



# Alternative report of non-governmental organizations on the state of children's rights in Macedonia

Macedonian National Coalition for the Rights of the Child

Skopje, October 2020



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AD VERBUM

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*All terms mentioned in male gender within the Alternative Report refer to both genders, unless otherwise indicated in the text.*

## LIST OF ACRONYMS AND ABBREVIATIONS

|                            |   |
|----------------------------|---|
| <b>AVMU</b>                | Agency for Audio and Audiovisual Media Services   |
| <b>AZLP</b>                | Personal Data Protection Agency   |
| <b>BRE</b>                 | Bureau for Development of Education   |
| <b>CRC</b>                 | United Nations Convention on the Rights of the Child  |
| <b>Committee</b>           | United Nations Committee on the Rights of the Child   |
| <b>DSPDP</b>               | State Council for Prevention of Juvenile Delinquency  |
| <b>EU</b>                  | European Union  |
| <b>GDP</b>                 | Gross domestic product  |
| <b>HBSC</b>                | Health Behavior in School-aged Children Survey  |
| <b>Megjashi</b>            | First Children's Embassy in the World Megjashi - Republic of Macedonia  |
| <b>Megjashi's research</b> | Survey on the state of children's rights in Macedonia, First Children's Embassy in the World Megjashi - Republic of Macedonia |
| <b>MIA</b>                 | Ministry of Interior  |
| <b>MICS</b>                | Multi-indicator Cluster Survey  |
| <b>MLSP</b>                | Ministry of Labor and Social Policy   |
| <b>MON</b>                 | Ministry of Education and Science   |
| <b>National Coalition</b>  | Macedonian National Coalition for the Rights of the Child   |
| <b>National Commission</b> | National Commission for the Rights of the Child   |
| <b>NPAPD</b>               | National Action Plan for the Rights of the Child in the Republic of Macedonia   |
| <b>PISA</b>                | International Student Assessment Program  |
| <b>SWC</b>                 | Social Work Centers   |
| <b>UNICEF</b>              | United Nations Children's Fund  |

## FOREWORD

At the very beginning, as a reminder, the Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly on November 20, 1989, entered into force on September 2, 1990, and was ratified by Macedonia in 1993. In front of you is the Alternative report of non-governmental organizations on the implementation of the CRC in Macedonia in the period from 2010 to the first half of 2020. The report was prepared by the informal coalition of NGOs - Macedonian National Coalition for the Rights of the Child, joined by few other organisations that are not yet members of the Coalition. The Coalition was established and coordinated by the First Children's Embassy in the World Megjashi.

In 2010, after reviewing the second periodic report, the United Nations Committee on the Rights of the Child published the Concluding Observations for the State, in which it indicated everything that needs to be done to promote the rights of children in Macedonia. After receiving the concluding remarks, the Children's Embassy Megjashi together with some of the member organizations of the Coalition monitored the level of implementation of the recommendations of the Committee and during 2020 conducted an online survey with over 30 organizations and generated data that helped obtain an objective picture with regard to the situation with the rights of the child in Macedonia.

What we consider especially important is that children and young people were actively involved in the preparation and implementation of the online research for children, as well as in the preparation of a separate Children's Alternative Report on the state of children's rights.

It is important to note that this Alternative Report is a result of the multi-year efforts of the Coalition member organizations in monitoring the implementation of the CRC. In addition to the reports prepared in previous years, this report includes additional data, key information from NGOs in areas for which the state report does not provide enough information, in areas which are not covered, or areas which, in opinion of the NGOs, are covered, but are not entirely accurate, as well as suggestions and recommendations. The report provides an overview of the state of play with the implementation of the Committee's recommendations 10 years after their adoption.

Gordana Pirkovska Zmijanac  
First Children's Embassy in the World Megjashi

Skopje, October 2020

## **METHODOLOGICAL APPROACH**

The Alternative Report on the State of Children's Rights in Macedonia is based on analysis of data and information obtained through desk-research, questionnaire for NGOs, questionnaire for children, information sharing meetings with teacher and applications for access to public information.

### **Desk-analysis**

The desk-analysis encompassed several sources of data including documents, reports and analysis from relevant institutions (both national and international) and civil organizations, academic papers and media sources. Subject of the research were also the national legal frame and public policy documents which encompass questions related to children's rights and their well-being.

