



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined third to sixth reports submitted by North Macedonia under article 44 of the Convention, due in 2017\*

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\* The present document is being issued without formal editing.



**List of abbreviations**

CEF	Correctional-Educational Facility
EC	European Commission
EU	European Union
VTHB	Victims of trafficking in human beings
PI	Public Institution
CME	Continued medical education
CF	Correctional Facility (Prison)
MoI	Ministry of the Interior
MH	Ministry of Health
MES	Ministry of Education and Science
MoJ	Ministry of Justice
IST	Intersectoral Team
MLSP	Ministry of Labour and Social Policy
NAP	National Action Plan
NGO	Non-governmental organization
NRM	National Referral Mechanism
LSE	Life Skills Education
PHC	Primary Health Care
VCPF	Vulnerable categories of persons – foreigners
CoE	Council of Europe
WHO	World Health Organization
SOP	Standard Operating Procedures
SRH	Sexual and reproductive health
SRHR	Sexual and reproductive health and rights
UNICEF	United Nations International Children’s Emergency Fund
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
PHC/PHI	Public Health Centre/Public Health Institute
IHMC	Institute for the Healthcare of Mothers and Children
SWC	Social Work Centre
SSO	State Statistical Office
OG	Official Gazette

## Introduction

1. Following the accession to the Convention on the Rights of the Child (the Convention), by way of succession to the former SFRY, in line with the reporting obligations set forth under Article 44 of the said Convention, and after having submitted its Initial Report in 1997 and its Second Periodic Report in 2010, the Republic of North Macedonia prepared and hereby submits to the Committee its Combined III, IV, V and VI Report under the Convention.
2. The Report was prepared in pursuance with the CRC Treaty Specific Reporting Guidelines regarding the form and content of periodic reports to be submitted by States Parties, under Article 44, paragraph 1 (b) of the Convention on the Rights of the Child (CRC/C/5), adopted by the Committee at its 65th session (13–31 January 2014). The recommendations contained in the Concluding Observations of the Committee on the Rights of the Child adopted on 11 June 2010 (CRC/C/MKD/CO/2) were also taken into consideration in preparing this Combined Periodic Report.
3. The following institutions were involved in the preparation of the Report: the Ministry of Labour and Social Policy (MLSP), the Ministry of Justice (MoJ), the Ministry of the Interior (MoI), the Ministry of Education and Science (MES), the Ministry of Defence (MoD), the Ministry of Health (MH), and the State Statistical Office. The Report covers the period from 2010 to 2018.
4. Before the draft Report had been submitted for endorsement by the Government, it was distributed to civil society organizations, along with a request for their comments, the draft having been also submitted to the UNICEF Office in the Republic of North Macedonia.

### 1. General implementation measures (Articles 4, 42 and 44 (6) of the Convention)

5. In accordance with the Law on the Ombudsman, there is a special unit at the Ombudsman's Office monitoring the situation and working on the protection of the rights of the child. This Unit has the mandate of receiving and processing applications filed by children/ their representatives. With a view to fulfilling the criteria for acquiring the Status A national human rights institution, the amendments and supplements to the Law on the Ombudsman were adopted in 2016. The said amendments and supplements ensured the following:
  - Harmonization of the Law with the Paris Principles on national human rights institutions by: introducing the segment of human rights promotion, as well as a pluralistic approach in the appointment to managerial offices and financial independence of the institution;
  - Introduction of the prevention segment, with a focus on special protection of the rights of the child;
  - Harmonization with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that on its part facilitates the strengthening of the mandate of the Ombudsman as the National Preventive Mechanism in this area;
  - Introduction of the obligation that the Annual Report of the Ombudsman contain recommendations for overcoming established shortcomings, as well as that the Parliament and Government assume the responsibility, act upon the recommendations of the Ombudsman and provide feedback on specific measures undertaken in this regard;
  - The Ombudsman has been granted the competence to file a request to the Standing Survey Committee for protection of human rights and freedoms at the Parliament to examine cases of violation of Constitutional and legal rights and for relevant measures to be undertaken; and

- Establishment of an additional mechanism to enable undertaking measures regarding special reports about the obstacles to the work of the Ombudsman, about the disrespect for and not acting upon the requests, proposals, opinions, recommendations and considerations of the Ombudsman.

6. The following trainings have been organized for professionals working with and for children in respect of the Convention:

- Training of trainers for labour inspectors: application of indicators for identification of children - victims of trafficking in human beings (VTHB) for purposes of labour exploitation;
- Specialized trainings for 75 police officers (mainly juvenile delinquency inspectors): recognizing / identifying and referring potential children – VTHB;
- Trainings about the gender dimension of trafficking in human beings; these trainings were organized for police officers, social workers and NGO's;
- Training of social workers about indicators for identification of children victims of trafficking in human beings; trained social workers will continue serving as contact persons in their institutions for THB related issues.

7. In pursuance with the Convention, the topic of rights of the child has been elaborated in the curriculum for primary education. The aim is to raise the awareness and understanding of children of the Convention and its application, as well as to raise children's awareness about the importance of the rights they hold as individuals. This topic has been elaborated in the syllabus for social sciences and civil education primary education subjects.

8. Information about the harmonization of the domestic legislation and practice with the provisions of the Convention and Protocols is given in the text regarding specific Convention articles.

## **2. Definition of child (Article 1)**

9. According to Article 19 of the Law on Children Justice,<sup>1</sup> a child is any person under the age of 18.

10. In the context of the minimal age for entering into marriage both for girls and boys, according to the Law on the Family,<sup>2</sup> a person who has not reached 18 years of age may not enter into marriage. Persons who have attained 16 years of age may be granted permission to enter into marriage under a decision of a competent court, adopted in a non-contentious procedure, provided that it has been established that the person has reached the physical and mental maturity required for fulfilment of rights and duties arising in marriage.

## **3. General principles (Articles 2, 3, 6 and 12)**

### **(a) Non-Discrimination (Article 2)**

11. The non-discrimination principle has been incorporated in Article 8 of the new Law on Children Justice.<sup>3</sup> According to the said Article, courts and other institutions shall respect and ensure the rights of the child without any discrimination on grounds of sex, race, colour of skin, gender, belonging to a marginalized group, ethnic affiliation, language, nationality, social origin, religion or religious belief or on any other grounds set forth in law or in a ratified international treaty.

12. The Law on the Prevention of and the Protection against Discrimination prohibits discrimination against any natural and legal person in the exercise of their rights and

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<sup>1</sup> OG No. 148/2013.

<sup>2</sup> OG No. 80/92, 9/96, 38/04, 33/06, 84/08, 67/10, 156/10, 39/12, 44/12, 38/14, 115/14, 104/15 and 150/15.

<sup>3</sup> OG No. 148/13.

freedoms, as guaranteed by the Constitution and laws (Article 2). Age as a ground for discrimination is referred to in Article 3 of this Law, and the ban on age-based discrimination is to be abided by all state bodies, units of the local self-government, legal entities with public authorizations and by other legal and natural persons.

13. In line with the 2016–2020 Equality and Non-Discrimination Strategy and EC Reports containing recommendations for advancement of the pertinent legislation with a view to attaining more efficient prevention and protection against discrimination, in 2016, the MLSP prepared the amendments to the Law on the Prevention of and Protection against Discrimination. The new Law is in parliamentary procedure, and is focused on ensuring more efficient protection against discrimination and procedures to address cases of discrimination on any grounds.

**(b) The best interests of the child (Article 3)**

14. According to Article 3 of the Law on the Protection of Children,<sup>4</sup> children are protected by ensuring the exercise of their rights, and by applying various forms and means of protection.

15. According to Article 9 of this Law, protection is to be provided by parents, the family, guardians and foster families, as well as by institutions for children, educational, social, health care and cultural institutions and professionals, central state institutions and units of local self-government, organizations and other natural and legal persons, whose activities are related to providing support and assistance to children.

16. The principle of the best interests of the child has been incorporated in all legislative, strategic and administrative documents and procedures relating to children.

17. The Law on Juvenile Justice, adopted in 2009, establishes a justice system for children based on international standards.<sup>5</sup> The new Law on Children Justice, adopted in 2013, further advances the rights of the child, in pursuance with the provisions of the Convention on the Rights of the Child.

**(c) Right to life, survival and development (Article 6)**

18. According to Article 10 of the Constitution: The death penalty shall not be imposed on any grounds.

19. With a view to ensuring to the greatest extent possible the survival and proper development of children, the state provides for special care and protection of the family, motherhood, children, children without parents and children without parental care. The Constitution sets forth parental rights and duties to provide care and upbringing for children, as well as the right to health care, social security and social insurance.<sup>6</sup>

**(d) Respect for the views of the child (Article 12)**

20. Article 4 of the Law on Children Justice<sup>7</sup> stipulates that the child has the right to be informed by all institutions that come in contact with the child about the child's rights, as well as about duties and responsibilities deriving from the Convention on the Rights of the Child and other international instruments on the rights of the child, as well as about rights and duties arising from this Law and other laws.

21. Article 5 of the Law on Child Protection<sup>8</sup> precisely defines that “The State shall ensure the right to the child to express his/her opinion on issues affecting him/her and that due attention shall be paid to such views in accordance with the maturity and age of the child.”

<sup>4</sup> OG No. 23/13.

<sup>5</sup> The Law is not in force.

<sup>6</sup> OG No.52/1991, 1/1992, 31/1998, 91/2001, 84/2003, 107/2005).

<sup>7</sup> OG No. 148/13.

<sup>8</sup> OG No. 23/13.

22. Professionals working in state institutions and in the civil society sector act in accordance with relevant applicable laws, as well as in pursuance with ratified international treaties that make an integral part of the domestic legal order. Children are attached priority and their fundamental human rights are respected regardless of their ethnic affiliation or regardless of their belonging to any group.

#### **4. Civil rights and freedoms (Articles 7, 8 and 13–17)**

##### **(a) Registration at birth, name and nationality (Article 7)**

23. There have been no changes in the period since the II Periodic Report.

##### **(b) Protection of the identity (Article 8)**

24. There have been no changes in the period since the Initial Report.

##### **(c) Freedom of Expression (Article 13)**

25. There have been no changes in the period since the Initial Report.

##### **(d) Freedom of thought, conscience and religion (Article 14)**

26. There have been no changes in the period since the II Periodic Report.

##### **(e) Freedom of association (Article 15)**

27. The legal framework regulating the exercise of the constitutionally guaranteed right to association is laid down by the Law on Associations of Citizens and Foundations and by the Law on Political Parties.

28. According to Article 4 of the Law on Associations and Foundations, citizens exercise this right by forming associations, foundations, and alliances and organizational units of foreign organizations, which work on the accomplishment of their goals, pursue activities and protect their rights, interests and convictions in pursuance with the Constitution and the law.

29. Organizations acquire the status of a legal person once they are entered in the Register at the Central Registry.

30. Natural and legal persons may establish an association, i.e. there must be at least five founding members, three of whom must have a permanent residence/stay i.e. seat on the territory of the country. Minors who have reached the age of 15 may be founders of associations, provided that they have a notary certified statement in which their legal representative has given consent for the minor to establish an association.

31. The established association may be entered in the Register by filing a registration application within 30 days from the date of adoption of the founding articles, i.e. from the date of the decision of the foreign organization to establish an organization unit in the country.

##### **(f) Protection of the privacy (Article 16)**

32. According to Article 91, paragraph 1 of the Law on Children Justice, courts and other bodies involved in the court proceedings shall have the duty of ensuring the protection of the privacy of the child and that of the child's family, while according to paragraph 2 of the same Article when a child is tried in court, the hearings are always held in camera, without the presence of the public.

33. Article 145, paragraph 1, subparagraph 3 stipulates that the child has the right to be informed about his/her rights in a understandable language appropriate to the child's age.

34. Article 147, paragraph 1, subparagraph 10 stipulates that the court may order special procedural protection, i.e. protection of the privacy of the child and that of the child's family.

**(g) The role of the mass media and the child's access to information (Article 17)**

35. There have been no changes in the period since the II Periodic Report.

**5. Violence against Children (Articles 19, 24 (3), 28 (2), 34, 37 (a) and 39)****(a) Abuse and Neglect (Article 19)**

36. In following with the necessity of applying a multi-sector approach, the Government adopted a decision establishing a National Coordination Body for the protection of children against abuse and neglect, tasked with monitoring and coordinating relevant activities.<sup>9</sup>

37. The 2013–2015 National Action Plan for the Prevention of and Addressing Abuse and Neglect of Children was adopted in 2013, accompanied by operative plans for implementation of set forth activities in 2013 and 2014. A joint Protocol was adopted regulating the procedures institutions need to follow when detecting cases of abuse and neglect of children and regulating the treatment of abused and neglected children, aimed at ensuring coordinated actions and protection of the best interests of children.

38. A number of activities for protection of children against violence and abuse have been implemented by the MLSP, with the support of the UNICEF and the EC and with the involvement of civil society organizations.

39. A data collection system has been set up to gather information about cases of violence against children, which on its part has contributed towards strengthening the capacities of in-line institutions to monitor the situation. In the context of this activity, Indicators for monitoring the situation with children-victims were developed in 2017, for the needs of the National Coordination Body. After data has been collected from all in-line institutions (SWC, MES, NGO's, MoH, MoI), there are on-going activities for drafting the final report about the situation established based on collected data.

40. In November and December 2017, there were four two-day trainings for 13 participants from SWCs.

41. In 2017 and in 2018, there were trainings for professionals working in sectors of social protection, health care, education, justice and police on the inter-sector procedures to be followed in protecting children against abuse and neglect.<sup>10</sup>

42. There has been a campaign promoting responsible parenting, with a view to enhancing parental capacities in child upbringing.

43. In cases of abuse and neglect of children, taking due account of the interests of the child, the SWCs undertake measures to place affected children under care, as well as measures for the children's recovery and social reintegration. In most cases, children-victims are placed with foster families or are provided with other forms of care, and are ensured conditions for their recovery and social reintegration.

