

*Overview of good practices on intervention and prevention of  
child sexual abuse*

**I. Statistical surveys:**

**1. Number of children reported to be sexually abused in the Centers for Social work**

The information's are provided by all 30 Institutions for Social work within the Ministry of Labour and Social Politics of Republic of Macedonia:

City	Numbers of children reported to be maltreated sexually				
	2004	2005	2006	2007	2008
Skopje	16	21	12	23	28
Berovo	/	/	/	/	3
Bitola	/	/	/	/	/
Makedonski Brod	/	/	/	/	/
Vinica	/	/	3	/	/
Gevgelija	/	/	/	/	1
Gostivar	/	/	/	1	3
Debar	/	/	/	1	4
Delcevo	2	1	1	2	/
Kavadarci	/	/	/	/	2
Kicevo	/	/	1	1	2
Kocani	/	/	/	/	1
Kr.Palanka	/	/	/	/	/
Krushevo	/	/	/	/	/
Kumanovo	/	/	/	1	1
Negotino	/	/	/	/	4
Ohrid	/	/	/	/	1
Prilep	/	/	/	5	2
Probishtip	/	/	/	/	/
Radovish	/	/	/	/	/
Resen	/	/	/	/	/
Sveti Nikole	/	/	/	1	1
Struga	/	/	/	/	/
Strumica	/	/	/	/	2
Tetovo	/	/	/	/	1
Veles	/	/	/	/	8
Valandovo	/	/	/	/	/
Kratovo	/	/	1	/	/
Shtip	/	/	/	/	/
<b>TTL</b>	<b>18</b>	<b>22</b>	<b>18</b>	<b>35</b>	<b>64</b>

## **2. Number of offenders charged with violence against the child**

- The review of the official documents regarding the above mentioned type of crime has resulted with data divided on adult offenders and juvenile offenders categorized in two general category: crime against the marriage, family and youth and crime against sexual freedom and sexual morality for only 2 years (2004 and 2007). There is no official data only about the crime against the child, in the most cases they could be part of this crimes:

Data from 2004 year, (report by the State Statistical office, 2005 *Reported, accused, and convicted adult and juveniles perpetrators of criminal offence in 2004 year*, available on [www.stat.gov.mk](http://www.stat.gov.mk)):

In 2004 year from the TTL number of 13 505 reported persons perpetrators identified, 1488 or 11% are juveniles.

### Number of adults perpetrators charged with:

- Crime against sexual freedom and sexual morality: 141
- Crime against the marriage, family and youth: 241

### Number of juvenile perpetrators charged with:

- Crime against sexual freedom and sexual morality: 11
- Crime against the marriage, family and youth: 3

Data for 2007 year, (report by the State Statistical office, 2008 *The increased number of reported, accused and convicted adult and juveniles perpetrators in Republic of Macedonia*, available on [www.stat.gov.mk](http://www.stat.gov.mk)):

In 2007 year from the TTL number of 16248 charged persons out of which 1229 are juveniles.

### Number of adults perpetrators charged with:

- Crime against sexual freedom and sexual morality: 87
- Crime against the marriage, family and youth: 364

### Number of juvenile perpetrators charged with:

- Crime against sexual freedom and sexual morality: 19 out of 1229
- Crime against the marriage, family and youth: 3 out of 1229

## **3. Number of offenders charged with sexual offences against the child**

Data for 2007 and 2008 year, (report by the Ministry for Internal affairs, 2008 *Sexual abuse of juveniles in 2008 in comparison with 2007 in Republic of Macedonia*, available on <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=6572&mid=1094&tabId=201&tabindex=0>):

Type of sexual abuse	2007 year	2008 year
Sexual abuse overall	61	83
Sexual assault upon juvenile	51	53
Satisfying of sexual passion affront of third person	1	12
Mediating child prostitution	4	12
Incest	3	1
Showing pornography to a juvenile	2	3
Sexual assault using the professional position	/	2

In 2008 in the 83 cases, 95 offenders were charged.

In 2007 in 61 cases 73 offenders were charged.