### **Questionnaire for NGOs**

The questionnaire about the Alternative Report on the State of Children's Rights in Macedonia was carried out online in the period from May to July 2020 and was completed by more than 30 organizations and informal civil associations which directly or indirectly work on promotion of children's rights. Following the structures of the concluding observations of the Committee on the Rights of the Child from 2010, the questionnaire encompassed eight different areas, and the questions referred to the knowledge of the organization in terms of implementation of Committee's recommendations. There online meetings with NGOs were held where the goals of the research and the reporting process before the Committee were discussed, and detailed instructions for completing the questionnaire were given.

### **Questionnaire for children**

The research regarding the state of children's rights in Macedonia was carried out with the aim to provide overall data on various aspects of children's lives in the country, the problems they face and the things they think should be improved. The data were gathered in the period from June to July 2020 through online questionnaire in Macedonian and Albanian language, which was completed by 1077 children aged 12-17. Total of thirty pupils from 11 primary and secondary schools in Veles, Vinica, Gostivar, Debar and Skopje participated in the design, piloting and dissemination of the questionnaire. This research is referred to throughout this report as Megjashi's research. The children's quotes at the beginning of the thematic areas of the report are have been obtaining through this research.

### **Information sharing meetings with teachers**

Four information sharing meetings with more than 40 teachers from primary and secondary schools throughout the country were held within Megjashi's Peace Education Training Programme during which the good practices and challenges in the area of education were mapped and discussed.

### **Applications for access to public information**

Tens of application for access to public information were sent to several state bodies and institution as well as to units of the local government in order to obtain data which could not be obtained through the desk-research and input from the civil society sector.

## LIST OF ORGANIZATIONS THAT HAVE CONTRIBUTED TO THE REPORT

This report represents an overall consensus of opinion of the NGOs and informal groups that contributed to this report. It does not necessarily represent in all respects or detail the views of every organization/group. Thanks to the following organizations/groups for sharing their experiences to inform about the preparation of this report:

*Association “Emotionally Healthy Childhood”*

*Association for Democratic Initiatives - ADI*

*Association for Psychological, Special Education and Speech Therapy Services "Center Savant"*

*Association for the Rights of Children and Youth with Special Needs “Lastovica”*

*Association „MIR“ Skopje*

*Association of Citizens for Promotion and Protection of Spiritual and Cultural Values LEGIS Skopje*

*Association of Citizens for Supporting of Marginalized Groups "Roma Resource Center" Skopje*

*Association of Parents of Children with Rare Neurological Diseases (Rett Syndrome, Williams Syndrome, etc.) KOKICINJA Skopje*

*Center for Intercultural Dialogue*

*Centre for Human Rights AMOS Bitola*

*Citizens' Association RUBIKON - Skopje*

*Citizens' Association UNITED WE STAND TALL Skopje*

*City Red Cross of Skopje*

*Civic Initiative for Joint Custody*

*Clean Air Movement*

*Click Action*

*Coalition All for Fair Trials*

*Coalition MARGINS*

*Coalition of Youth Organizations SEGA\**

*Defense for Children's Rights (DCR)*

*Family and Childcare Center - KMOP Skopje*

*Foundation for Education and Cultural Initiatives "Step by Step"-Macedonia*

*HERA – Health Education and Research Association*

*IMPETUS - Center for Internet, Development and Good Governance*

*Macedonian Young Lawyers Association*

*Mother and Child Movement*

*National Alliance for Rare Diseases in R.Macedonia - NARDM*

*NGO United by Heart Stip*

*Open Gate-La Strada Macedonia*

*Peace Action*

*Polio Plus – Movement Against Disability*

*Resource Centre for Parents of Special Needs Children*

*\*Organizations that will also submit separate alternative reports to the Committee*

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# GENERAL IMPLEMENTATION MEASURES



## WHEN CHILDREN'S RIGHTS ARE NOT RESPECTED?

"When a child is bullied at school by his classmates, and the psychologist or any of the staff does not take any action, and the child's parents are either not affected by the situation, or for some reason cannot do anything to stop it. "

"When children who should go to school are deprived of that opportunity."



“ \_\_\_\_\_

Children who beg or are forced to work by adults.

\_\_\_\_\_ ”

- "Most often it is the acceptance of children of
- other religions, we often meet such cases at
- school."

"One such case is when a parent decides on the direction of their child's education, even though it is against his will."