44. The Procedures for the Protection of Children-Victims were developed and adopted with UNICEF support in 2014.

45. With a view to ensuring proper training on prevention programs, professionals working in all institutions offering social protection undergo continual training, as part of the procedure for their licensing. A Module for Protection of Children against Violence has been developed for this training.

<sup>9</sup> The Body is led by the MLSP, and is composed of representatives of all in-line ministries, civil society organizations and international organizations.

<sup>10</sup> Intersectoral Teams for protection of children against abuse and neglect have been established in the cities of Skopje, Gostivar, Stip, Bitola, Kumanovo, Veles, Gevgelija and Ohrid.

**Statistics on children - victims receiving treatment at SWCs segregated by type of violence, abuse or neglect in 2017<sup>11</sup>**

<i>Type of violence (neglect and abuse)</i>	<i>No. of children-victims</i>
Neglect	70
Physical abuse	71
Emotional abuse	143
Sexual abuse	26
Other types of violence	17

46. As regards incidents involving physical punishment in all environments (childcare institutions, the family, foster families, institutions and other entities providing child services) and the number of cases of bullying and maltreatment, in 2017, the SWCs recorded cases involving 72 children suffering these types of violence. Most cases of physical violence against children were registered under the social risk of domestic violence. Predominantly, the perpetrators of physical violence against children are the parents, and such cases of abuse have been reported by the MoI with SWCs. Almost 22% of the total number of affected children in the reported cases were subjected to violence within the family, by persons who were supposed to provide care for them.

**(b) Measures for prohibition and elimination of all forms of damaging practices, including but not limited to female genital mutilation, early and forced marriages (Article 24, paragraph 3)**

47. On 30 December 2017, the Republic of North Macedonia ratified the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In addition, an Action Plan for the implementation of the Convention has been developed.

48. There have been no cases or practice of genital mutilation recorded. However, in light of the migrant crisis, when large number of migrants transited through the country, SOPs on gender-based violence in crises were developed. Persons working in the Reception Centre of Foreigners, at the Reception Centre for Asylum Seekers, and at the Reception-Transit Centre were trained on the issue of gender-based violence and on the issue of genital mutilation, as a form of gender-based violence.

**(c) Sexual exploitation and sexual abuse (article 34)**

49. There are visible wide-scope social responses in dealing with the problem of sexual abuse of children and paedophilia, with activities pursued at several levels, targeting both victims and perpetrators. The situation in this field is established by identifying shortcomings and areas for improvements. This has resulted in legislative amendments introducing the establishment of a register, longer, i.e. stricter prison sentences, as well as introducing psychiatric, medical and pharmacological treatment for perpetrators.

50. In October 2010, the Parliament adopted the Law on the Ratification of the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>12</sup> Prior and after the ratification of the said Convention, there were legislative amendments to the Criminal Code adopted with a view to further harmonizing the Criminal Code with the said Convention. The amendments introduced stricter punishments.

51. Crimes of sexual abuse of children are sanctioned under the Criminal Code, i.e. Chapter 19: Crimes against Sexual Freedom and Sexual Morality and Chapter 34: Crimes against Humanity and International Law.

<sup>11</sup> Source: Institute for Social Protection Affairs.

<sup>12</sup> OG No. 135/2010.

52. In pursuance with Article 18 of the said Convention, acts of sexual abuse are criminalized as sexual attack against a child who has not reached 14 years of age (Article 188) and sexual attack with misuse of position (Article 189).

53. The following acts are criminalized under Article 188:

(a) A person who has an intercourse or other sexual act with a child who has not reached 14 years of age shall be punished with imprisonment of at least twenty years;

(b) If because of the crime from paragraph 1 a severe body injury, death or some other severe consequences were caused, or the crime was perpetrated by several persons, or in an especially cruel and degrading manner, the perpetrator shall be punished with imprisonment of at least fifteen years;

(c) The perpetrator who has committed the crime of paragraph (2) of this Article shall be issued a court order banning him/her from engaging in a profession, economic activity or performing an office, under the conditions set forth in Article 38-b of this Law.

54. Article 189 criminalizes the following acts:

(a) A person who by misusing his position induces another, who is subordinated or dependent in relation to him, to intercourse or to some other sexual act, or ill-treats, intimidates or behaves towards another person in way to denigrate that person's human dignity and personality, with the same intention of inducing such person to intercourse or some other sexual act shall be punished with imprisonment of at least five years;

(b) If the crime of paragraph (1) is perpetrated by a first degree blood relative or by a brother, i.e. sister, teacher, educator, adoptive parent, guardian, step-father, step-mother, doctor or another person through misuse of the position or as part of perpetrating domestic violence and will thus have intercourse or other sexual act with a child who has not reached 14 years of age and who has been entrusted to the perpetrator for study, education, custody or care, shall be punished with imprisonment of at least ten years;

(c) The perpetrator of the crime of paragraph (2) shall be issued by the court a ban on engaging in a profession, economic activity or performing an office under the conditions of Article 38-b of this Code.

55. Offering children for sexual purposes, ("mediation for prostitution") is incriminated under Article 193-b: Enticing a child who has not reached 14 years of age to intercourse or other sexual act. Thus, whosoever by computer-communication means, by scheduling a meeting or in any other manner entices a child who has not turned 14 to sexual intercourse or other sexual act or to production of children pornography, and by such intention directly meets the juvenile, shall be sentenced to imprisonment of one to five years.

56. Sexual exploitation of a child is incriminated under Article 418-d: Trafficking a child. Hence:

(a) Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbours or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years;

(b) Whosoever commits the crime of paragraph 1 by use of force, serious threat, delusion or other form of forcing, kidnapping, defraud, abuse of the position or pregnancy, powerlessness or physical or mental disability of another, or by giving and receiving money of other benefit for the purpose of obtaining consent of a person controlling another person, or the act is committed over a child younger than 14 years shall be sentenced to imprisonment of minimum ten years;

(c) Whosoever uses or enables another to use sexual services or other type of exploitation of a child knowing, or being obliged to know that he is a victim of human trafficking, shall be sentenced to minimum imprisonment of eight years;

(d) The user of sexual services given by a child younger than 14 years shall be sentenced to imprisonment of at least 12 years;

(e) Whosoever seizes or destroys an ID, passport or another's personal identification document, for the purpose of committing the crime referred to in paragraphs 1 and 2, shall be sentenced to imprisonment of minimum four years;

(f) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his service, he shall be sentenced to at least ten years of imprisonment;

(g) The consent of the child for the actions anticipated in paragraph 1 is not significant to the existence of the crime of paragraph 1;

(h) If the crime referred to in this Article is committed by a legal entity, it shall be fined;

(i) The immovables, objects and means of transport used for the commission of the crime, shall be seized.

57. According to the Criminal Code, crimes of sexual abuse of children may be punished with a prison sentence and a ban on performing profession, economic activity or office. The prison sentence may be ordered only as the main punishment, while the ban on engaging in profession, economic activity or performing an office may be ordered only as an ancillary punishment, along with the prison sentence/ suspended sentence.

58. The prison sentence may not be shorter than 30 days or longer than 20 years. The perpetration of crimes for which the possible prescribed sentence is a life imprisonment may be punished with a long-term prison sentence of 40 years.

59. The perpetrators of these crimes may also receive the following precautionary measures: compulsory psychiatric treatment and custody in a health institution, compulsory treatment in freedom, compulsory treatment of alcoholics and drug addicts and medical and pharmacological treatment of perpetrators of sexual assault on a child up to 14 years of age (Article 65).

60. The crimes of sexual abuse and exploitation of children are prosecuted *ex officio*. Under Article 18 of the Law on Criminal Procedure, the public prosecutor is obliged to institute criminal prosecution if there is evidence that a crime, which is prosecuted *ex officio*, has been committed.

61. Furthermore, Article 106-a of the Criminal Code contains provisions on a Special Register specifying that: "The court shall deliver the data about a final court decision on a security measure to the state administration bodies responsible for matters in the areas of healthcare, and labour and social policy for the purpose of registration in the health and special registries."

62. Paragraph 2 specifies that: "The court shall also deliver to the state administration body responsible for matters in the area of labour and social policy data about persons convicted by a final judgment on crimes against sexual freedom and sexual morality and the crime referred to in Article 418-d of this Code committed against children, for whom a special register shall be kept."

63. Paragraph 3 stipulates: "The data referred to in paragraphs (1) and (2) of this Article shall be used exclusively for the purpose of protecting the health of the persons who have received security measures or for the purpose of protecting the rights of the children, under conditions and procedure established by law."

64. Taking these provisions into account, a Law on Special Register of Persons Convicted by a Final Judgment of Crimes of Sexual Abuse of Children and Paedophilia has been adopted. The Register is kept by the Ministry of Labour and Social Policy through the Public Institution Social Work Institute. The data about the convicted persons entered in the Register are publicly available. Since the establishment of the Register (June 2012) to 2018, data about a total of 236 persons were published.

**(d) Right of a child to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including capital punishment (Articles 37 (a) and 28, paragraph 2)**

65. Articles 86–143 of the Law on Children Justice<sup>13</sup> establish the court procedure for children for activities that are defined by law as crimes.

66. The basic characteristics of the procedure are: keeping a child at a police station up to 12 hours, interview by the MoI at special premises that are suitable for the age of the child who is suspected of a crime up to 4 hours, right to a fair trial within a reasonable time before an independent and impartial court, a public prosecutor is the authorised plaintiff in the procedure, right of the child to be questioned only in the presence of his/her lawyer, right of the social work centre to be informed of the procedure, submit proposals and point out facts about the personality and the circumstances in which the child lives, right to regular and extraordinary legal remedy, procedure for admission of guilt and bargaining for the extent of the punishment with prior consent from the child, the damaged party, the public prosecutor, the lawyer and the social work centre, imposing pre-trial detention upon prior opinion from the social work centre, questioning a child upon assessment by the judge with assistance from a pedagogue, psychologist or another professional, application of a preparatory procedure by the judge for children for the purpose of establishing all circumstances surrounding the crime and the personality of the child and procedure before a council for children.

67. The Tetovo Educational and Correctional Facility is the only institution accommodating children on whom more permanent and strengthened measures of education and re-education need to be applied, by completely separating them from the previous environment. Children at this facility are kept at least one, but up to five years or by the age of 23.

68. The Tetovo Educational and Correctional Facility has been out of use since the 2001 crisis in the country. At present, children serving referral measures at an educational and correctional facility are accommodated at the Ohrid Juvenile Prison. All required measures have been taken to physically separate the children serving referrals at an educational and correctional facility from the children serving juvenile prison sentences and from the persons detained at the pre-trial detention unit of the Ohrid Prison.

69. The construction of a new facility designed for serving referrals at an educational and correctional facility started in 2014. It has a capacity of 110 children and is located in Volkovija, Municipality of Brvenica, with an area of 2 hectares. It includes several buildings for accommodation, stay, education and work in accordance with European standards and regulations. House Rules and a Brief Preventive Programme for Raising Awareness among Children of the Negative Consequences of Using Drugs and Prevention of Communicable Diseases have been prepared.

70. Under the National Strategy, a series of other activities are also envisaged, such as implementing the YOU TURN/EQUIP programme for work with children, introducing vocational education by professions, etc.

71. As regards drug testing, it should be noted that it is not compulsory and is performed if there are indications that a child has used illicit psychotropic substances.

**(e) Measures to promote physical and psychological recovery and social reintegration of a child victim (Article 39)**

72. Within its obligations, the MLSP devotes special attention to the issues related to assistance and support in reintegration of children-victims according to the special physical, psychological and social consequences that they have suffered as a result of various types of abuse.

<sup>13</sup> OG No. 148/2013.

73. The services are provided by the SWC, with support from partner organisations working with children-victims. The period of reintegration is a long-term and multifaceted process, which lasts until the child-victim becomes once again an active member of society.

74. Children-victims and witnesses have access to assistance and support services such as financial, legal, counselling, healthcare, social and educational services, physical and physiological recovery services and all other services required for reintegration of the children through governmental, voluntary or other organisations. In addition, they have an option to receive compensation from the Compensation Fund for the purpose of successful reintegration and rehabilitation.

**(f) Helplines for children**

75. For the purpose of reporting child abuse cases, the MLPS has introduced the 15 505 SOS helpline. Furthermore, there is another SOS helpline, 0800 1 22 22, maintained by the First Children's Embassy in the World Megjashi.

**6. Family environment and alternative care (Articles 5, 9–11, 18, paragraphs 1 and 2, 20, 21, 25 and 27, paragraph 4)**

**(a) Family environment and parental care in a manner consistent with the evolving capacities of the child (Article 5)**

76. The Law Amending (16 February 2015) the Law on Children Protection<sup>14</sup> provides an opportunity for care and education of children at a kindergarten/early child development centre, within legal entities for the needs of the employees and at an educational institution for training of preschool education professionals, as well as an opportunity to establish an early child development centre within a public or privately-owned kindergarten.

77. For the purpose of promoting healthy diet and improving the diet of children at child institutions, the Rulebook Amending the Rulebook on Standards and Norms for Performing the Activity at Child Institutions<sup>15</sup> further defines the diet norms and the standards for diet and meals of the children at the kindergartens.

78. The amendments to the Law define the manner of presenting the handbooks and child magazines and their selection by the parents at child institutions. Child institutions are obliged to present to the parents the handbooks and child magazines which have been approved by a decision of the Minister not later than October of the ongoing year at parent-teacher conferences, through the notice boards or on the website of the institution.

79. The Rulebook on the Specific Conditions, Criteria and Manner of Exercising the Right to Participation in the Costs for Care, Education, Holiday and Recreation of Children at Public Child Institutions<sup>16</sup> ensures that the right to participation at a public child institution (kindergarten) is enjoyed for a child from a single-parent family with a salary and other monthly income that do not exceed the minimum wage as defined by law.