#### **4. Number of offenders convicted in court of violence against the child**

- The review of the official documents regarding the above-mentioned type of crime has resulted with data divided on adult offenders and juvenile offenders categorized in two general category: crime against the marriage, family and youth and crime against sexual freedom and sexual morality. There is no official data only about the crime against the child for each year, in the most cases they could be part of these crimes:

**Data for 2004 year, (report by the State Statistical office, 2005 *Reported, accused, and convicted adult and juveniles perpetrators of criminal offence in 2004 year*, available on [www.stat.gov.mk](http://www.stat.gov.mk)):**

In 2004 year from the TTL number of 8097 convicted persons out of which 877 or 10.8% are juveniles.

#### **Number of adults perpetrators convicted with:**

- Crime against sexual freedom and sexual morality: 85
- Crime against the marriage, family and youth: 241

#### **Number of juvenile perpetrators convicted with:**

- Crime against sexual freedom and sexual morality: 9 out of 1004
- Crime against the marriage, family and youth: 0 out of 1004

Data for 2005 year, (report by the Ministry for Justice - Information for the condition of child sexual abuse and pedophilia in Macedonia - Skopje, 2008, available on the [www.pravda.gov.mk](http://www.pravda.gov.mk)):

In 2005 year from the TTL number of 8845 convicted persons.

Number of adults perpetrators convicted with:

- Crime against sexual freedom and sexual morality: 84 out which 30.9 % for sexual assault upon child

Data for 2006 year, (report by the Ministry for Justice - Information for the condition of child sexual abuse and pedophilia in Macedonia - Skopje, 2008, available on the [www.pravda.gov.mk](http://www.pravda.gov.mk)):

In 2006 year from the TTL number of / convicted persons.

Number of adults perpetrators convicted with:

- Crime against sexual freedom and sexual morality: 0.9% out of TTL convicted perpetrators, out which 34.1 % for sexual assault upon child

Data for 2007 year, (report by the State Statistical office, 2008 *The increased number of reported,, accused and convicted adult and juveniles perpetrators in Republic of Macedonia*, available on [www.stat.gov.mk](http://www.stat.gov.mk)):

In 2007 year from the TTL number of 11.648 convicted persons out of which 676 are juveniles.

Number of adults perpetrators convicted with:

- Crime against sexual freedom and sexual morality: 93 out which 33.7 % for sexual assault upon child
- Crime against the marriage, family and youth: 295

Number of juvenile perpetrators convicted with:

- Crime against sexual freedom and sexual morality: 11
- Crime against the marriage, family and youth: 2

Data for 2008 year, (report by the Ministry for Internal affairs of Republic of Macedonia, 2008 *Sexual abuse of juveniles in 2008 in comparison with 2007 in Republic of Macedonia*, available on <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=6572&mid=1094&tabId=201&tabindex=0>):

Number of adults perpetrators convicted with:

- Crime sexual assault upon child - 61

Characteristics of the offenders (61) in 2008 year:

- sex: all male
- age: in average from 18 to 35 years old (the oldest was 73, and the youngest is 11)

Characteristics of the victims in 2008 year:

- sex: 48 females and 10 males
- age: the youngest female is 6 years old, and the youngest male is 5 years old.

### **5. Number and type of penalties for the crime sexual assault upon the child in the period of 2002-2005**

The data are provided from the Report by the Ministry for Justice - Information for the condition of child sexual abuse and pedophilia in Macedonia - Skopje, 2008, available on the [www.pravda.gov.mk](http://www.pravda.gov.mk)):

In the period from 2002 to 2005 year for the crime sexual assault upon the child the following penalties were stated:

- 32,9%, conditional prison
- 67,1 % prison out of which: prison from 2-3 months 10,6%; prison from 3-6 months 22,3%; prison from 6 - 12 months 29,7%; prison from 1-2 years 19,7%; prison from 2-3 years 9,6%; prison from 3-5 years 7,4%; and prison from 5- 10 years 1% .