# 1. GENERAL IMPLEMENTATION MEASURES

## 1.1 Legal framework

The domestic legal framework for the rights of the child is largely in line with the international standards.<sup>1</sup> In the last review of the compatibility of the overall domestic legislation with the CRC from 2010, several areas of divergence were identified, some of which have not been addressed yet.<sup>2 3</sup> From 2010 until today, several existing laws have been amended<sup>4</sup> and new laws were passed relating to the rights of the child.<sup>5</sup> The content and implications of those laws will be elaborated in the relevant themes of the report. No information on an up-to-date legal review is available.

Legislation is not always adopted and amended in consultation with relevant stakeholders. Children are continuously excluded from these processes.

The main obstacle to the full realization of children's rights remains poor law enforcement, lack of systemic access and limited financial, human and technical resources.

### Recommendations

- *Conduct an up-to-date legal review of the CRC's compatibility with domestic legislation, and incorporate mechanisms for continuous legal review of draft laws relating to children.*
- *Urgent change of the existing regulation which is in collision with the CRC.*
- *Strengthen law enforcement.*
- *Preparation and publication of annual reports on the implementation of the CRC by the Government.*
- *Adopt changes to the legal framework in broad consultation with all stakeholders, especially children.*

## 1.2 National Action Plan

The National Action Plan for the Rights of the Child (NPAPD) was adopted in 2005 and revised in 2012.<sup>6</sup> No data are available on the allocated funds for its implementation, nor reports on its implementation and evaluation.

The validity of NPAPD expired in 2015, and a new action plan has not been prepared. The lack of a basic strategic document for the promotion of children's rights indicates that this is not a priority area in the public policies of the government administration.

## Recommendations

- *Conduct NPAPD evaluation.*
- *Immediate preparation and adoption of a new national action plan for the rights of the child, which will ensure continuity with the previous one and will have a special focus on the situation with the Covid-19 pandemic. This plan should be adopted through a transparent and participatory preparation process, with the participation of all relevant stakeholders, including children and civil society organizations.*
- *Allocation of appropriate financial, technical and human resources for the implementation of the action plan, as well as funds for monitoring its implementation and evaluation.*

### 1.3 Local action plans

Megjashi's request for information regarding the existence of local action plans for children's rights, addressed to all municipalities, was answered by only eight,<sup>7</sup> none of which has prepared such a plan.

Several municipalities indicated that the central government does not provide any human, technical and financial resources for the development and implementation of local plans.

#### Recommendation

- *Provide financial resources and support to local authorities in developing and implementing local children's rights plans through an inclusive and transparent process.*

### 1.4 Independent monitoring structures

The National Commission for the Rights of the Child in the Republic of Macedonia, responsible for monitoring the implementation of the CRC, was established in 2007.<sup>8</sup> In 2010, its competencies were expanded to include activities for monitoring the implementation of the Optional Protocols to the CRC as well.<sup>9 10</sup> At the same time, the Rules of Procedure was amended so that the representatives of the civil society organizations that participated without voting rights gained the same rights and duties as the members of the Commission, and the number of civil society organizations was increased from two to four.<sup>11 12</sup> In 2012, the Government decided that the Commission should be chaired by the Minister of Labor and Social Policy, instead of the Secretary General of the Government,<sup>13</sup> while in 2015 it was allowed for the minister or deputy minister to chair with it.<sup>14</sup>

In 2017, with a decision of the Government, without explanation, all members of the commission were dismissed, and the termination of the participation in the work of the civil society organizations, the representatives of the Ombudsman and UNICEF was determined.<sup>15 16</sup> The Government has not appointed new members.<sup>17</sup> With this decision, the Commission officially ceased to function, after several years of inactivity.<sup>18 19</sup> We regret to note that despite the continuous indications of Megjashi, the recommendations of the Committee for strengthening the role of the Commission were not implemented.<sup>20 21</sup>

## Recommendations

- *Return to the function of the National Commission for the Rights of the Child and review its administrative set-up, structure, authorization and mandate.*
- *Providing financial resources for its smooth operation and contributing to policy planning and prioritization.*
- *Providing opportunities for the local government, civil society and children to participate in its work.*
- *Activities for informing the general public about the existence, role and work of the National Commission, including through the media as well.*

## 1.5 Ombudsman

The special department for protection of the rights of children and persons with disabilities is still active, it is headed by a Deputy Ombudsman and has four employees (two lawyers, two social workers). From July 2019, a team of three employees started working in the department to monitor the implementation of the Convention on the Rights of Persons with Disabilities.<sup>22</sup>