80. In order to include a larger number of children with developmental disabilities in child institutions, a Programme for Early Learning and Development for Children with Developmental Disabilities was adopted in 2015.

81. In terms of programmes, the following programmes have been adopted: Early Learning and Development Programme,<sup>17</sup> Programme for Education of Preschool Children at Institutions for Care and Education of Children, with the Process of Growing and Consuming Health Food,<sup>18</sup> Guidelines for Planning Activities under the Programme for Early Learning and Development for Acquiring Healthy Living Habits and Safe Behaviour

<sup>14</sup> OG No. 25/15.

<sup>15</sup> OG No. 71/15.

<sup>16</sup> OG No. 48/18.

<sup>17</sup> OG No. 46/14.

<sup>18</sup> OG No. 98/14.

in Preschool Children at Institutions for Care and Education of Children – adopted on 5 June 2015, Guidelines for Carrying Out the Early Learning and Development Programme.

82. Emphasis has been put on establishing child and parent counselling offices at the public kindergartens and early child development centres. A rulebook adopted by the Ministry defines the specific criteria for establishing and operation of the counselling offices.<sup>19</sup>

83. In the period from 2014 to July 2018, the capacities for care and education of children of 0–6 years of age were expanded by opening 8 public municipal and 21 private kindergartens, 24 new facilities within the kindergartens, 29 early child development centres, 4 of which are public and the other 25 operate within public kindergartens, and 6 organisational units within legal entities.

**(b) Common responsibility of both parents, assistance to parents and ensuring child-care services (Article 18)**

84. The Law Amending the Law on Children Protection<sup>20</sup> introduced amendments and supplements aimed at improving the financial situation of single parents who receive a special benefit for a child with specific needs, with physical or mental developmental disabilities or with combined disabilities up to 26 years of age. This special benefit was increased by 50%, i.e. the Law specifies a nominal amount of 6,303 denars. It also provides a definition of a single parent of a child enjoying the right to an increased special benefit, applied from 1 January 2014.

85. In 2014 and 2015, activities were taken to develop counselling offices at the SWC in order to offer services to citizens with marital and family problems, victims of domestic violence, child marriages, strengthening parental capacities. A total of 30 counselling offices were opened by the end of 2015.

86. The specialised counselling office “First Family Centre” is also functioning successfully. It is managed by a citizens’ organisation and offers psychosocial support and counselling to families with conflicting relations, in which violence is committed acutely or in which there has been domestic violence. The services are provided by a professional team of psychotherapists, who strengthen all family members individually through psychosocial treatment.

**(c) Children without parental care (Article 9, paragraphs 1–4, 21 and 25)**

**Number of children without parental care disaggregated by reason (i.e. armed conflict, poverty, abandonment as a result of discrimination)<sup>21</sup>**

	2014	2015	2016	2017	January–June 2018
Children at risk	1 212	1 076	810	1 014	602
Children in conflict with the law	9507	7719	7 190	6857	3 174
<b>Total</b>	<b>10 719</b>	<b>8 795</b>	<b>8 000</b>	<b>7 871</b>	<b>3 776</b>

<sup>19</sup> OG No. 62/13.

<sup>20</sup> OG No. 12/14.

<sup>21</sup> Source: MoJ.

**Number of children separated from their parents as a result of court decisions (*inter alia*, in relation to situations of parental abuse or neglect, detention, imprisonment, labour migration, exile or deportation)<sup>22</sup>**

	2014	2015	2016	2017	January–June 2018
Procedure instituted to revoke parental right	0	10	4	1	0
Procedure instituted to reinstate parental right	0	2	0	0	0

87. Statistically, by regions and availability of places at care institutions, in the Pelagonija Region there is one institution, the Bitola Home for Infants and Toddlers, with a capacity of 100 children and 25 mothers. Under the Law on Social Protection, the institution for placement of infants and children without parents or parental care up to three years of age provides accommodation (housing, food, clothing and care) and health protection to the children. It can provide temporary accommodation and stay to a single unemployed pregnant woman one month before delivery and to a single parent until the child is three months old. The institution employs a total of 52 persons on a permanent basis.

88. In the Skopje Region, there is one institution, the 11 October Children's Home, which has a capacity of 100 children. Under the Law on Social Protection, the institution accommodates children without parents or parental care over three years of age and provides them with accommodation (housing, food, clothing, care) and education until they are prepared for independent life and work (up to six months after completing secondary education). The institution is obliged to ensure that children and youths receive primary and secondary education in a relevant institution, to organise different forms of work and life and to take due care for their health. The institution employs a total of 42 persons on a permanent basis.

**(d) Family reunification (Article 10)**

89. Since 2014, four family reunification procedures have been carried out, including for two girls from Afghanistan and one from Syria, one boy from Iraq and one from Syria.

90. Concerning children reunited with their families after their placement, 5 children at the Bitola Home for Infants and Toddlers were reunited with their biological parents in 2016, 9 children in 2017 and 3 children as of September 2018.

**(e) Securing maintenance for the child (Article 27, paragraph 4)**

91. The state has not established a child maintenance fund. The right to maintenance is exercised in regular court proceedings covered by the parents.

**(f) Children deprived of family environment (Article 20)**

92. In the social protection system, the protection of children without parental care is provided through several forms: placement of children with a close relative (guardianship), adoption, placement with a foster family and placement at an institution.

93. In the past several years, intensive work has been carried out on developing the form of placement in a foster family as a non-institutional form of protection. 172 foster families have been registered, accommodating 341 beneficiaries, 302 of whom are children up to 18 years of age. A campaign is being conducted to mobilise new foster families and raise public awareness.

<sup>22</sup> Source: MoJ.

94. The type and number of beneficiaries placed in a foster family depends on the individual needs of the beneficiaries, their age and care needs, the conditions and opportunities for care at the foster family, but up to:

- Five children without parents or parental care;
- One child with educational and social problems (neglected, abused or socially disadvantaged children) or child victims of domestic violence;
- One child perpetrator of a crime or misdemeanour.

95. According to the available statistics, in the country there are children aged 0–18 placed in institutions, including:

- 65 children aged 0–3 at the Institution for Placement of Infants and Toddlers without Parents or Parental Care up to Three Years of Age in Bitola;
- 38 children aged 3–18 at the 11 October institution for placement of children without parents or parental care over three years of age and youths in Skopje;
- 25 children at the 25 May institution for placement of children and youths with educational and social problems in Skopje;
- 15 children at the Ranka Milanovikj institution for placement of children and youths with disrupted conduct in Skopje;
- 11 children with disabilities at the Demir Kapija Special Institute for placement of children and youths with moderate and severe mental developmental disabilities;
- 15 children with physical disabilities at the institution for placement of children and youths with physical developmental disabilities at Spa Bansko; and
- 35 children with disabilities at the Topaansko Pole institution for placement of persons with mental developmental disabilities in Skopje.

96. At the same time, an intensive process of deinstitutionalisation is being conducted, i.e. of transforming child placement institutions into local community services. The Government is committed that there be no children aged 0–3 placed in institutions by 2020. The transformation of the Institute for Children with Educational and Social Problems started in 2018. The goal is to transfer all children placed in this institution to small group homes, in a family environment and with more intensive support, by the end of July 2018. Transformation plans are also being prepared for the other child placement institutions in the state.

97. The relocation of the children from the Demir Kapija Special Institute for Persons with Mental Disabilities to small group homes and their full inclusion in the community is in progress

98. Furthermore, the MLSP has imposed a ban on placing children/persons with disabilities at the existent residential institutions.

**(g) Periodic placement review (Article 25)**

99. The placement of children with foster families and institutions is conducted by the competent guardianship body, i.e. the social work centre. The placed children are monitored by the professional teams from the social work centres, who, in cooperation with the professionals at the institution, prepare individual plans for each child and follow the development and needs of the child.

100. For children placed with foster families, the professional teams prepare individual plans for work with the children and take due care for their implementation through periodic visits to the homes of the foster families. At the same time, the professional teams also offer support to the foster families in the provision of foster care.

**Number and percentage of children separated from their parents who are living in institutions or with foster families as well as the duration of placement and frequency of its review<sup>23</sup>**

<i>Period</i>	<i>Total number of children without parental care</i>	<i>Children without parental care placed at the Bitola Home for Infants and Toddlers</i>	<i>11 October Children's Home, Skopje</i>	<i>Small group home, Berovo</i>	<i>Placed under guardianship</i>	<i>Foster family</i>
2014	1 226	78	55	5	830	258
2015	1 303	79	66	5	874	279
2016	1 306	66	52	9	893	286
2017	1 307	75	63	7	865	297
2018	1 305	71	32	8	879	315

**(h) Adoption (national and inter-country) (Article 21)**

101. For the purpose of protecting the best interests of children and ensuring their wellbeing, the MLSP amended the Law on the Family in August 2014<sup>24</sup> to reduce the duration of their stay in institutions or other families from one year to nine months and also shortened the deadlines for processing by the competent institutions involved in the adoption procedure.

102. Furthermore, under these legal amendments, the SWC is obliged to inform the Social Work Institute in Skopje in writing within 5 days about every child whom it places in an institution or another family. The Institute will review the work of the SWC and if it identifies certain irregularities, it is obliged to inform the social inspectorate for the purpose of conducting an inspection.

**Number of children covered by programmes for national, inter-country and kafalah adoption, disaggregated by age and information about the country of origin and the country of adoption<sup>25</sup>**

<i>Year</i>	<i>National adoptions</i>	<i>Inter-country adoptions</i>				<i>Total</i>
		<i>The USA</i>	<i>Sweden</i>	<i>Bulgaria</i>	<i>Slovenia</i>	
2014	40					40
2015	37		1			38
2016	32		2	1	1	36
2017	47		3			50
2018	13	1				14

**7. Disability, basic health condition and welfare (arts. 6, 18, paragraph 3, 23, 24, 26, 27, paragraphs 1–3, and 33)**

103. Under the 2008–2018 National Strategy for Deinstitutionalisation within the Social Protection System, a number of measures were taken to promote the accessibility of inclusive care to children with disabilities.

104. In recent years, the MLSP has raised its commitment to improving the inclusion of children with disabilities through policy and service changes, more specifically by increasing the number of child day-care centres, introducing new legal benefits and increasing the existent benefits for children with disabilities.

<sup>23</sup> Source: MLSP.

<sup>24</sup> OG No. 115/14.

<sup>25</sup> Source: MLSP.

105. After establishing that the model of assessing children with developmental disabilities (categorisation based on medical assessment) is obsolete, the MLSP, together with UNICEF, is working on developing a new model of functional assessment of children, aimed at establishing the potential that the child can reach and identifying the obstacles in the environment that impede it.

106. In cooperation with UNICEF, an assessment was made of alternative care forms and support services for the families of children with disabilities, which resulted in an analysis and recommendations for revision of the day-care centres for children with disabilities. The goal is to move from “day care” to various types of services that do not segregate, but help the children to be involved in the everyday life in the community.

107. With respect to the protection of children with developmental disabilities, to date the MLSP has opened 31 day-care centres, including: 27 for children with intellectual or physical disabilities, 1 for children with cerebral palsy, 1 for children with impaired vision and 2 for children with autism, which are visited by about 440 beneficiaries.

108. In the school year 2017/18, 140 educational assistants were provided for children with disabilities in 18 municipalities in the state.

109. Under the 2018–2027 National Deinstitutionalisation Strategy, transformation plans are being developed for social protection institutions, which will enable treatment of beneficiaries by expanding and strengthening the current non-institutional protection network. By transforming the PI Demir Kapija Special Institute, a new organised supported living unit was opened and two residential units were provided for 7 children with disabilities.

110. The Law Amending the Law on Child Protection<sup>26</sup> grants the right to a special benefit for children with Down syndrome, as well. The special benefit was increased by 25% (since 1 June 2015) for materially disadvantaged parents who receive pecuniary welfare and permanent pecuniary benefit and who have a child with specific needs, with physical or mental developmental disabilities or combined developmental disabilities up to 26 years of age.

111. According to statistics, a total of 7292 children receive a special benefit as a pecuniary welfare for children with specific needs.

112. The number of beneficiaries placed in social protection institutions is as follows:

- The PI Institute for Rehabilitation of Children and Youths in Skopje is visited by 66 beneficiaries, 36 of whom are placed there, 15 of whom are under 18 years of age and 21 are aged 18 to 26;
- The PI Demir Kapija Special Institute accommodates a total of 221 beneficiaries, 11 of whom are under 18 years of age and 16 are aged 18 to 26;
- The PI Spa Bansko Protection and Rehabilitation Institute in Strumica accommodates a total of 63 beneficiaries, 10 of whom are under 18 years of age and 5 are aged 18 to 26;
- The PI Home for Infants and Toddlers in Bitola accommodates a total of 68 beneficiaries, 19 of whom are with disabilities, 2 beneficiaries are with minor impairments and 5 beneficiaries have a mental age which is close to their physical age;
- Foster families accommodating a total of 340 persons, 137 of whom are children with disabilities; and
- Day-care centres for persons with disabilities, with a total of 431 beneficiaries, 187 of whom are under 18 years of age and 107 are aged 18 to 26.

<sup>26</sup> OG No. 10/15.

**(a) Health and health services, in particular primary health care (Article 24)**

113. The right to healthcare of all citizens is safeguarded by the Constitution and is governed by the Law on Healthcare.<sup>27</sup> The guaranteed rights are exercised and the established needs and interests are fulfilled through specially designed annual programmes financed by the Budget.

114. The access to healthcare for persons with disabilities is governed by the Law on Healthcare (primary healthcare), the Law on Health Insurance (universal health insurance coverage, exemption from paying participation), Law on Patients' Rights (individual aspects of the right to health), the law on Mental Health (right to respecting the personality, dignity and privacy of every person with a mental illness).