## 6. Coverage of the child abuse/neglect cases in newspaper and other media

As indicator for the child abuse/neglect cases in newspapers and other media, we provide a review of the child abuse/neglect cases in the newspaper reported or commented by the First Children Embassy in the World MEGJASHI:

Type of case	Number of coverage of the child abuse/neglect cases in newspaper in the respective years by FCEW - Megjashi					
	2004	2005	2006	2007	2008	2009 (till June)
child labour	3	4	10	3	10	/
physical and psychological abuse	2	10	30	20	46	8
sexual abuse	9	19	36	30	52	19
family violence	8	1	3	/	14	/
children on the street	4	6	14	5	18	2
abuse of the children by the political parties	1	6	12	11	17	/
children with special needs	/	1	/	/	/	/
violating the right of education	/	/	27	14	5	3
child pornography	/	/	1	/	1	/
pedophilia	/	/	7	/	72	12
child prostitution	/	/	1	/	3	/
child's rights violence by the media	/	/	5	/	1	/
Institutional abuse	/	/	/	/	19	1
Info about the project, activities and needs regarding the child protection	7	19	45	17	61	12
<b>TTL</b>	<b>34</b>	<b>66</b>	<b>191</b>	<b>100</b>	<b>319</b>	<b>57</b>

## 7. Number of abused children placed out of the family

The research conducted in 2009 by the office of Ombudsman of the R. Macedonia, could be used as indicator for number of abused children placed out of the family. The research was concentrating on physical, psychological and sexual violence against the children in the institutions. 53 children from public institutions for children: "11 Oktomvri", "25 Maj" and "Ranka Milanovik" were interviewed anonymously. The whole research is available on <http://www.ombudsman.mk/default.aspx?cid=132&Lan=MK>.

Regarding the knowledge of the child rights, it was concluded that children in the institutions are not familiar with their rights (73,58% of the interviewed children said that they have no knowledge about the children rights) and about their obligations (81,13% from the children don't have any or insufficient knowledge regarding their obligations).

In the questionnaire, there were questions about the presence of physical and psychological abuse, if there is what kind of abuse and where the children have looked for help. The data have shown that:

- 20,75% from the interviewed children claimed that often there is a physical violence, and 16,98% claimed that they were often psychologically abused.

- 20,75% from the interviewed children claimed that the physical violence is rare, and 11,32% claimed that they were rarely psychologically abused.

- 50,94% from the interviewed children claimed that they have never been physical abused, and 47,17% children claimed that they have never been psychologically abused.

- 7,55% didn't answered if they were physically abused and 24,53% didn't answer if they were psychologically abused.

The children were also asked if they have reported the cases and what was made for their protection. The data have shown that:

- 16,98% from the interviewed children claimed they have reported the case to the employees in the institutions and asked for help.

- 24,53% from the children didn't ask for help, because they were afraid.

- 7,55 from the children didn't ask for help, because they didn't know where to report.

- 50,94% didn't answered.

When the cases were reported, the data have shown that:

- 33,96% from the interviewed children claimed that no measures were taken against the perpetrators.

- 7,55% from the interviewed children claimed that they were punished, instead the perpetrators.

- 7,55% from the interviewed children claimed that the perpetrators were punished.

- 49,06% didn't answered.

In the last part of the questionnaire, the children were asked if they were victims of sexual abuse, how and did they ask for help. The data have shown that:

- 66,04% from the interviewed children didn't answered.

- 18,87% from the interviewed children pointed out that they were victims of verbal sexual aggression.

- 7,55% from the interviewed children claimed that they were coerced to fulfil some "unacceptable" desires of the employees.

- 5,66% from the interviewed children have claimed that the sexual abuse were made by touches of intimate places.

- 1 child have stated that he/she was sexually molested.

The overall conclusions from this overview were:

- the biggest number of the children in the institutions don't know their rights
- in big percentage corporal punishment is present in the institutions
- there is a presence of psychological abuse also, but in smaller percentage, even though many children didn't answered these questions.
- Children in the institutions are afraid to report the cases of physical and psychological punishment, further more they don't know where to report
- Children in the institutions are also victims of sexual abuse, and usually they don't report the cases.