In 2016, amendments to the Law on the Ombudsman were adopted, which contributed to its partial harmonization with the Paris Principles.<sup>23</sup> The Ombudsman is still left without its own budget, and no normative preconditions for the independence of its professional service, special departments and offices have been provided, i.e. they remain part the state administration.<sup>24</sup>

In 2019, there was a significant increase in the number of complaints in the field of children's rights, mostly filed by parents or other persons on behalf of children, and less by the children themselves.<sup>25</sup> According to Megjashi's survey, 63% of children have heard of the Ombudsman,<sup>26</sup> but only 20% would turn to the Ombudsman if their rights were violated.<sup>27</sup>

Table 1: Complaints for protection of the rights of the child 2015-2019

| Year   | 2019 <sup>28</sup> | 2018 <sup>29</sup> | 2017 <sup>30</sup> | 2016 <sup>31</sup> | 2015 <sup>32</sup> |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| Number of complaints for protection of the rights of the child | 246                | 153                | 119                | 106                | 158                |
| Percentage of the total number of complaints                   | 7.12%              | 4.42%              | 5.10%              | 2.81%              | 3.59%              |

Table 2: Complaints for protection of the rights of the child 2010-2014

| Year   | 2014 <sup>33</sup> | 2013 <sup>34</sup> | 2012 <sup>35</sup> | 2011 <sup>36</sup> | 2010 <sup>37</sup> |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| Number of complaints for protection of the rights of the child | 124                | 116                | 161                | 144                | 111                |
| Percentage of the total number of complaints                   | 2.92%              | 3.07%              | 3.70%              | 3.38%              | 2.75%              |

Institutions generally act on the Ombudsman's recommendations and guidance in individual cases of violation of children's rights, but this is not the case with the recommendations for systemic changes that are rarely applied.

## Recommendations

- *Further strengthen the independence and competence of the Ombudsman, as well as strengthen the capacity, human and financial resources of the Department for the Rights of Children and Persons with Disabilities.*
- *Increasing the familiarity of children and parents with the existence, competence and possibility to submit complaints to the Ombudsman.*
- *The competent institutions should seriously consider the Ombudsman's recommendations for systemic changes contained in the annual and special reports.*
- *Analysis of the possibilities for establishing a special institution - Children's Ombudsman.*

### 1.6 Records, data collection and selection

The last census was conducted in 2002, and a new census was repeatedly announced and postponed.<sup>38</sup> As a result, there is a lack of up-to-date statistics on the population, households and their structure, crucial for adequate planning of services for children.

Some improvements have been made to social protection statistics,<sup>39</sup> but there is a lack of systematic approach to data collection and a centralized database for children. The existing databases of the State Statistical Office have extremely limited data relating to children. In particular, there is a lack of data on children in vulnerable conditions, such as children on the streets/street children, children outside of formal education, children who are not registered in the birth register, children in contact with the law and children with disabilities.

There is poor cooperation, insufficient data sharing between institutions, and inconsistencies in the methodology of the various bodies.<sup>40</sup>

International research, such as MICS,<sup>41</sup> HBSC<sup>42</sup> and PISA<sup>43</sup> provide comparable indicators for multiple areas.

## Recommendations

- *Conduct the population census immediately.*
- *Revise and improve the existing data collection system, provide a publicly accessible and centralized database for children.*
- *Harmonization of the methodological approaches of the relevant institutions and bodies and promotion of the cooperation between them.*

### 1.7 Budget

In the period 2010-2017, public spending relating to children in the areas of social protection and education recorded a downward trend compared to the upward trend of the economy.<sup>44</sup> In both categories, the infrastructure investments are marginalized. Incomplete realisation, mainly, appears in these investments. The dominant allocations in the structure of funds for education are the wages and material costs for primary and secondary schools, while in the funds for social programmes, the dominant allocations are for social protection and child protection allowances. The greater rise in the spending in the form of a monetary compensation as opposed to the spending in the form of services is interpreted as “a populist component in the decision-making related to these programmes.”<sup>45</sup>

The percentage share of expenditure on child health care in GDP shows a downward trend, from 0.68% in 2010 to 0.63% in 2017.<sup>46</sup> Although the child population represents 23% of the population, 19% of the total health care resources are used for child health care.<sup>47</sup>

The possibilities for in-depth analysis of budget funds for children and their impact on the well-being of children are limited due to the lack of databases. There is not always a clear picture of the allocation and realization of funds.<sup>48</sup> Budget planning does not always follow the established national priorities.