115. Healthcare for children with developmental problems is provided at the centres for primary healthcare, secondary healthcare for children with developmental problems and special educational needs (where there are developmental paediatrics units and two specialised mental health institutions (in Skopje and in Bitola) for early detection, diagnostics, treatment and following of the functional growth and development of children born with risks, tertiary healthcare centres, concentrated in the bigger cities.

116. The MoH has been continuously pursuing activities as envisaged under the action plan adopted and approved by the Government for the establishment of a Centre for Autism by undertaking a number of multi-sector capacity building activities (staffing, training, equipment and application of new treatment and operational methods for this unique centre). Over the past years, the focus has been placed on training to use the Applied Behaviour Analysis (AVA) assessment tool and the Autism Diagnostics Observation Schedule (ADOS) diagnostics and assessment instrument for staff in public health facilities working with children in the autism spectrum and employees at the Skopje Daily Centre for Autism operating under the jurisdiction of the MLSP.

117. In 2017, the MoH established a Working Body for the Implementation of the Action Plan for Improving the Healthcare of Children with Disabilities. The measures and activities outlined under the Action Plan address problems faced by families of persons suffering from autism, rare diseases and other disabilities (ensuring easier access to healthcare and social services through correct diagnostics, enabling treatment with the newly introduced methods, timely provision of medication, laboratory reagents and other necessary therapy as well as maintaining continuous cooperation and training of professionals from the country together with colleagues from abroad).

118. In keeping with the priorities set, the Government annually adopts programs, which are implemented by the MoH.

119. Since 2017, in cooperation with the Macedonian Medical Association and the Association of Nurses and Obstetricians, UNICEF has been working on developing the capacities of family medicine specialists and primary healthcare professionals for early detection of developmental disabilities in children and early intervention in cases detected .

120. In cooperation with the Macedonian Medical Association, the use of ICF will be piloted in the beginning of 2019 in 10 primary healthcare institutions over the course of the entire year using the "follow the child" model.

121. As set forth in the Guidelines on Practicing Evidence-based Medicine, prenatal screening for malformations of the cardiovascular system is regularly performed on newborns for purposes of early detection of congenital heart disease.

122. In keeping with the Guidelines on Antenatal Care during Pregnancy, a number of measures are being taken to protect the health of pregnant women and ensure the proper development of the foetus, i.e. a set of interventions aimed at enabling pregnant women to obtain information and advice on pregnancy, childbirth and care for newborn children, identifying risks to their health, conducting timely measures and interventions as necessary,

<sup>27</sup> OG No. 43/12, 145/12, 65/13, 87/13, 164/13, 39/14, 43/14, 69/12, 101/14, 132/14, 188/14, 10/15, 61/15, 154/15, 192/15.

providing care for various diseases and illnesses, and providing appropriate education to pregnant women, families, and communities.

123. As set forth under the Law on Records Keeping in the Field of Healthcare, an Individual Report for Children with Developmental Disabilities (0–18 years old) has been prepared together with the accompanying Report-filling Instructions. Plans are also in place to develop special software for recording persons with developmental disabilities in in-patient treatment and admitted to day hospitals as a useful tool for monitoring the health status of this category of patients.

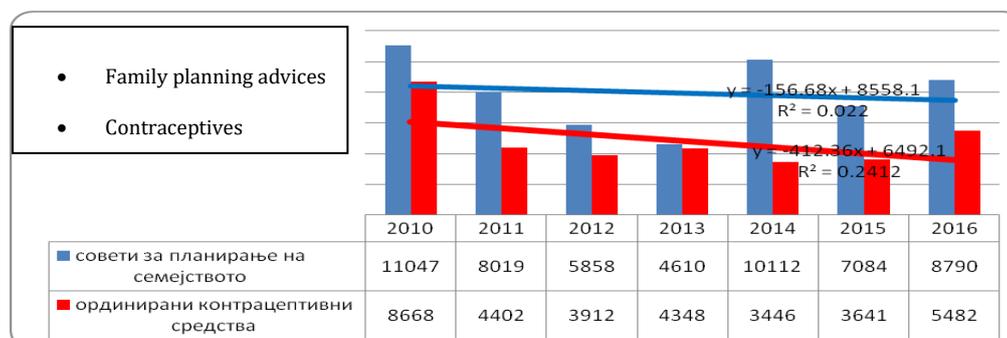
### Safe Motherhood Healthcare

124. Women in reproductive age and children are provided healthcare through a network of health institutions at all three levels of healthcare.

125. At primary healthcare level, family planning services are provided by gynaecologists and partially by public health nurses.

126. In 2017, Action Plans for Family Planning and for Improving Maternal and Neonatal Health were drafted as part of the 2010–2020 SRH Strategy.

**Chart: Access to family planning services – number of visits and number of contraceptives administered (2010–2016)<sup>28</sup>**



### Antenatal Healthcare

127. Availability of timely and quality antenatal care is vital for the reduction and early detection of all risks that contribute to maternal and infant mortality.

128. PHC for pregnant women is provided by their primary care (PCP) gynaecologists. In 2016, a total of 141 doctors or 1 doctor per around 3,600 women in reproductive age worked in the public health sector. The percentage of pregnant women having access to and using prenatal and postnatal care is relatively high.

**Table 1  
Percentage of pregnant women having access to and using prenatal (antenatal) healthcare by a gynaecologist<sup>29</sup>**

Indicator	2011	2012	2013	2014	2015	2016
Percentage of pregnant women having access to antenatal healthcare	N/A	N/A	87.8	89.9	90.1	90.3

129. The public health nursing service conducts public health nursing visits to the homes of puerperal women after leaving maternity hospitals.

<sup>28</sup> Source: IHMC, 2016.

<sup>29</sup> Source: 2013–2016 Perinatology Results, National Reproductive Health Centre.

Table 2

**Percentage of pregnant women having access to and using post-natal healthcare (visits from a public health nurse)<sup>30</sup>**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Percentage of puerperal women visited by public health nurses	90%	89%	92%	83%	83%	83%

130. The percentage of deliveries assisted by professionals remains high (99.9%).

Table 3

**Percentage of children born in hospitals<sup>31</sup>**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Percentage of children born in hospitals	99.8	99.7	99.8	99.8	9.9	99.9

Table 4

**Maternal Mortality Ratio – MMR (2011–2016)<sup>32</sup>**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Maternal Mortality Ratio (per 100,000 live births)	4.4	4.2	4.3	12.7	0	0

131. In 2017, in cooperation with the UNFPA Country Office, the MoH started training of trainers on the Beyond the Numbers (BTN) methodology of the WHO, intended to enable gynaecologists from maternity hospitals to professionally review maternal morbidity and mortality (near miss cases), the ultimate goal of which is to achieve systematic improvement of the quality of healthcare during pregnancy, childbirth and in the postnatal period.

132. Several measures have been introduced to increase access to antenatal care, in particular for vulnerable groups of women facing financial barriers by means of free medical screenings during pregnancy and free delivery for uninsured women, and exemptions from co-payments for health services for health-insured pregnant women. This measure facilitates the access to these services for vulnerable groups of women, including Roma women.

133. An extensive number of clinical guidelines pertaining to this matter have been developed, such as the Clinical Guide for Early Detection of Risky Pregnancies and the Guidelines for the Treatment of Postpartum Haemorrhage.

134. An electronic personal maternity record (note) is underway to serve as a link between PHC gynaecologists and those working in maternity hospitals. Information materials for pregnant women have also been developed aimed at informing pregnant women on the necessity of visiting gynaecologists and what antenatal care entails, as well as offering clinical guidelines on family planning, antenatal care, intrapartum and postpartum care, care for the health of newborns, gynaecological care, infertility, safe abortion, breastfeeding, etc.

135. In order to address the problem of increasing neonatal mortality in the country, UNICEF has been developing a methodology for reviewing each individual newborn death and preparing materials to be used for the training of 20 representatives of the National Body for Reviewing Neonatal Mortality to be established by the MoH.

<sup>30</sup> Source: PHI, Skopje Health Centre.

<sup>31</sup> Source: IHMC, Skopje Health Centre.

<sup>32</sup> Source: SSO and IHMC, Skopje Health Centre.

136. In collaboration with the Safe Motherhood Committee, UNICEF has been developing guidelines for perinatal transport, as well as standards for the protection and control of the transport of newborns in order to avert preventable causes for their mortality.

### **Breastfeeding**

137. As regards breastfeeding, 90% of mothers breastfeed in the first month after childbirth. According to the data gathered after a survey of a representative sample conducted by UNICEF in 2011, 41% of mothers engage in predominant breastfeeding (adding water, tea, or juice to newborn diets aside from breast milk as the predominant form of nourishment), while 23% of mothers engage in exclusive breastfeeding (breast milk only).

Table 5

#### **Breastfeeding rate (exclusive, predominant, and average length of breastfeeding)<sup>33</sup>**

<i>Indicator</i>	<i>2011</i>
Rate of exclusive breastfeeding within the first 6 months since childbirth	23%
Predominant breastfeeding rate	44.1%
Average length of breastfeeding (all types) - months	12.1 months

138. The national body responsible for coordinating activities aimed at promoting breastfeeding is the Commission for the Promotion of and Support for Breastfeeding. Moreover, activities are being carried out under the Active Healthcare for Mothers and Children Program of the MoH aimed at promoting and protecting breastfeeding, training health workers, organizing events to mark the World Breastfeeding Week, and preparing information materials (Breastfeeding Brochure for Parents).

139. Existing maternity-related legislation treats maternity favourably both in terms of the length of maternity leave it allows and the right to breastfeeding it guarantees to employed mothers (regulated under the Law on Labour Relations). The Rulebook on the Minimum Workplace Safety and Health Requirements for Pregnant Workers, Workers Who Have Recently Given Birth or Are Breastfeeding also applies for employed breastfeeding mothers, providing a list of harmful factors and working conditions they should not and must not be exposed to.

140. Furthermore, a 2018–2020 Action Plan for the Promotion of Breastfeeding has been prepared aiming to promote the health of infants, young children, and mothers by providing optimum conditions for initiating and sustaining breastfeeding. Strategic Operational Procedures on Breastfeeding and the Nourishment of Infants and Young Children in Crisis Situations have also been developed (2016) and health professionals have received training on their practical application.

**(b) Efforts to address the most prevalent health challenges, to promote the physical and mental health and well-being of children and to prevent and deal with communicable and non-communicable diseases**

141. According to the latest population estimation,<sup>34</sup> 21.6% of the total population was composed of children aged 0–18, 7.8% of whom were aged 0–6. Preventive healthcare services aimed at improving the health of children aged 0–6 have been focused on monitoring their growth and development, as well as their protection against communicable diseases, all being carried out by preventive and family supporting teams tasked with the promotion of health with the help of the public health nursing service. The healthcare and treatment of sick children is carried out by primary care physicians/paediatricians.

<sup>33</sup> Source: Multi-indicator Cluster Research, 2011.

<sup>34</sup> Source: SSO– Publications No. 2, 4, 16, 10/856, July 2016.

Table 6

**Infant mortality and mortality of children of up to 5 years of age rates (per 1,000 live births) (2011–2016)<sup>35</sup>**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Infant mortality rate (per 1,000 live births)	7.5	9.7	10.2	9.9	8.6	11.9
Mortality of children of up to 5 years of age rates (per 1,000 live births)	8.6	11.0	11.3	10.7	9.7	12.9

142. The most common causes for infant mortality (infants aged 0–12 months) are perinatal causes (81.3%) and congenital anomalies (6.9%). Preterm birth has been identified as the predominant cause for these deaths.

143. There is a declining trend in the differences in infant mortality rates as seen from the aspect of the socio-demographic characteristics of mothers (ethnicity, education, age, place of residence).

Table 7

**Infant mortality rates according to the ethnicity of mothers (2011–2016)<sup>36</sup>**

<i>Ethnicity</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
<b>Total</b>	<b>7.5</b>	<b>9.8</b>	<b>10.2</b>	<b>9.9</b>	<b>8.6</b>	<b>11.9</b>
Macedonians	6.0	8.2	8.4	10.7	7.7	10.4
Albanians	10.1	10.8	11.9	8.6	10.3	14.3
Turks	3.8	16.5	8.1	7	4.5	8.7
Roma	10.2	11.6	17.4	14.2	11.8	11.2
Others	5.7	10.1	9	6.6	10	7.5

Table 8

**Infant mortality rate per age of mothers (2011–2016)**

<i>Age</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
<b>Total</b>	<b>7.5</b>	<b>9.8</b>	<b>10.2</b>	<b>9.9</b>	<b>8.6</b>	<b>11.9</b>
<20	N/A	11.0	12.7	14.6	19.2	13.9
20–29	N/A	7.5	9.1	8.5	8.4	9.8
30–39	N/A	13	10.8	11.4	8.3	14.7
>40	N/A	25.1	24.8	13.5	11.8	9.6

Table 9

**Infant mortality according to the level of education of mothers (2011–2016)**

<i>Education level</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
<b>Total</b>	<b>7.5</b>	<b>9.8</b>	<b>10.2</b>	<b>9.9</b>	<b>8.6</b>	<b>11.9</b>
No education	10.3	15.9	16.4	12.4	10.4	10.7
Primary education completed	10.9	11.1	13.7	8.7	8.5	10.9

<sup>35</sup> Source: SSO and IHMC, Skopje Health Centre.

<sup>36</sup> Source of Tables 7, 8, 9, 10 and 11: SSO and the IHMC, Skopje Health Centre.