## II. Legislation analysis

### A. Definition of sexual violence, Forms of sexual violence according to the law, guilt and penal responsibility

In the article 11 in the **Constitution of the Republic of Macedonia** the right of physical and moral integrity of the human being is guaranteed and in the article 42 is guaranteed the special protection of the motherhood, children and juveniles.

In the **Criminal Code of Republic of Macedonia** (according with the changes in 2008 year) in the part Criminal act against sexual liberty and sexual morality the following acts of sexual abuse of children and pedophilia are incriminated:

#### 1. Statutory rape upon helpless person

Article 187 of the Criminal Code relates to Statutory rape upon helpless person, where the act is defined as: "A person who commits statutory rape misusing the mental illness, helplessness... or other state where the person is incapable for resistance shall be punished with imprisonment of at least 8 years." (Changes in the Criminal Code, November 2008, article 1). s

#### 2. Sexual attack upon juvenile under 14 years

Article 188 of the Criminal Code relates to sexual attack upon a child, where the act is defined as: "A person who commits statutory rape or some other sexual act upon a child shall be punished with imprisonment of at least 8 years." (Changes in the Criminal Code, November 2008, article 2). For this criminal acts the offenders can be punished imprisonment of at least 4 years, at least 8 years, at least 10 years of life prison, regarding the different aspect of the crime.

#### 3. Statutory rape with misusing of the position

Article 189 of the Criminal Code relates to statutory rape with misusing of the position where the act is defined as: "A teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person who by misusing his position commits statutory rape or sexual act upon a juvenile not older than fourteen years of age, who was entrusted to him for study, education, custody or care, shall be punished with imprisonment for at least 10 years." (Changes in the Criminal Code, November 2008 article 3).

#### 4. Sexual passions in front of another

Article 190 of the Criminal Code relates to satisfying sexual passions in front of another, where the act is defined as: "A person who performs a sexual act in front of a child, or who inducts a child to perform such an act in front of him or in front of another, shall be punished with imprisonment from 3 to 5 years." (Changes in the Criminal Code, November 2008, article 4)

#### 5. Soliciting and enabling sexual acts

Article 192 of the Criminal Code relates to Soliciting and enabling sexual acts, where the act is defined as: "A person who will enable a sexual act with a juvenile shall be punished with imprisonment with at least 8 years." (Changes in the Criminal Code, November 2008, article 6).

#### 6. Showing pornographic material to a child

Article 193 of the Criminal Code relates to Showing pornographic material to a child, where the act is defined as: "A person who will sell, show or by public exposure will make available pictures, audiovisual or other objects with pornographic content to a child, shall be punished with fine or imprisonment up to one year." For this criminal acts the offenders can be punished with fine or imprisonment from up to one to up to three years. (Changes in the Criminal Code, April 2008 article 193, paragraph 1)

#### 7. Production and distribution of child pornography by computer systems

After the article 193 in the Criminal Code a new article was added in april 2008, article 193-a "Production and distribution of child pornography by computer systems" where the act is defined a: "A person who produce child pornography with purpose to distribute and show or on any other way make available the child pornography trough computer system, shall be punished with imprisonment from 3 to 5 years." For this criminal acts the offenders can be punished with fine or imprisonment from 6 months to 5 years (Changes in the Criminal Code, in April 2008, article 10, paragraph 1).

Later in November in the same year a new article is added, article 193-b named as Inducement on statutory rape or other sexual act of a juvenile under 14 year where a person who induce a juvenile on statutory rape or other sexual act trough computer system... shall be punished with imprisonment from 1 to 5 years." (Changes in the Criminal Code, in November 2008, article 10, paragraph 1).

#### 8. Incest

Article 194 of the Criminal Code relates to incest, where the act is defined as: "A blood relation in the first line or a brother, respectively sister, who commits statutory rape or some other sexual act upon a child, shall be punished with imprisonment of at least 10 years." (Changes in the Criminal Code, November 2008, article 7).