## Recommendations

- *Increasing budget funds for children and increasing transparency in the use of public funds that are directly or indirectly related children, among other things by creating comprehensive and up-to-date databases and integrating permanent solutions for budget analysis at national and local level.*
- *Allocating appropriate budget funds for the implementation of all adopted policies related to children.*
- *Education and social policy: Strengthening the development component of budgets for children and at the same time increase spending in the form of services in order to improve their quality.*
- *Health care: Increasing the percentage of public expenditures for children in order to get priority in the health system.*

## 1.8 Dissemination of the Convention on the Rights of the Child

Most children (62.8%) have heard of the CRC, but only a few (2.85%) have read it.<sup>49</sup> Children are often informed about their rights at school, online or at home.<sup>50</sup> As many as 95% of children estimate that there is a need for greater education for children's rights of both children and adults.<sup>51</sup> The Ombudsman points to the particularly low level of familiarity among primary school pupils who "do not recognize what is a child's right and what is an obligation".<sup>52</sup>

In terms of public awareness of the CRC, UNICEF's data from 2018 indicate that 61% of respondents (aged 15+) have heard of the CRC, which is 5% more compared to 2014.<sup>53</sup>

### Recommendations

- *Increase efforts to disseminate the CRC between both, children and adults, using communication channels that are appropriate for them.*

## 1.9 Cooperation with civil society

Increased efforts are being made to institutionalize the Government's cooperation with the civil society sector, through the adoption of the Government's Strategy for Cooperation and Development of the Civil Society 2018-2020, the establishment of the Unit for Cooperation with NGOs at the General Secretariat of the Government and the Council for Cooperation with and Civil Society Development.<sup>54</sup> CSOs are involved in the adoption of strategic documents, laws and bylaws by submitting comments on draft documents, participating in working meetings with ministries, working groups and public hearings of Parliamentary Committees.<sup>55</sup>

However, the general impression remains that consultative processes are not conducted systematically and are not always inclusive, and in some cases the involvement of CSOs is more formal than substantive. Deadlines for submitting comments and suggestions are usually short, and many organizations do not have enough capacity and time to respond. The proposals of the organizations are not always incorporated in the final documents.

### Recommendations

- *Further enhance the cooperation with the civil society sector, ensure inclusiveness, transparency and accountability, take into account the adequacy of the deadlines for sending comments and suggestions and pay due attention to them.*
- *Passing the laws in a regular procedure, instead of an abbreviated one, which will create a suitable space for quality debate.*
- *Strengthening the capacities of civil society organizations to participate in the processes of creating legislation and public policies related to children's rights.*

# GENERAL PRINCIPLES



## WHAT ARE THE REASONS WHERE CHILDREN FEEL DISCRIMINATED?

"For example, when they say you are a girl and you have to take care of everything. Or when they will not take me seriously because I am 'little'."

“Dark complexion because of which I was called by derogatory names.”

"I am not always accepted because of the way I dress and the music I listen to."

"A classmate made fun of me because my family had a less prestigious car."



I am often discriminated against by my school friends who live in the city, because I often go to my grandparents in a village where I have many friends and where I feel good. But when I return to the city, they often call me a peasant or threaten me that they will not hang out with me just because I spend my summer vacation in the countryside and return home at most once a month ...



## 2. GENERAL PRINCIPLES

### 2.1 Non-discrimination (Article 2)

According to Megjashi's research<sup>56</sup> 42.24% of children felt discriminated in a certain situation, and among the most common reasons are the age, gender and financial situation of their family. Children have also been discriminated because of their appearance, weight, skin color, place of residence, their clothing style or the music they listen to.

Segregation of Roma students is still practiced, many of whom are socially excluded and exposed to prejudice from institutions and the community. Children with disabilities face numerous barriers to accessing education, health and other institutions. Meanwhile, children from socially disadvantaged families are completely denied the right to education in conditions of distance learning.