<i>Education level</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Secondary education completed	7.0	9.0	7.4	9.3	8.3	10.6
Post-secondary/higher education completed	2.4	4.7	5.9	6.6	5.1	9

Table 10  
**Infant mortality by place of residence of mothers (rural/urban) (2011–2016)**

	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
<b>Total</b>	<b>7.5</b>	<b>9.8</b>	<b>10.2</b>	<b>9.9</b>	<b>8.6</b>	<b>11.9</b>
Rural	N/A	N/A	10.7	9.5	8.4	12.7
Urban	N/A	N/A	9.9	10.5	8.7	11.3

144. The percentage of children with low birth weight of less than 2,500 grams has been continuously growing.

Table 11  
**Percentage of children with low birth weight of less than 2,500 grams (2011–2016)**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
% of live births weighing under 2,500 grams per total number of live births	7.0	7.2	7.4	7.2	7.6	8.2

145. For purposes of ensuring protection against infectious diseases, compulsory immunoprophylaxis and chemoprophylaxis is being carried out in keeping with the Law on Protection of the Population against Infectious Diseases and the Rulebook on Immunoprophylaxis and Chemoprophylaxis.<sup>37</sup>

Table 12  
**Percentage of children aged 1 who have received full immunization for tuberculosis, diphtheria, pertussis, tetanus, polio and measles<sup>38</sup>**

<i>Vaccine/Year</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Diphtheria	95.9	94.7	98.2	95.4	91.3	95.3
Tetanus	95.9	94.7	98.2	95.4	91.3	95.3
Pertussis	95.9	94.7	98.2	95.4	91.3	95.3
Polio	97.0	96.9	97.9	95.6	92.1	95.3
Measles	96.8	96.1	96.1	93.3	88.8	82.1

(c) **Reproductive health rights of adolescents and measures to promote a healthy lifestyle**

146. Adolescent pregnancy is a serious health problem due to the possible occurrence of complications during pregnancy and childbirth, as well as the consequences to the mental health of pregnant adolescents. Statistics show a declining trend.

<sup>37</sup> OG No. 177/15.

<sup>38</sup> Source: PHI.

Table 13  
**Percentage of births by mothers under the age of 19 and rated of adolescent pregnancy per 1,000 girls aged 15–19<sup>39</sup>**

<i>Indicator</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
% of births by mothers under 19 years of age per total number of births	6.1	5.8	5.8	5.1	5%	4.47
Adolescent pregnancy (15–19 years of age) per 1,000 girls aged 15–19	N/A	N/A	N/A	21.9	20.4	19.5

147. In order to raise awareness among parents and children aged 12–18 on the negative effects of child pregnancy and marriage, in cooperation with the local NGO H.E.R.A., in 2017, UNICEF hosted roundtables in several municipalities with predominantly Roma population where this phenomenon occurs more frequently. According to the National Public Health Program, the Public Health Centres (PHCs) carry out education in primary and secondary schools on a yearly basis regarding sexually transmitted diseases and unwanted pregnancies. A series of trainings for PHC health professionals has also been conducted on the prevention of adolescent pregnancy. Moreover, a module on adolescent SRH was introduced in family medicine residency program curricula.

148. Since 2012, PHCs have also been operating SRH Counselling Centres providing free expert counsel and contraceptives.

Table 14  
**SRH Counselling Centres Work Report 2012–2017<sup>40</sup>**

	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>In total</i>
No. of young people provided with counsel	1 050	1 153	1 387	741	1 207	779	6 317
No. of condoms distributed	6 415	8 845	6 488	1 262	3 563	2 205	28 778
No. of personal lubricants distributed	358	2 866	449	/	/		3 673
Number of oral contraceptive means distributed	305	/	/	/	/		305
Promotional materials	740	/	/	714	751	1 003	3208
Lectures	85	/	/	63	9	250	407
Surveys					62	203	265

149. In order to promote sexual and reproductive health, NGOs have been conducting activities at two I Want to Know youth centres in Skopje, providing free medical screening, counselling, and testing for sexually transmitted infections to vulnerable and marginalized groups of young people. In 10 years of operating, over 80,000 services have been provided to about 25,000 young people, 20% of which have been university and high school students.

150. The on-going Life Skills Education Program (LSE), introduced in primary and secondary schools in 2009, incorporates some of the topics considered indispensable to any comprehensive SRH education.

151. Based on the analysis done on LSE manuals over the representation of topics related to SRHR, in keeping with the Framework for Comprehensive Sexual Education, a Primary School Teacher Handbook on SRHR Topics has been prepared and used for piloting CSE in two primary schools in the City of Skopje.

152. Peer-to-peer education on SRHR boasts a nearly twenty-year tradition in the country. Initially, it aims to educate young people on HIV prevention, later evolving towards peer-to-peer informing about contraception, protection against sexually transmitted infections

<sup>39</sup> Source: IHMC.

<sup>40</sup> Source: PHI.

and safe behaviour with regard to SRH. Currently, the programs are implemented in several schools and the SRH Youth Centres in Skopje. As envisaged by the Peer Educators' Manuals on SRHR Topics, the program is carried out in a total of 12 working hours (10 effective).<sup>41</sup> Training standards for peer educators have also been established, as well as a system for mentoring and supervising implementation, whereas the impact of the program on the knowledge and attitudes of participants is monitored through pre and post tests.

**(d) Measures to protect children from substance abuse (art. 33)**

153. The Government adopted the 2014–2020 National Drugs Strategy and corresponding 2014–2017 Action Plan. The goal of this strategy is to reduce the demand and supply of drugs, as well as the health and social risks, and harms caused by drugs.

154. Counselling Centres for the Prevention of Drug and other Psychoactive Substance Use were opened for high school students in Skopje (2012) and its Shuto Orizari quarter with predominantly Roma population (2016).

155. A drug use prevention program titled Teenage Skills is being implemented in primary schools, while peer education is conducted with the help of the Red Cross for preventing substance abuse. In 2017, working meetings and training for professional staff in secondary schools were conducted on New Psychotropic Substances and Violence against Children in Schools.

156. With the support of the City of Skopje, HOPS NGO developed a program for children of drug users at the rehabilitation day centre, as part of which a guidance counsellor, a psychologist, and a social worker work with these children as needed.

157. Furthermore, using the support of the Pompidou Group at the CoE and the MoH, the [www.drughelp.eu](http://www.drughelp.eu) online drug use risk self-assessment tool has been developed informing drug users of the locations across the country they can turn to for help and support.

158. As regards rehabilitation, work is underway to adopt a protocol for the treatment of and care for child substance users that is in the final stage of preparation pending finalization and subsequent adoption by the Government.

159. In terms of the prevention of alcohol use, the Law on Trade prescribes a ban on the sale of alcohol to minors, as well as a general ban on the sale of alcohol in the hours between 7 PM and 6 AM. As part of the Public Health Program, PHCs have been conducting education on a yearly basis in primary and secondary schools on public health matters, including on the prevention of addiction-related diseases.

160. According to data obtained from the Centre for Control and Information on Poisoning, the number of alcohol intoxications among adolescents has marked a slight decline over the last three years.

2011	2012	2013	2014	2015	2016	2017
65	73	70	97	48	39	51

161. A Strategy on the Prevention and Control of Harmful Consequences of Alcohol Use and Abuse to the Health of the Population has been prepared together with a corresponding Action Plan for the period ending in the year 2027, outlining plans for a host of measures aimed at preventing alcohol use among minors.

162. The ESPAD survey conducted in 2015 among 2,430 students aged 15/16 showed that 5% of students had used marijuana throughout their lives, most of them had tried marijuana 1 to 2 times, 2.1% of students had used ecstasy throughout their lives, 1.1% of whom had used it 1 to 2 times. A total of 1.9% of students had used inhalant drugs.

163. The number of people who had used other types of drugs throughout their lives ranged from 0.6% for magic mushrooms and anabolic steroids to 0.9% for LSD and 0.9% for heroin. Compared to previous studies, the use of heroin, LSD, and anabolic steroids was

<sup>41</sup> HERA 2015: Peer Educators' Manuals on Sexual and Reproductive Health and Rights Topics.

in stagnation. Rising percentages were observed in the use of cocaine from 2008 to 2015 (0.9% in 2008 to 1.5% in 2015), while the number of people reporting the use of magic mushrooms declined (1.2% in 2008 to 0.6% in 2015). The results indicate to stagnation in terms of the use of most illicit drugs, with nevertheless a slight increase in the use of marijuana, cocaine, and ecstasy. There are new substances on the market, which account for 3.7%. The use of sedatives (without medical prescription) amounts to 11%, particularly prevailing among the female population and being on a growing curve in comparison to earlier periods, whereas the use of energy drinks is becoming increasingly common.

## 8. Education, leisure and cultural activities (Articles 28–31)

### (a) **The right to education for all under equal conditions is guaranteed by the Constitution. Primary education is compulsory and free for all. Secondary education is also mandatory for every citizen. It is carried out using plans for general high school and vocational education, as well as special secondary education programs for certain categories of students**

164. Education is free in public secondary schools; with students being afforded the right to free transport should their places of residence or student dormitories they are accommodated in be located at a minimum distance of 2.5 km from the secondary schools they attend.

165. As regards higher education, both nationals of the country and foreign nationals regardless of the application or not of the principle of mutuality, as well as stateless persons, are afforded the right to higher education under equal conditions. The conditions and manner of enrolment in study programs are regulated in detail by Article 149 of the Law on Higher Education.

166. With a view to providing information on educational and vocational qualifications and professional orientation services, career centres have been open for professional counselling of students in 52 secondary schools.

167. Measures have been envisaged for stimulating enrolment in compulsory secondary education, as well as for sanctioning non-compliance.

168. To stimulate and reduce the dropout rates, every year the MES grants scholarships to vulnerable children (including children with disabilities) in primary and secondary education, providing as well mentoring and tutorship assistance to this category of students. Pursuant to the Law on Primary Education and the Law on Secondary Education, penalties have been set forth for parents/guardians who have failed to enrol their children in school.

### (b) **Goals of education**

169. As set out in the national legislation, education goals have been focused on the following:

- Developing literacy and abilities of students in understanding, communicating, and expressing themselves in the Macedonian language and its Cyrillic alphabet, i.e. in the languages of the members of the different communities in the country and their corresponding scripts;
- The harmonious, emotional, and social development of students;
- Developing self-confidence and awareness among students about their individuality and responsibility for their actions, for belonging to and fostering their own national and cultural identity;
- Education for mutual tolerance and respect for diversity and basic human freedoms and rights, and for general cultural and civilization values;
- Developing research, experimentation, and problem solving skills;
- The inclusion and care for the development of students with special educational needs;

- The development of pupils' talent in different fields; and
- Building a healthy lifestyle and upbringing for taking responsibility for one's own health and protecting the environment.

**(c) The right to culture of children of indigenous origin and children belonging to minority (Article 30)**

170. The right to education in the mother tongue is guaranteed constitutional right. According to Article 48 of the Constitution, persons belonging to ethnic communities, have the right to freely express, nurture and develop their identity and ethnic characteristics by establishing cultural and art institutions, scientific, and other associations.

171. Pursuant to paragraph 2 of Article 9 of the Law on Primary Education for pupils belonging to the communities who follow instruction in a language other than the Macedonian language and its Cyrillic alphabet, the educational work is carried out in the language and alphabet of the respective community, in a manner determined by this Law.

172. Pursuant to Article 8 of the Law on Primary Education, children having foreign citizenship or children without citizenship, and residing in the country, have the right to primary education under equal conditions as children who are citizens of the country. Classes for them are organised in their mother tongue, on the basis of international agreements ratified in accordance with the Constitution.

173. Teaching in primary education is carried out in four languages of instruction: Macedonian, Albanian, Turkish, and Serbian. Of the total of 129 approved textbooks, 97% are translated into the language in which the classes are conducted. They are published in all languages digitally on the official website of the Ministry of Education and Science. Textbooks for the study of the language and culture of the community have been approved for the pupils belonging to the ethnic communities that do not receive instruction in their native language from the third to the ninth grade. Teaching in secondary high school and secondary vocational education is carried out in three languages of instruction: Macedonian, Albanian, and Turkish. In the 2017/2018 school year, the Bosniak language was introduced in schools.

**(d) Rest, play, leisure, recreation and cultural artistic activities (Article 31)**

174. In accordance with its legal competences, the Ministry of Education and Science (MES) regulates the stay of children in schools. The school class lasts 40 minutes, and after the end of the lesson, the child is released from the obligation to stay in school, except in cases when he or she is involved in extracurricular activities. In accordance with the different interests of pupils, the elementary school organises free pupil activities determined by the annual work programme of the school. For pupils who show particular success in individual subjects, competitions are organised at the municipal, regional, and national levels.

175. For each school year, the MES adopts a calendar for the organisation and work of primary and secondary schools.

176. The Law on Protection of Children's Rights provides for provisions regarding the right to rest and recreation of the child.

**9. Special protection measures (Article 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)**

**(a) Children outside their country of origin and seeking refugee status (Article 22), unaccompanied child asylum seekers, internally displaced children, migrant children and children affected by migration**

177. Children asylum seekers who are accompanied by the family during the asylum procedure are accommodated in the only reception Centre for Asylum Seekers located in Skopje. The Centre, which was opened in 2008, meets the international standards for the reception of asylum seekers in context of accommodation, access to legal assistance and

information, as well as the implementation of educational workshops, especially for children. In practice, asylum seekers stay very briefly; therefore children do not have the opportunity to be included in the regular educational process. Social workers, psychologists, educators, counsellors, and other professional services active within the Reception Centre take care of the protection of families and children during their stay there.

178. Measures for appointing the statutory guardian *ex officio* are applied for the admission of unaccompanied children, who further leads the procedure for proper childcare.

179. For the 2014–2018 period, the MLSP concluded annual agreements with the UNHCR, which, like the Memorandums of Cooperation that the Ministry concludes with a partner NGO, addressed issues in the field of reception of asylum seekers (children and vulnerable categories).<sup>42</sup> According to the Law on International and Temporary Protection (April 2018), the MLSP is also in charge of adopting special bylaws, rulebooks on the reception of asylum seekers, unaccompanied children and vulnerable categories of persons under international protection. At the same time, the Ministry is also working on the adoption of an inter-ministerial protocol defining the procedure and obligations related to family reunification and finding families.

