study carried out in 2009 by Government agencies and NGOs to determine what kind of sex education would be considered to be most appropriate by parents, students and teachers, the authorities had decided to place emphasis on such topics as sexual identity and orientation and family planning. Unfortunately, the topic of sexual abuse was not among the priorities identified. Sex education would soon become an integral part of school programmes.

59. **Ms. Jacovcevska** (the former Yugoslav Republic of Macedonia) said that the Ministry of the Interior had received no reports of sexual tourism involving children.

60. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that the Nation's criminal laws applied to foreigners in other countries who perpetrated offences against the country's citizens. If the offence in question was punishable by a prison term of at least five years under the legislation of the country where it was committed, then the national law of the former Yugoslav Republic of Macedonia was applicable, regardless of the citizenship of the victim or the perpetrator, provided that the latter was in the country. Unless the Criminal Code indicated otherwise in a specific instance, the court could not issue a more stringent sentence than the one applicable in the country where the offence was committed.

61. **Mr. Kotrane** (Country Rapporteur) said that the question of extraterritoriality was not clearly addressed in the reports. The delegation should inform the Committee whether the Government had extradited any offenders under the relevant provisions and whether any joint mechanisms existed to facilitate the prosecution of such crimes. In the absence of bilateral extradition agreements, was the Optional Protocol itself considered to provide a sufficient legal basis for extradition?

62. **Ms. Kikerekova** (the former Yugoslav Republic of Macedonia) said that the Code of Criminal Procedure set out provisions relating to extradition. It explicitly stated that any extradition must be in conformity with the law itself, with the international treaties ratified by the country and with any applicable bilateral treaties. The former Yugoslav Republic of Macedonia thus applied the European Convention on Extradition and other treaties, including the Optional Protocol, which facilitated the implementation of the relevant instruments in cases involving children. The country had concluded bilateral treaties on extradition and mutual legal assistance in matters of civil and criminal law with all neighbouring countries. The body that processed requests for extradition was the Ministry of Justice. Efforts were currently under way to establish direct contacts between the country's courts and those of neighbouring countries, and agreements were in preparation or had recently been concluded with the Judicial Cooperation Unit of the European Union (Eurojust) and the European Law Enforcement Agency (Europol). The Government would subsequently provide the Committee with information as to whether any extraditions specifically related to the Optional Protocol had taken place.

63. The Government was in the process of adopting a law on assistance in international criminal cases which would also cover extradition. The country was a party to the United Nations Convention against Transnational Organized Crime and its protocols and to international conventions on legal assistance in criminal matters. Its legislation incorporated the standards of those instruments, including those relating to the transfer of convicted persons, extradition and legal assistance during criminal procedures of a transnational nature.

64. **Ms. Al-Asmar** (Country Rapporteur), noting the impressive efforts made by the State party to implement the Convention, said that the Committee's concluding observations would highlight some of the areas in which more work was required.

65. **Mr. Kotrane** (Country Rapporteur) took note of the extensive efforts made by the State party to implement the Convention and the Optional Protocols both in law and in practice. Notwithstanding the current absence of any groups that used children in armed conflict, in its concluding observations the Committee would call for a clearer penalization of such actions in national laws as the law must be in keeping with international instruments and should address any contingencies. The Committee would also recommend that efforts should be stepped up to assist children from other countries who were currently in the State party and who had been exposed to armed conflict.

66. **Mr. Puras** (Country Rapporteur) said that the concluding observations would include recommendations in respect of legislation, data collection, protection of victims, assistance for victims and support for their rehabilitation, and international cooperation in the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography. While substantial progress had been made in the adoption of legal provisions, much more remained to be done to fill existing gaps, and the Committee would encourage the Government to work closely with NGOs in public-private partnerships.

67. **The Chairperson** noted that the concluding observations, while mainly based on the discussion held during the Committee's meetings with the delegation, would also refer to the report, the State party's replies to the list of issues and information from other treaty bodies. She encouraged the State party to share information on the Committee's consideration of its reports with all stakeholders, including children, and said that the Government should call upon the Committee for assistance if it was required in order to implement the Committee's recommendations.

*The meeting rose at 12.45 p.m.*