There are serious concerns about the repeal of the new Law on Prevention and Protection against Discrimination by the Constitutional Court and the untimely constitution of the Commission for Protection against Discrimination.<sup>57</sup>

The Commission has dealt with several complaints of discrimination against children.<sup>58</sup> However, there is generally no perception that the Commission should monitor children's rights, either by the Commission itself or by the general public.<sup>59</sup> The Commission usually exceeds the legally set decision deadline by several months, and in some cases even by several years.<sup>60 61</sup>

#### Recommendations

- *Immediate adoption of appropriate legislation to prevent and protect against discrimination.*
- *Returning to the function of the Commission for Protection against Discrimination, strengthening its capacities and increasing the awareness of the Commission and the general public that this body is competent for handling complaints related to children.*
- *Strengthening the systemic approach to preventing discrimination against the most vulnerable groups of children.*

### 2.2 The best interest of the child (Article 3)

The best interest of the child is often more declarative than an essential guiding principle in the actions concerning children undertaken within the family, health care, educational, social protection and other authorities.<sup>62</sup>

The practice of Megjashi and the Ombudsman indicate that social work centres often do not act in accordance with the best interests of the child, especially when deciding on the child's right to exercise personal and direct contact with the parent he/she with does not live with (in cases when

parents are separated/divorced). Namely, the decisions of the social work centres are more commonly a fulfillment of the parents' requests, than acts adopted in the best interest of the children.<sup>63</sup>

#### **Case study no. 1<sup>64</sup>**

*The violation of the right of the child to have personal and direct contacts with the parent with whom he / she does not live after the parents' divorce is the most common reason for the calls on Megjashi's SOS Telephone for Children and Youth in the past years. In one of the cases reported in 2020, the social work center decided that the child should meet the parent that the child does not live with. The child shared with the center that did not want this meeting to be held due to the past abuse behavior of the parent and having been threatened with physical violence by the parent. The social work center did not take into account the opinion of the child, nor the child's best interest and reached a decision that the meeting has to be realized anyway.*

#### **Recommendations**

- *Staff training in all institutions working with children, especially in within the social protection and justice systems, focused on the importance of the principle of best interest of the child and its proper application.*
- *Preparation of guidelines for application of the principle of the best interest of the child for the in all actions relating to children the social protection and justice systems.*
- *Review all relevant legislation to ensure that the principle of the best interests of the child is properly incorporated.*

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

In the period from 2011 to 2018, a certain improvement in children's health is noted, measured by the rates of perinatal, infant mortality and mortality of children up to 5 years.<sup>65</sup> However, the Millennium Development Goals have not been achieved and there are significant differences compared to the rates in the EU.<sup>66</sup>

**Table 3: Indicators related to children's health (2011-2018)<sup>67</sup>**

| Indicators   | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|--|------|------|------|------|------|------|------|------|
| Perinatal mortality (per 1000 births)                      | 12.3 | 12.8 | 14.3 | 12.7 | 12.9 | 16.0 | 14.8 | 10.4 |
| Infant mortality (per 1000 live births)                    | 7.5  | 9.8  | 10.2 | 9.9  | 8.6  | 11.9 | 9.2  | 5.7  |
| Mortality of children under 5 years (per 1000 live births) | 8.6  | 11.0 | 11.3 | 10.7 | 9.7  | 13.1 | 10.4 | 6.8  |

The infant mortality rate for Roma in 2013 was 17.4 per mille, almost 70% higher than the national average for that year.<sup>68</sup> Since then, this rate has been continuously declining, reaching 10.2 per mille in 2017, which is 1 per mille above the national average.<sup>69</sup> This is due to several factors, such as increasing awareness of the importance of regular gynecological examinations,

education, prevention programs and the work of civil society organizations with Roma communities.<sup>70</sup> However, the overall health of Roma children remains poor compared to other communities.

- *See recommendations under 1.7, 6.2 and 6.4.*

## 2.4 Respect for the views of the child (Article 12)

According to Megjashi's research,<sup>71</sup> most of the children (61.76%) think that children are powerful enough to change only some of the things that are important to them, while 1/10 think that children can not change anything. Children point out that the underestimation of their opinion by adults is one of the main obstacles due to which they can not change the things that matter to them, while some cite the lack of experience, lack of information, age, insufficient help from adults, systemic obstacles from economic and political nature and social norms that restrict child participation. Only 1/3 of children fully agree with the claim that they are involved when making decisions in their school.

The principle of respect for the views of the child is not consistently applied in the legislation. In the Law on Child Protection, there is a general provision regarding the obligation to take into account the opinion of children when making decisions that affect them.<sup>72</sup> Such a general provision is absent in the Family Law, but there are several specific provisions that provide for the right of children to express their views on certain issues.<sup>73</sup> The Family Law does not provide for an obligation to hear the child when deciding to take away parental rights or when deciding which parent to live with if the parents do not live together or are divorced.