180. During the last refugee crisis of 2015, the MLSP, in cooperation with UNICEF, engaged field social workers, trained to profile different types of social risks, with the aim of early identification and appropriate intervention in specific cases. In this context, the MLSP was part of the working group for drafting and adoption of the two documents: SOP for dealing with unaccompanied minors and SOP for dealing with vulnerable categories of refugees (with the MoI as implementing institution thereof).

181. In 2009, a Centre for Integration of Refugees and Foreigners was established in order to develop individual plans for integration and monitoring the activities envisaged for them. There remains an obligation to develop special mechanisms for the detection of children involved in armed conflict and appropriate training of staff who would work with this category of children.

182. According to statistical data, the number of internally displaced children by years is as follows: in 2014, 46 children; in 2015, 60 children; in 2016, 54 children; in 2017, 47 children; and in 2018, 44 children.

#### **Data on children asylum seekers, 2014–June 2018<sup>43</sup>**

<i>Year</i>	<i>Accompanied minors</i>	<i>Unaccompanied minors</i>
2014	114	99 persons
2015	308	116 persons
2016	157	36 persons
2017	15	13 persons
January–June 2018	27	5 persons

183. The top three countries of origin according to statistical data on admission of child seeking asylum are Syria, Afghanistan, and Iraq.

184. Number of children with subsidiary protection status and children with recognised refugee status in 2018 is 83 children, of which eight are children with recognised refugee status, 75 with the status of a person under subsidiary protection.

185. Of the total number of children with recognised asylum, 16 are preschool children, 35 are in primary education, and 15 in secondary education. 71 children or 85% are covered by state healthcare insurance.

186. Children asylum seekers have a legally guaranteed right to access to education, but due to their short stay in the country they are not enrolled in regular education. All child

<sup>42</sup> UNICEF also concludes an annual agreement and this agreement has a section on refugees.

<sup>43</sup> Source: MoI.

asylum seekers have access to health care services provided through the Reception Centre for Asylum Seekers.

187. Children as Macedonian citizens who are still displaced persons have full access to education and health care.

188. Given the fact that the Reception Centre for Asylum Seekers is an open-type institution, in most cases, asylum seekers are reluctant to wait to receive the decisions on the submitted asylum request because of their desire to leave the country as soon as possible. Hence, they are considered as asylum seekers whose asylum seeking procedure, initiated upon their request, has been interrupted due to non-appearance before the competent institutions for the scheduled interview.

**(b) Children belonging to minorities or of indigenous origin (Article 30)**

189. Regarding the improvement of the social inclusion of the Roma, the implementation of many activities in accordance with the Strategy for the Roma 2014–2020 continues. The MLSP in cooperation with the Roma Education Fund has been implementing the project “Inclusion of Roma Children in Public Municipal Institutions – Kindergartens” for 11 years in a row. The total number of enrolled children in all kindergartens in the 2017–2018 school year is 34,521, out of which 718 or 2.07% are Roma children. The average attendance of children in the kindergarten is about 65%. According to the project statistical data, the dropout rate of children from the kindergarten is 3.45%; in this context, there is a higher dropout rate of boys (3.32%) when compared to girls (2.69%).

190. In 2018, monitoring visits by the project staff to the municipalities where the project has been implemented were continuously made for monitoring the implementation and solving of problems that occur during the school year. Municipalities provide transportation for Roma children to and from kindergarten.

191. Within the project, 19 Roma women are employed as caregivers for indefinite time. The project was also extended for the 2017–2018 school year, while a new application is being prepared to the Roma Education Fund for the 2018–2019 period.

**(c) Children on the street**

192. With the amendments to the Law on the Family in 2014, it is specified that inducing a child to begging or using a child for begging is considered an abuse and gross neglect of performing parental duties (which is grounds for deprivation of parental right). The local SWC is authorized to proceed upon this.

193. In order to map the territories where children on the street were identified, the MLSP implemented projects of social protection of children in cooperation with the NGOs through public competition in 2017 and 2018. The goal is to have enhanced fieldwork for detecting and working with children on the spot, as well as increasing teams in established Day Care Centres for children on the street in order to remove children from the street and their inclusion in society by providing good upbringing and educational services.

194. In the City of Skopje, the MLSP opened two day-care centres for children on the street: Kisela Voda and Gazi Baba. About 90 children on the street rotate daily at these centres.

195. There is no precise number of children on the street, but according to the data available to the SWC, around 650 children have been recorded as part of the field activities.

**(d) Children who are in situation to be exploited (Article 32)**

196. Amendments to the Law on Labour Relations have been sent to the Assembly to be adopted. These amendments, inter alia, intervene in the provisions that regulate the capacity to conclude an employment contract with a child less than 18 years of age. Namely, paragraph 2 of Article 18 is amended by the following: “it is prohibited for a child under the age of 15 or a child who has not completed compulsory education to work, except for participation in activities for which it is determined by law that the child may perform them, but not longer than 2 hours per day or 12 hours per week, and during a school holiday not

longer than 6 hours per day or 30 hours per week, with the mandatory provision of two uninterrupted working weeks rest.”

197. Number and percentage of children below the minimum legal age of employment, according to the Minimum Age Convention of the International Labour Organisation, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182), allocated by type of work engagement.

#### Employed young people aged 15 to 18 years, 2013<sup>44</sup>

<i>Age</i>	<i>Number of employees:</i>	<i>Men</i>	<i>Women</i>
15	(584)	:	:
16	(687)	:	:
17	(797)	:	:
18	1 645	(826)	(819)
<b>Total</b>	<b>3 713</b>	<b>1 898</b>	<b>1 816</b>

#### Employed young people aged 15 to 18 years, 2014<sup>45</sup>

<i>Age</i>	<i>Number of employees:</i>	<i>Men</i>	<i>Women</i>
15	:	:	-
16	(779)	:	(606)
17	(578)	:	:
18	(875)	(676)	:
<b>Total</b>	<b>2 383</b>	<b>(1 379)</b>	<b>(1 005)</b>

#### Employed young people aged 15 to 18 years, 2015<sup>46</sup>

<i>Age</i>	<i>Number of employees:</i>	<i>Men</i>	<i>Women</i>
15	:	:	:
16	(939)	(679)	:
17	(1 059)	:	(710)
18	1 834	(1 401)	:
<b>Total</b>	<b>4 155</b>	<b>2 503</b>	<b>1 653</b>

#### Employed young people aged 15 to 18 years, 2016<sup>47</sup>

<i>Age</i>	<i>Number of employees:</i>	<i>Men</i>	<i>Women</i>
15	:	:	:
16	:	:	:
17	(783)	(580)	:
18	(1 277)	(877)	:
<b>Total</b>	<b>2 518</b>	<b>1 600</b>	<b>(918)</b>

<sup>44</sup> Source: SSO.

<sup>45</sup> Source: SSO.

<sup>46</sup> Source: SSO.

<sup>47</sup> Source: SSO.

**Employed young people aged 15 to 18 years, 2017<sup>48</sup>**

Age	Number of employees:	Men	Women
15	:	:	.
16	:	:	:
17	:	:	:
18	(1 453)	(926)	(528)
<b>Total</b>	<b>2 122</b>	<b>(1 462)</b>	<b>(659)</b>

**Sexual exploitation and sexual abuse (Article 34)**

198. On 30 December 2017, the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) was ratified. A draft text of the National Action Plan for its implementation was prepared, which foresees opening of Centres for Referral of Victims of Sexual Violence. SOPs were designed to provide a multisector response at the Centres for Referral of Victims of Sexual Violence, with emphasis on child victims.

**Number of children who were susceptible to sexual exploitation, including prostitution, pornography and trafficking in children<sup>49</sup>**

<i>Year of identification of child victims of trafficking for the purpose of sexual exploitation</i>	2014	2015	2016	2017	2018
Domestic	6	3	3	2	3
Foreign	/	/	/	/	1
<b>Total</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>

199. All children identified as victims of trafficking in human beings for the purpose of sexual exploitation were included in a programme of reintegration and socialisation.

**Number of reported cases of sexual exploitation, sexual abuse, and sale of children, kidnapping and violence against children during the reporting period<sup>50</sup>**

<i>Year of identification of children victims of trafficking for the purpose of sexual exploitation</i>	2014	2015	2016	2017	2018
Domestic	6	3	3	2	3
Foreign	/	/	/	/	1
<b>Total</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>

**Abduction of, the sale of or trafficking in children (Article 35)**

200. Within the National Commission, as a working body, a subgroup for combating trafficking in children continues to operate, with a mandate to monitor the situation with trafficking in children. In 2015, the Subgroup submitted an Initiative for Amendments to Article 418-d of the Criminal Code<sup>51</sup> in context of incriminating begging and erasing of Article 191-a “Child Prostitution”, due to the conclusion that it is contrary to the principles of non-discrimination and the best interests of the child. The National Referral Mechanism (NRM) used for referral of human trafficking victims at the MLSP works to coordinate the identification, assistance, and referral of child victims of trafficking. The NRM

<sup>48</sup> Source: SSO.

<sup>49</sup> Source: MLSP.

<sup>50</sup> Source: MLSP.

<sup>51</sup> OG No. 226/15.

continuously implements the activities foreseen in the National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration 2017–2020. In the process of protection and reintegration, special measures are taken based on the age and needs of the child/victim according to the physical, psychological, and social consequences experienced by the child/victim of trafficking:

- Referral and placement in a shelter, needs assessment and intervention in crisis;
- Providing an expert team that carries out activities in day and night shifts, as well as accompanying victims to the necessary destinations;
- Provision of food during their stay, hygienic packages, clothing and footwear;
- Inclusion in the programme of psycho-social support (various workshops, training for computer work, basic language courses in English, etc.);
- Organising occupational and recreational activities, depending on the personal affinities: drawing on glass, canvas, porcelain, napkin technique, handmade jewellery, knitting, sewing, origami techniques;
- Organising basic medical, laboratory and specialised gynaecological examinations, testing of HIV, hepatitis A, B and C;
- Legal counselling and offering information on the country judicial system and representation before the courts by a lawyer in previously initiated court procedures;
- Preparation of an individual long-term plan for inclusion in the educational process after returning to place of residence;
- Provision of psychological support for victims, including various treatments and sessions, group therapy and individual psychological counselling once a week, as well as emergency and more intensive assistance depending on the need;
- Overcoming stress and trauma, forming habits, improving reading skills, positive thinking, basic knowledge about adolescent developmental problems, emotional relationships and peer relationships, the dangers of communicable sexually transmitted diseases and unwanted pregnancies.

**(e) Children in conflict with the law, children victims, and children witnesses of criminal acts**

201. According to the Law on Children Justice,<sup>52</sup> a child in conflict with the law, aged 14 to 16 years, is a child who, at the time of the commission of the crime, defined as a criminal offence for which a prison sentence of more than three years is provided, has reached 14 years of age and still is not 16 years old.

202. A child in conflict with the law over 16 years old is a child who, at the time of the commission of the crime, defined as a criminal offence for which a prison sentence of more than three years is provided, has reached 16 years of age and still is not 18 years old.

203. Pursuant to the Law on Children Justice, a child aged 14 to 16 years, may be imposed only correctional measures for action deemed by law as a criminal offence: court reprimand or referral to a special child centre; intensified supervision by parents, guardians, foster family or by the local SWC; and institutional measures, such as referral to a special education institution or a youth correctional facility.

204. A child aged 16 to 18 years, may be imposed correctional measures for action deemed by law as a criminal offence, and exceptionally a punishing sentence or an alternative measure.

205. A child over the age of 16 may be imposed: child prison; fine; prohibition of driving a motor vehicle of a certain type or category; and expulsion as foreigner from the country. A criminally liable child over 16 years of age may be punished if, due to the severe consequences of the crime and the high degree of criminal liability, it would not be justified to impose an educational/correctional measure.

<sup>52</sup> OG No. 148/13.

206. A child prison sentence may only be imposed as a punishment to a child who is criminally responsible, is 16 years and older, and has committed an act: which is defined by law as a criminal offence for which a prison sentence of five years or a more is prescribed, if committed under particularly aggravating circumstances and with high degree of criminal liability of the perpetrator, and it is unjustified to impose a correctional measure. The child prison sentence may not be shorter than one or longer than ten years.

207. Alternative measures for aforementioned child perpetrator include suspended sentence with protective supervision; conditional cessation of the proceedings against such child; and community work.

208. The implementation of the Law on Children Justice is monitored through indicators developed with the help of UNICEF (for the sixth consecutive year). These indicators demonstrate the exercise of the rights of children in the juvenile justice system and are the basis for their further promotion.

209. According to the organisation of the state judicial system, there are no specialised courts for children. In court proceedings against children, decisions are made by juvenile judges, juvenile panels, and their members in specialised juvenile court departments that have been established in the basic courts with extended jurisdiction. They attend at least five days during a year specialised training for child or juvenile justice in the country or abroad.

210. The limits of child criminal liability are governed by Articles 20–23 of the Law. A child who at the time of committing the act, which is defined by law as a criminal offence or misdemeanour, has not reached 14 years of age, may not be imposed a sanction determined by this Law. The legally prescribed measures of assistance and protection that are of interest to the child and his/her upbringing and development are applied for a child at risk of up to 14 years of age and for a child at risk over 14 years of age.

211. With the UNICEF support, training programmes for the implementation of this Law were adopted in context of achieving the best interests of the child as main goal of the Law, as well as guidelines for dealing with child victims of violence.

212. In 2009, a State Council for Prevention of Child Delinquency was established. It has 15 members. The Council adopted the National Strategy for Prevention of Child Delinquency. Each year, the Council prepares an Annual Report containing an analysis of the degree of implementation of the Child Justice Law, based on indicators that are used in monitoring the implementation of this Law.