Republic of Macedonia is also one of the agreement sides in the Convention of UN for the children rights, as in the Facultative protocol in the Convention for children rights for child trafficking, child prostitutions and child pornography and Facultative protocol in the Convention for children rights for including the children in armed conflicts.

Convention of the European Committee for child protection of sexual exploitation and sexual abuse was signed by the Republic of Macedonia on 25 October 2007 year (report by the Ministry for Justice - Information for the condition of child sexual abuse and pedophilia in Macedonia - Skopje, 2008, available on the [www.pravda.gov.mk](http://www.pravda.gov.mk)).

## B. Procedures for reporting of abuse, Responsible bodies and services

A case of child abuse can be reported by the family or relatives, by the citizens (neighbors, friends, unknown person, witness etc.), by the NGOs, Institutions (for healthcare, education, child care etc), Governmental Institutions, and by the victim itself (but its very rare and uncommon situation). The citizen of Republic of Macedonia are obligated by the Law to report any criminal act, in this case they are obligated to report sexual abuse of children if they are aware of.

I The person who is reporting the case of child abuse can address directly the key duty carriers and specific NGO`s:

1. NGO - working with child abuse cases and protection of child rights in Republic Macedonia (for example the First Children's Embassy in the World - Megjashi) offering psychological, social and juridical support

2. Police - in case when a child's life or health is at risk, police can intervene directly

3. Municipality Centre for Social care - the active parts of the Ministry for Labor and Social Politics of RM, directly responsible for child right protection, which can begin with the procedures for investigation, assessment, providing of a juridical, psychological and social protection

4. Ombudsman - when are violated the basic human rights of the child with acts or actions by the governmental institutions, the institutions act on freewill or inhuman way, in the cases of child abuse, also when the procedures are delayed, the execution acts are not realized.

II The key duty carriers in order to investigate and asses the case can contact various institutions (educational, healthcare, etc.), the family and the witnesses and proceed the case the Juridical organs. Representatives of different institutions can work together in a form of interdisciplinary team.

### III. Best practice

**Trainings of the journalists about the child rights with accent of the sexual abuse and pedophilia and preparation of CODEX for journalist when they are reporting about cases of sexual abuse ad pedophilia**

On the 30<sup>th</sup> session on the Government of the Republic of Macedonia on 18.11.2008 was adopted the Action plan for prevention and handling the sexual abuse of children and pedophilia 2009-2012 year. The First Children`s embassy in the World MEGJASHI was invited to take part in the preparation of this action plan and to organize trainings, as in the action plan among others activities was planned to be organized trainings with representatives from the media in order to introduce them with the problem of sexual abuse and more appropriate reporting of the cases trough the services for public information.

In June and July 2009 First Children`s embassy in the World - MEGJASHI conducted the two basic trainings with 33 Journalist from different media from Macedonia on the theme Child rights with accent on the sexual abuse and pedophilia. These trainings were financially support by the Ministry for Labor and Social Politics of Republic of Macedonia.

The purpose of these trainings were:

- Development of sensibility for the children rights and different kinds of child abuse, with special accent on the sexual abuse of the children
- Support constructive actions in order to prevent the child abuse, especially making a CODEX for the journalist when they are reporting about cases of child abuse, especially sexual abuse as one of the forms for child protection
- Introducing with the system/mechanisms for monitoring of the child rights in Macedonia

- Contribution in improvement of the mutual collaboration and communication between the representatives of the media, governmental and non-governmental sectors.
- Initiating a mutual engagement in the process of protection and improvement of the child rights
- Initiating better mutual connection of all participants through mutual acting in the process of child rights realization and democratization of the society.

The basic aim was to offer a space to a journalists that report about the cases of child sexual abuse where they can exchange experience, problems, questions, approaches and to show how great impact they have in the fight against the problem of child sexual abuse and pedophilia, and the last, but not the least to show the importance of respecting the integrity and identity of the child as a victim, as the presumption that the suspect can be innocent until proved otherwise.