The Law on Primary Education<sup>74</sup> provides a framework for pupils' organization and association in primary schools, while the form of association of high school students and their participation in decision-making of collective interest are not regulated in the Law on Secondary Education.<sup>75</sup> Laws in the field of education do not contain a general obligation to respect the views of children on decisions that affect them individually.

Written consent for medical interventions is signed by the parent / guardian, but there is no legal obligation to consult the child.<sup>76</sup> There is also no reference to the obligation to respect the views of the child in the development of legislation, policies and practices relating to children by central and local government.<sup>77</sup> There is insufficient willingness of those who decide for children to listen and pay attention to their opinion, whether it is family rights, education, health or social protection.<sup>78</sup>

### Recommendations

- *Amendments to national legislation to ensure consistent application of the principle of respect for the views of the child and strengthening the awareness and capacities of the institutions and other stakeholders for respecting this principle.*

# CIVIL RIGHTS AND FREEDOMS



## CAN CHILDREN CHANGE THE THINGS THAT ARE IMPORTANT TO THEM?



They are not so capable of changing some things because they are children and their opinion often unaccepted and taken as a simple thought without much importance.



"I think children can change whatever they want to because I think this generation of children are aware of the problems in society and are not afraid to stand up to injustice."



Adults have always had and will have much greater control and reputation in the world. Every body or institution is headed by an adult, not a child. Although children can influence some less critical decisions, they can not completely influence the law and government.



## 3. CIVIL RIGHTS AND FREEDOMS

### 3.1 Registration of birth, name and citizenship (Article 7)

There are still children who are not registered in the birth register, most of whom are Roma. The main obstacles for registration are the lack of personal documents of the parents, the high costs of DNA analysis as evidence of blood relationship,<sup>79</sup> as well as non-compliance with the legal deadlines for registration due to which the procedures can take up several years.<sup>80</sup>

In 2018, about 700 unregistered persons were identified.<sup>81 82</sup> There is no information on how many of them are children. In February 2020, the Law on Unregistered Persons in the Birth Registry was adopted<sup>83</sup> which provides for these persons to be registered in a special birth register, which will provide them with access to education, health and social protection. However, by registering in the special register, children do not acquire citizenship, which requires entry in the regular birth register.<sup>84</sup> The bylaws necessary for the implementation of the Law were not adopted within the legally prescribed deadline.<sup>85</sup> Plans for access to services arising from the law have not been adopted either.<sup>86</sup> It remains to be seen whether the Law will contribute to solving this long-standing problem.

#### Recommendations

- *Urgently start registering in the special birth registry, and adopt plans for access to services arising from the Law on Unregistered Persons.*
- *Provide a legal solution that will enable unregistered children to acquire citizenship.*

### 3.2 Identity protection (Article 8)

The state has not taken measures to eliminate the practice of "secret" adoption, addressed in the Committee's 2010 recommendations.<sup>87</sup> The existing Family Law enshrines the principles of secrecy, closed records and anonymization of the birth parents. Namely, it classifies data on established adoptions as an official secret and provides no legal possibility for the adopted child to find out about the identity of the biological parents and their medical history.<sup>88</sup>

Adoptees (usually already adults) have created informal channels, utilizing social media platforms, for obtaining information about their biological family. Facebook groups aimed at exchanging information and locating birth parents and siblings amount to more than twenty thousand members.<sup>89</sup>

The justification of the veil of secrecy surrounding adoption has been continuously challenged by the public in the past few years. The pleas for reform and openness in the adoption process have intensified as a result of the efforts of an informal group of citizens, supported by Megjashi, that advocates for the legal provision of the right of adopted children to know their biological origin.<sup>90</sup>

In 2017, a petition for amendment of the Family Law was formally submitted to the MLSP.<sup>91</sup> MLSP has not yet shown interest in this issue.<sup>92</sup>

## Recommendations

- *Amend the Family Law to ensure the preservation of information on the origin of adopted children (including information on place of birth, biological parents identity and medical history), ensure that children are informed of the fact of their adoption and that they have access to that information at an appropriate age and at an appropriate level of development.*
- *Develop programs to support adoptive parents and advise them on how to introduce children to the fact of their adoption.*

### 3.3 Freedom of thought, belief and religion (Article 14)

Most citizens (87%) introduce their children to religion and (68.8%) support the study of religions as part of the education system.<sup>93</sup> The majority (56%) think that the subject of studying religions should be optional.<sup>94</sup>