213. The principles of the best interests of the child, respect for his/her views on the right to be heard and his/her interest to be taken as primary are appropriately incorporated into the Law. The objectives of the Law are: implementation of the priority interest and protection of children from crime, violence, from any form of endangering their freedoms and rights and their proper development; protection of child perpetrators from crime repetition, their socialization, upbringing and reformation; assistance and care for children and protection of their freedoms and rights guaranteed by the Constitution, the Convention on the Rights of the Child and other ratified international agreements on the status of children.

214. Pursuant to paragraph 1 of Article 4 of this Law: the child has the right to be informed about his or her rights that include duties and responsibilities prescribed by the Convention on the Rights of the Child and other international documents on children's rights. Paragraph 2 stipulates that the child has the right to be examined, heard, and informed about the rights in context of this procedure and about the procedure itself. In every judicial and extrajudicial procedure in which he/she participates, the child has the right to participate actively in making decisions about his/her life and to give his/her opinion (paragraph 3).

215. The main characteristic of the Law on Children Justice is the introduction and regulation of restorative justice, i.e., extra-judicial procedures for the action by a child, which the Law defines as a criminal offence or a misdemeanour. Article 17 stipulates that, as a rule, the competent authorities and institutions do not initiate court proceedings for the action by a child over 14 years of age, which is stipulated by law as a criminal act or

misdemeanour, in order to avoid the harmful influence on the child. Court proceedings are instituted only in those cases defined as a criminal offence by this Law; in other words, if the child over 14 years has committed an act which is defined as a criminal offence for which a prison sentence of three years or a more is pronounced, or when the purpose of the measures or the sanctions defined by this Law cannot be achieved without such a procedure. The proceedings include: implementation of a plan of measures and activities for individual work with the child and the parent (Articles 24–29); intervention and intermediation by the local centre for social work (Article 30); implementation of deterrence measures (Articles 75–78); and court imposed mediation via formal mediator (Articles 79–85).

216. The Law on Children Justice defines a child as a victim of a criminal act and as a minor less than 18 years of age. Child victims have the same rights as the adult victims before, during, and after the criminal proceedings, as well as the special rights recognised by the Convention on the Rights of the Child and other ratified international agreements. They enjoy enhanced protection and support in the child justice system, in order to reduce the negative consequences of the crime and to prevent the negative impact on the proper development of the child.

217. Articles 145–153 of the Law contain provisions for the protection of child victims of criminal offences and child witnesses in the criminal procedure.

218. Pursuant to Article 145 of this Law, the child victim of a criminal offence has the right: to be treated respecting his/her dignity; to get protection from any discrimination; to be informed about his/her rights in an understandable language according to his/her age; to get respect for the right to privacy; to have the parents/guardians informed about the criminal offence; to participate in the criminal procedure as a damaged party by joining the criminal prosecution or realization of the property and legal claim for damages; to receive special protection in context of his/her safety and that of his/her family; to receive protection against secondary victimisation/re-victimisation and other professional assistance/support from relevant authorities.

219. In the police and criminal proceedings, the child victim of a criminal offence is entitled to: legal assistance from a lawyer before giving testimony/statement or filing a property and legal claim, for compensation for material/non-pecuniary damage under the programme referred to in Article 151 of the Law in accordance with Article 152; if the compensation of damage cannot be provided from the convicted person, then such child is entitled to a legal representative from the moment of giving the first testimony and during all proceedings. The legal assistance to a child victim is provided as a rule by a lawyer who attended a specialised training on children's rights.

220. Article 146 regulates special rights of process protection, that is, the right of the child victim to special measures of process protection when giving statements and during examination at all stages of the court proceedings.

221. The court can order the following specific measures of procedural protection, when a child is heard in court: the use of protective screens to conceal the victim and the witness from the sight of the defendant, the concealment of the victim's identity or appearance, giving testimony by way of videoconference, the removal of robes or hats, the exclusion of the public, the video and audio recording of the testimony/interrogation to be used as evidence, the taking of statement through a professional intermediary, the use of technical means for communication and the protection of the privacy of the child and its family.

222. In accordance with Paragraph 1 of Article 151, the compensation for a child victim, or a child who has been injured by an action that is deemed by law to be a criminal offence or an act of violence, as well as other acts of individual/group violence, is provided under the budget of the MoJ. Following the opinion acquired by the State Council for the Prevention of Child Delinquency, the MoJ adopts an annual programme, which plans for the sources, and the manner of expenditures mentioned in paragraph (1) of this Article.

223. Article 152 outlines the conditions and the procedure for exercising the right to compensation. Paragraph 1 foresees the possibility that a child who has the legal status of victim by way of court decision, and whose property and legal claims have been accepted, may submit a request for compensation of damages from the funds outlined in Article 151

paragraph (1) of this Law before the competent court, in cases in which the material and legal claims cannot be compensated from the property of the perpetrator of the crime due to factual or legal obstacles, and in the case when more than six months have passed since the legally binding decision for the material and legal claims.

224. With the assistance of the UNICEF, a commentary on the Law on Children Justice has been developed, which should help and advance the implementation of the Law.

**Physical and psychological recovery and social reintegration (Article 39)**

225. A Programme for Resocialization and Reintegration of Victims of Human Trafficking has been completed, which will be implemented through the MLSP and the professionals at the SWCs, together with civil society organizations.

226. With the permission of the MLSP, a Programme for Psychosocial Support of the Victims devised by the civil society organization “Open Gate” is implemented at the Centre for Victims of Human Trafficking and Sexual Violence.

227. In accordance with the Law on Social Protection, the PI Institute for Social Work is authorized to provide training for professionals in the field of social protection. In the period from 2014 to 2017, the following training programmes were completed: 74 expert associates from all SWCs were trained to work with children-victims of sexual abuse, 103 expert associates were trained on the “Procedures for institutional treatment of children victims of violence,” 37 expert associates from all SWCs were trained on recognizing indicators of children-victims, as well as training of 30 expert associates from the Institutions of the system for the social protection of children on working with children-victims of crimes.

**(f) Children in armed conflicts (Article 38), including physical and psychological recovery and social reintegration (Article 39)**

228. There are no mechanisms developed for the detection of children involved in armed conflict. In line with the short stay of children asylum seekers at the Reception Centre for Asylum Seekers, the country has the obligation of building up human capacities that would be qualified to apply the indicators for identification of children involved or taking part in an armed conflict.

229. Various means for the protection of children/victims are outlined in the Optional Protocol, the national legislation, the National Strategy and the 2017–2020 National Action Plan.

230. The SOPs for victims of human trafficking envisage separate procedures for children victims, according to which the children (both nationals and foreigners) enjoy all the rights under domestic laws and international instruments, as well as specific protection in respect of identification and referral, preliminary care and medium-term assistance, return, reintegration and criminal proceedings.

231. Furthermore, the guidelines of the UNICEF Guide for the Protection of the Rights of Children Victims of Human Trafficking are also implemented, thereby ensuring the basic standards for treatment and implementation of specific measures in regard to the protection of and assistance to children, including everyone else involved.

232. There is no record of unaccompanied children who have been granted international protection. However, in the case of refugee children and children enjoying the status of persons under subsidiary protection, there is a legal possibility for accessing education and healthcare under the same conditions as Macedonian nationals. With the 2012 amendments to the Law on Health Insurance, persons under international protection are equalized with Macedonian nationals in regards to health insurance. Additionally, refugee families, who are voluntarily engaging in the process of local integration through the Centre for Integration of Refugees and Foreigners, receive mentoring support and concrete assistance in their everyday life, including attendance of elementary and secondary school for the children, both levels of education being mandatory.

## 10. Activities for implementing the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

- (a) The recommendations regarding the sale of children are integrated into the National Strategy and Action Plan for Combating Human Trafficking 2017–2020, and are expected to be implemented in accordance with the assigned timeframe

233. In line with Recommendation 6 of the Concluding Observations of the Committee (regarding the Report filed under Article 8 of the Optional Protocol), the National Commission for Combating Human Trafficking and Illegal Migration is responsible for the collection of data on the sale of children and to manage the National Database.

234. It is led by the National Coordinator (the State Secretary of the MoI), while also staffed by a deputy National Coordinator, a Secretary and members of the Commission.<sup>53</sup> Two bodies were established within the National Commission in 2003, a Secretariat, and a Subgroup for Combating the Sale of Children, both of them executive bodies of the Commission.

235. The National Commission keeps data from all the relevant institutions included in the process of identifying victims of human trafficking. The data is organized by gender, age, ethnic background, the type of the exploitation and so on. However, there is no data on social background. Statistical data on human trafficking the 2010–2018 period is as follows:<sup>54</sup>

Year of identification	2014		2015		2016		2017		2018	
	children	adults								
Domestic	6	1	3	/	3	2	2	/	3	1
Foreign	/	1	/	1	/	1	/	/	1	
<b>Total</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>/</b>	<b>4</b>	<b>1</b>
<b>Total identified victims</b>		<b>8</b>		<b>4</b>		<b>6</b>		<b>2</b>		<b>5</b>

Year	Number of identified victims	Sex	Age	Nationality	Type of Exploitation	Internal/external trade	Who identified them
2010	9	F	/	/	7 Sexual 2 Labour	/	MOI MLSP
2011	11	F	/	2 Macedonian 1 Bulgarian 2 Albanian 6 Roma	7 Sexual 2 Labour 2 Labour and sexual	9 Internally traded 2 Foreign nationals in the state	MOI MLSP
2012	8	6 F 2 M	/	4 Macedonian 3 Albanian 1 Bosnian	1 Sexual 3 Labour 4 Labour and sexual	4 Internally traded 4 Foreign nationals in the state	MOI MLSP
2013	15	F	/	2 Macedonian 3 Serbian 5 Albanian 5 Roma	4 forced marriage 5 sexual 2 labour 4 labour and sexual	4 internally traded 5 externally traded 6 foreign nationals in the state	MOI MLSP
2014	8	7 F	/	1 Macedonian	4 forced marriage	5 internally traded	MOI

<sup>53</sup> Commission Members: MoI, MFA, Basic Public Prosecutor's Office against Organized Crime and Corruption, MES, MH, MLSP, the State Labour Inspectorate, and a Judge from the First Instance Court Skopje 1.

<sup>54</sup> Source: National Commission for Combating Human Trafficking and Illegal Migration.

<i>Year</i>	<i>Number of identified victims</i>	<i>Sex</i>	<i>Age</i>	<i>Nationality</i>	<i>Type of Exploitation</i>	<i>Internal/external trade</i>	<i>Who identified them</i>
		1 M		4 Albanian	3 sexual	2 externally traded	MLSP
				3 Roma	1 labour (begging)	1 foreign nationals in the state	
2015					1 forced marriage		
				2 Albanian	1 sexual	1 internally traded	MOI
	3	F	/	1 Roma	1 labour	2 externally traded	MLSP
2016				1 Macedonian			
				1 Serbian	5 Sexual	5 internally traded	
				2 Albanian	1 Sexual and forced marriage	1 foreign nationals in the state	MOI
	6	F	/	2 Roma			MLSP
2017		1 M			1 Beggar		MOI
	2	1 F	/	2 Roma	1 Sexual	2 Internally traded	MLSP
2018 (up to April)				1 Macedonian	2 Sexual	4 internally traded	
				2 Roma	2 Forced marriage	1 foreign nationals in the state	MOI
	5	5 F	/	2 Albanian	1 Sexual and labour		MLSP

236. In line with Recommendation 8, the principle of non-discrimination is incorporated within the legal framework and in the programmes and measures pertaining to children. The assistance and support to children victims of human trafficking is provided to all children regardless of ethnic or national origin. The principle of non-discrimination is a basic principle of the SOPs for treatment of VTHB, and the same applies to the Programme for Assistance and Support for the Reintegration of Children Victims.

237. Considering that the safety of the victims is the priority, victims are assigned guardians from the SWCs, and, if necessary, translators.

238. In cooperation with UNICEF and various NGOs, informative materials have been prepared and printed out in various languages with the goal of familiarizing the victims with their rights and options.

239. For the employees in the state and public institutions on the national and the local level, including social partners from the civil sector, in the past period, the MLSP has organized a great number of basic and specialized training sessions on how to recognize discrimination and on the available safeguards for non-discrimination.

240. For more details regarding the activities for improved social inclusion of the Roma, see Chapter IX, Special measures for protection, item b).

241. In line with Recommendation 9, the Subgroup for Combating the Sale of Children is a specialized body (see response to Recommendation 6) that tends to the specific needs of children victims while protecting their rights at the same time. According to its mandate, the Subgroup administers the activities pertaining to children, and adheres to all the principles including the principle of non-discrimination.

242. All the institutions, bodies and individuals included in the child justice system are guided by the Law on Children Justice, the goal of which is to achieve the overarching interest of protecting children against crime, violence and any other forms of threat to their rights and freedoms.

243. Part five of the Law on Children Justice is concerned with the protection of children as victims of crimes, or as witnesses in criminal proceedings. It regulates the protection of children acting as the injured party or a witness, and protects the rights of the child victim in adherence with the principle of non-discrimination.

244. In accordance with Recommendations 3 and 10, the Subgroup for Combating the Sale of Children continues to operate as a working body within the National Commission. The activities of the body are focused on the prevention of child sale and the improved protection for juvenile victims, as well as on coordinating the cooperation between the relevant sides. The body prepares an operative plan of activities for combating the sale of

children, which stems from the National Strategy and Action Plan for Combating Human Trafficking and Illegal Migration 2017–2020. On the Subgroup’s initiative, Article 418 of the Criminal Code has been amended,<sup>55</sup> adding a penalty of a minimum of 8 years in prison for any person who will mislead a child into begging or exploitation for illegal activities. The same Article foresees a prison sentence of a minimum of 10 years for the perpetrator of the same criminal acts against a child younger than 14 years. Additionally, Article 418 has been further amended by adding Paragraph 4, which tightens the penal policy and foresees a prison sentence of a minimum of 12 years for a client receiving sexual favours from a child younger than 14.