The trainings were interactive workshops with plenary, group and individual work. Both groups have worked for a three days on the following subjects: the attitude of the media when they are reporting about the cases of sexual abuse and pedophilia; child rights with accent on the 4 principles, and especially understanding the different interests and conducting the principle of best interest of the child; individual and collective responsibility for implementation of the child rights, as basic things when working with children or representing their best interests/rights; principles that have to be respected when the media are reporting about cases of child abuse, relations with others institutions and organizations.

One of the most significant components of these trainings was the creation of the CODEX for journalist when they are reporting about the cases of child abuse as one of the forms for child protection. In the last blocks of the trainings the two groups of journalist prepared two Codex proposals for journalist while reporting about cases of child sexual abuse. In the following period this two Codex proposals shall be merged in one comprehensive Codex, which will be signed and accepted by the journalists.

#### IV. Definition of violence/abuse; abuse of children; sexual abuse and types of sexual abuse of children; residential institutions

*Violence* - "...molesting, cruel assault, jeopardising his/her security or cruel violenting and initiating sense of insecurity, fear ... (Criminal Code of Republic of Macedonia, no.48/01, article 386)

*Abuse of children*: "Every form of malicious behavior toward children and neglecting their needs, every action with intention to hurt causing pain, every forms of exploitation which are violating the health, development and growth and the dignity of the child" - definition used by Mrs. Cena Caloska, Chief inspector of the department for juvenile delinquency in Skopje, in the trainings for the Inspectors from Ministry for internal affairs of Republic Macedonia on the topic Sexual abuse (project activities in the frame of the project "Childhood without abuse" in 2007 year)

Sexual abuse - "Every sexual contact with the child (touching and cuddling on inappropriate places), sexual intercourse with the child, inducing to a prostitutions, showing a intimate parts of the body affront the child " - definition from THE GUIDE FOR PARENTS AND TEACHERS "TO PROTECT THE CHILDREN FROM SEXUAL ABUSE" prepared by the First Children's embassy in the World Megjashi.

- "Sexual abuse is inclusion of dependable and developmentally immature children and minors in sexual activities, which they cannot understand and for which they cannot give approval and which are violating the families' taboos and family role." - definition by the World Health Organization in 1999 year.

Forms of sexual abuse - 1.Inclusion of children in sexual activities; 2.Touching children on their reproductive organs and chest, as other inappropriate parts of the bodies; 3.Showing the intimate parts of the body; 4.Showing pornographic materials to a child; 5.Voyeurism; 6.Attempt for rape and rape; 7.Incest; 8.Child prostitution - used by Mrs. Cena Caloska, Chief inspector of the department for juvenile delinquency in Skopje, in the trainings for the Inspectors from Ministry for internal affairs of Republic Macedonia on the topic Sexual abuse (project activities in the frame of the project "Childhood without abuse" in 2007 year)

Residential institutions - The residential institutions in Macedonia according to the Law for social protection (article 74) are divided to:

1. Institutions for accommodating children and youth without parents and parental care and are defined as: "Institutions that provides care (accommodation, food, clothes and care) to the children till they are returned in the primary families, or they capable for independent life and work, not longer than 6 months after the graduating the high school education, if there no other opportunities for care". (Law for Social protection, no. 50/97 03.10.1997 year, article 75)

2. Institutions for accommodating children and youth with social upbringing problems and problematical behavior, and are defined as: "Institutions for accommodating children and youth with social upbringing problems and problematical behavior, from 7 to 18 years, or till graduating the high school education, provides acceptance and short-term care of minor persons, observation and diagnostics, prolong care, education and corrective approach for juveniles in accordance with their needs in continuation of 3 years..." (Law for Social protection, no. 50/97 03.10.1997 year, article 77)

3. Institutions for children and youth with disabilities in psychological development and are defined as: "Institutions for children and youth with disabilities in psychological development provides observation, rehabilitation, corrective approach, education, preparation for work, accommodation and health care..." (Law for Social protection, no. 50/97 03.10.1997 year, article 80)

4. Institutions for children and youth with physical disabilities and are defined as: "Institutions for children and youth with physical disabilities provides care (accommodation, food, care) till they are cabale for independent life and work (Law for Social protection, no. 50/97 03.10.1997 year, article 82).