245. In line with Recommendation 14 of the Concluding Observations, the MLSP is hard at work on the fourth National Strategy and Action Plan for Combating Human Trafficking and Illegal Migration 2017–2020. In view of this, and in line with the priority activities outlined in the Government’s Reform Plan 3-6-9, the MLSP, in collaboration with the MoI and NGOs, established mobile teams tasked with the identification of vulnerable categories, including victims of human trafficking in five cities: Skopje, Bitola, Gevgelija, Tetovo and Kumanovo.

**(b) More significant changes achieved in terms of undertaken legal measures**

246. Article 20 of the Convention, pertaining to child pornography, is built into Article 193-a: Production and distribution of child pornography. It foresees the following penalties:

(a) Whosoever produces child pornography for the purpose of its distribution, transfer, or offer or in any other manner to make the children pornography available, shall be sentenced to imprisonment of minimum five years;

(b) Whosoever purchases child pornography for himself or for another, or whosoever owns child pornography shall be sentenced to imprisonment of five to eight years;

(c) If the crime referred to in paragraphs (1) and (2) of this Article is committed via an information system or other mass communication media, the offender shall be sentenced to imprisonment of minimum eight years;

(d) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

247. Article 21 of the Convention, pertaining to the incriminatory actions of including a child in pornographic performances, is integrated into Article 193: Displaying pornographic material to a child. Depending on the age of the child and the type of the criminal offence, Paragraphs 1 through 8 of the same Article foresee imprisonment from a minimum of 6 months to a maximum of 8 years, and a fine in case the perpetrator is a legal entity.

248. The criminal act described in Article 190: Gratifying sexual urges in front of another, corresponds to Article 20 of the Convention, which incriminates acts that deprive children. In it, (Paragraphs 1 through 3), depending on the age of the child and the manner of enacting the criminal offence, the law foresees a fine or imprisonment from 1 to 8 years.

**(c) The criminal responsibility of legal entities has entered the Criminal Code in 2004, and is regulated by Articles 28-a, b and c. It is based on the principle of assumed responsibility of the legal entity, stemming from the action, or from the lapse in mandatory supervision by the organs of the management, the responsible person or another person authorized to act on behalf of the legal entity. The responsibility of the legal entity does not preclude the criminal responsibility of any individual person acting as a perpetrator (Article 28-b, paragraph 1)**

249. Furthermore, the legal entity is also held responsible for any criminal acts committed by an employee or another representative of the legal entity, in which the criminal act results in significant gain of property or inflicts significant harm to another entity as outlined in Article 28-2.

<sup>55</sup> OG No. 226/15.

250. In line with Articles 96-a and b of the Criminal Code, the main penalty for legal entities is a fine. Under the conditions stipulated in the Code, and depending on whether the legal entity may repeat the offence in the future, the court may pronounce one or more additional penalties, as follows: the prohibition for being issued a license in the future, the taking away of the license, concession, authorization; the prohibition to participate in public tenders, the prohibition to close contracts for public procurements, the prohibition to enter into public-private partnerships; the prohibition to establish new legal entities; the prohibition for using subsidies and other beneficial credit; prohibition for using state budget funds for the financing of political parties; or a temporary/permanent ban on performing a specific service and even the termination of the legal entity.

**(d) Measures of prevention and raising awareness**

251. In line with Recommendation 18 and in addition to the activities undertaken in accordance with Recommendation 14, a project for combating human trafficking with the purpose of labour exploitation has been initiated within the Horizontal Facility for South-East Europe and Turkey 2017, intended to support Southeast Europe and Turkey in their alignment with European standards and the acquis.

252. In 2014, the MLSP, in cooperation with the Municipal SWC in Probishtip, organized a training session for the educational personnel and psychological and pedagogical counsellors for the purposes of “Preventing Social Risks and Human Trafficking”.

253. In May 2015, the MLSP organized a two-day training session for the purposes of prevention and protection of children intended for the employees of 4 institution for social protection: PI Children’s Home “11 October” Skopje, PI Institute for Childcare, Upbringing and Education of Children and Minors “Ranka Milanovikj” Skopje, PI for the Care of Children with Educational and Social Problems “25 May” Skopje, and the SOS Children’s Village.

254. A number of basic and specialized training sessions for the identification and referral of victims and child victims of human trafficking have been carried out for police officers and inspectors for juvenile delinquency as well.

255. In 2015, at the Police Academy Idrizovo, the MLSP, in collaboration with the Commission for Combating Human Trafficking, the MoI, the “Equal Access” NGO and with the support of GIZ, organized three daily training sessions for 75 individuals for the implementation of the indicators for identification of victims and child victims of human trafficking.

256. With the aim of upgrading the capacities of the country for developing alternative forms of protection and providing resources for the custody of child victims of human trafficking, the MLSP held special training sessions for foster families as well. A total of 9 guardians of foster families have been trained in Skopje and Veles with the cooperation of the “For a Happy Childhood” Organization and with the support of GIZ.

257. During 2016, with the cooperation of the OSCE Mission, the Sector for Equal Opportunities within the MLSP completed 2 training sessions for the following 60 professionals: social workers of the SWC, volunteers at the “Vinojug” and “Tabanovce” camps, as well as volunteers at the Reception Centre for Asylum-Seekers.

258. The MLSP also organized educational sessions on the implementation of the SOPs for the identification of unaccompanied foreign children and vulnerable categories, as well as on the General indicators for the preliminary identification of assumed VTHB/children in the context of mixed migration movements.

259. A two-day training session on the gender aspects of human trafficking was also held in Struga on September 27 and 28. It was intended for police officers, social workers and civil organizations. Representatives of the Sector for Equal Opportunities of the MLSP attended the training session, which was organized by the Macedonian Young Lawyers Association and the UN Women Office.

260. In accordance with the Law on Free Legal Aid, the VTHB have a right to free legal protection. In 2017, the OSCE Mission supplied a list of attorneys who have completed their training on the free legal aid for VTHB in cooperation with the Macedonian Young Lawyers Association.

261. In line with Recommendation 19, there are continuous training sessions for vocational training on the topics of human rights and juvenile justice, human trafficking and the sale of children through the active participation of the institutions, the international and domestic civil organizations.

- (e) **In regards to undertaken measures for the social reintegration of child victims, as well as their physical and psychological recovery as outlined in the Optional Protocol, the MLSP and the Office of the NRM provide aid and protection for VTHB with the cooperation of the SWCs and NGOs. The Law on Social Protection foresees the right of VTHB to receive aid and protection in the Centre for VTHB and victims of sexual violence. A Programme for the Aid and Support in the Process of Reintegration of Child VTHB has been prepared, and acts as the basis for the development of customized plans for the individual reintegration of the victims**

262. In line with Recommendation 20, the MLSP allocates funding for overheads to the Centre for VTHB and victims of sexual violence each year, while the services themselves are provided by civil organizations with which the MLSP has signed a Memorandum of Cooperation.

263. In accordance with Recommendation 21, Programmes for the Assistance and Support for the Reintegration of Children Victims of Human Trafficking are being implemented, through the preparation of a Reintegration Plan for each individual in accordance with their best interests, while also taking into account the age and the needs of the child and the specific psychophysical and social consequences.

264. In line with Recommendation 22, the MLSP signed a Memorandum of Cooperation and has given its consent for the implementation of the Programme for the Assistance and Support for the Reintegration of Child VTHB and Victims of Sexual Violence at the Centre for VTHB and Victims of Sexual Violence of the civil organization “Open Gate / La Strada”.

265. In regards to Recommendation 23, the list of social workers nominated at the NRM has been renewed in 2017, and an analysis for the needs for additional training has been performed. The analysis found that the social workers need training for identification as well as methods and techniques for interviewing child VTHB.

266. In line with Recommendation 24, children are the most vulnerable population most susceptible to different types of abuse, of which child sale is the most severe. The greatest number of identified victims are female children between the ages of 11 and 17, most often Macedonian, Albanian, and Roma girls, both from the country and the region. The victims are without any means of sustenance and with a low level of education: elementary, high school and incomplete education. Most of the times, the victims fall prey to the chain of human trafficking under the misunderstanding that they will marry abroad, or that they will be legally employed.

267. The common reasons for the occurrence of child sale are: poverty in the family, dysfunctional families, child victims of all sorts of violence – domestic violence; orphaned children or children without parental care; children with educational problems stemming from the institutions; children who are insecure in their future with a strong desire for a better life; children that have been excluded from the educational process; children on the streets (beggars, or children who provide various services on the streets); or children uninformed of the problem of child sale, human trafficking and their presence.

268. The MLSP, with the cooperation of the Subgroup for Combating the Sale of Children, has drafted an Analysis on the State of Identification and Protection of child VTHB. This Analysis has the aim to determine the practical implementation of the national regulation and discover any shortages within it.

269. The Analysis represents the implementation of the National Action Plan for Combating Child Slave 2013–2016, and the implementation of the Operative Programme for 2014 of the Subgroup for Combating the Sale of Children. In addition to following domestic laws, policies, institutional setup and the ratified international agreements, the Analysis is focused on the European Convention on Action against Trafficking in Human Beings, and the EU Anti-Trafficking Directive 36/2911, with a strong accent on the practical situation on the terrain.

270. In line with Recommendation 27, which is dedicated to the need for preventing endangered children from becoming victims of the crimes outlined in the Protocol, and having in mind the surge of migrant and refugee movements in 2015 which increased the risks of a possible rise in human trafficking as a result of the vulnerability of the migrants who were transiting through the country, the Government adopted several key documents:

- SOPs for the conduct with unaccompanied foreign children, which organizes the sum of methods, procedures and manners of actions that the relevant institutions can take with an unidentified unaccompanied foreign child.
- SOPs for treatment of vulnerable categories of foreign nationals, which promote a gender-sensitive approach oriented towards the vulnerability of these individuals, and enables a procedure that promotes their basic human rights.
- The National Commission for Combating Human Trafficking and Illegal Migration, in cooperation with experts from the IOM, prepared the Indicators for the Identification of VTHB in the Case of Mixed Migration Movements.

271. Refugee children and children under subsidiary protection (in this case there were unaccompanied children who were granted international protection) are provided access to education and healthcare under the same conditions as Macedonian nationals. In 2012, the Law on Health Insurance was amended to ensure that any persons put under international protection are equal to Macedonian nationals in their access to health insurance. Furthermore, refugee families that have voluntarily entered the process for local integration are receiving mentorship and concrete assistance in their everyday lives by the Centre for Integration of Refugees and Foreigners, including the obligation of attending elementary and secondary school, which is mandatory.

272. In regards to Roma integration, see Chapter IX, Special measures for protection under Item b).

273. In regards to Recommendation 33, dedicated to the priority of providing appropriate gender-sensitive assistance, and in line with the Law on Equal Opportunities for Women and Men intended to provide the aspect of gender on all levels, the training that the MLSP provides takes care to observe the concept of gender, as well as on making sure that the services that are being provided fit the specific needs of both girls and boys.

274. In this context, a two-day training session on the gender dimensions of human trafficking was held in Struga, in 2016. It was organized by the Macedonian Young Lawyers Association and the UN Women Office, and it was aimed at police officers, social workers and civil organizations. Likewise, the concept of gender in human trafficking was covered in the training sessions organized by the NC with the support of the IOM (October 17 and 18, 2016), intended for the application of the SOPs for the identification of unaccompanied children – children foreigners and other vulnerable categories of foreigners.

275. In line with Recommendation 37, regarding the cooperation with NGOs and providing supporting for their activities in the sense of insuring access to the appropriate services for child victims of the practices outlined in the Protocol, each year, the MLSP allocates funding for overheads to the Centre for VTHB and victims of sexual violence, while the services themselves are provided by the civil organizations with whom the MLSP has signed a Memorandum of Cooperation (covered in the reply to Recommendation 22).

276. At the Centre for VTHB and victims of sexual violence there is a separate room for the accommodation of children, while the other rooms are shared with the adults.

277. Each of the 30 SWCs has two trained social workers who are nominated in part by the NRM for VTHB. These social workers are tasked with aiding and supporting the reintegration of child VTHB.

278. 2018 saw the drafting of internal documents, as well as the introduction of amendments to the Rulebook for norms and standards for premises, equipment, expert staff and resources required for the establishment and commencement of operation of social care institutions.

## **11. Activities for the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**

279. The recommendations of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict have been integrated into the Criminal Code by amendments. Namely, Article 404: War crimes against the civil population incriminates the “recruitment of persons younger than 18 years of age in the armed forces that are not the armed forces of the state and their use by their active participation in armed activities contrary to the conditions determined by the international law.”

280. With respect to Recommendation No. 14 of the Committee’s Concluding Observations (regarding the Report submitted under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict), i.e. a mechanism to follow up with unaccompanied and separated children once they leave the reception centres, children who have been recognized the right to international protection are covered by the Centre for Integration of Refugees and Foreigners, established in 2009, the task of which is to develop individualized integration plans and follow up on the pursuance of activities set forth under such integration plans.

281. The MoI has been tasked with developing specific mechanisms to identify children who have been involved in armed conflict and to organize relevant training for staff that would work with this category of children (for more details see Part IX – Special Protection Measures, item a).

282. In the context of Recommendation 19 of the same Concluding Observations, according to the Law on Arms, only firearms, ammunition and their parts, which have been examined and marked in line with regulations governing the examination and marking of hand firearms and ammunition, may be traded.

283. Only companies, which have a registered seat in the territory of the country and which have been issued a permit to engage in such economic activity may trade in firearms, ammunition and their parts.

284. According to Article 396 of the Criminal Code (Unauthorized manufacture, possession, mediation and trade in weapons or explosive materials), whosoever without authorization manufactures, possesses, procures, mediates in trade or exchanges firearms, ammunition or explosive materials shall be sentenced to imprisonment of three to ten years.

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