In Grade VI, students can study one of three elective subjects - Ethics in Religions,<sup>95</sup> Introduction to religions or Classical culture in European civilization. At the beginning of the school year, parents get acquainted with the curricula for the three elective subjects and decide which subject their child will study.<sup>96</sup> There are no systemic mechanisms for involving children in decision-making on this issue. The choice is usually limited and children attend the subject for which teaching staff is provided, regardless of their preferences.<sup>97</sup>

Religion-related topics are covered in other subjects. The BDE program envisages the elaboration of the Gospels from the "New Testament" as a compulsory reading on the subject of Macedonian Language in the first year of secondary education. In 2013, the Ombudsman submitted a recommendation to the Ministry of Education and Science and the BDE to withdraw this textbook because students "are obliged, regardless of their religious (non) determination, to read the New Testament, which violates the right to freedom of expression, conscience and religion."<sup>98</sup> No information can be found on whether this recommendation has been implemented.

## Recommendations

- *Providing opportunities in schools to study all three elective subjects and introducing systemic mechanisms for involving children in choosing which of these subjects to study.*

### 3.4 Freedom of expression (Article 13) and freedom of association and peaceful assembly (Article 15)

#### *School-based forms of association*

The new Law on Primary Education adopted in 2019, laid down a framework for pupils participation and association.<sup>99</sup> Namely, the Law stipulates pupils' right to association and representation at class level (through a *class community*) and school level (through the *pupils parliament*).<sup>100</sup>

The forms of representation and association of high school pupils are not legally regulated. Many high schools across the country have some forms of pupils associations, provided for in their internal acts, but this is not usually regulated in line with the CRC.<sup>101</sup> The most common forms of association are the class community / pupils community.<sup>102</sup> In 2016, the Coalition SEGA, Megjashi, and the Youth Educational Forum submitted an initiative to the Ministry of Education and Science for amendments to the Law on Secondary Education in order to create a legal basis for pupils association.<sup>103</sup> The advocacy process was restarted in October 2020.

#### *Extracurricular forms of association*

There are several formal and informal forms of youth organizing. In many municipalities there are local youth councils that differ in the way of formation, composition and functioning.<sup>104</sup> There are several youth umbrella organizations nationwide.<sup>105</sup>

The Law on Associations and Foundations<sup>106</sup> from 2010 provides that citizens' associations can be established by children at the age of 15 with the prior consent of their legal representative. The minimum age for membership in an association is 14 years and is also conditional on having the consent of a legal representative. According to some organizations, this is a step back from the previous version of the Law, where every citizen, regardless of age, was allowed to form or join an association.<sup>107</sup>

In 2020, the Law on Youth Participation and Youth Policies was adopted,<sup>108</sup> which stipulates, inter alia, national and local representative bodies for persons aged 15 to 29 years.<sup>109</sup>

The provision of systemic conditions for association and participation of children and youth through legal changes and public policy documents is recognized by the civil society sector as a significant progress. However, it is noted that these documents are mainly aimed at older groups of children over 15 years.

#### *Freedom of peaceful assembly*

In the past period, there has been an increase in child activism. In 2015, high school protests were organized in response to the proposed educational reforms by the Ministry of Education and Science,<sup>110</sup> and in September 2020 as a reaction to the decision of the Ministry of Education and

Science on the manner of conducting classes in the upcoming school year.<sup>111</sup> In 2018 and 2019, high school protests and artistic performances dedicated to air pollution and climate change were held.<sup>112 113</sup>

Some high school pupils faced threats from school authorities urging them not to leave classes and not to participate in protests.<sup>114 115</sup> In some cases, children were physically prevented from leaving school by locking the school doors.<sup>116</sup> In addition to restricting the right to peaceful assembly, attempts to party-label children participating in the protests could be seen in public.

#### **Case study no.2<sup>117</sup>**

*In anticipation of the planned protest against air pollution on 20.12.2019, high school pupils from several schools across the country boycotted classes and with protective masks and banners against air pollution gathered for a peaceful protest in schoolyards and other public places. Among those who boycotted the classes were the students from the high school "Nikola Karev" in Skopje. The school principal addressed to the gathered pupils in the school hall threatening with negative consequences upon them if they continue boycotting classes and join protesting. The video recording of this address made by the students was spread through the media and met with public condemnation, after which the Mayor of the City of Skopje made a decision to dismiss the school principal of her duty.*

*For more information on the right to respect for the views of the child see under 2.4.*

#### **Recommendations**

- *Monitoring the implementation of the legal provisions for student organization in primary schools.*
- *Amendments to the Law on Secondary Education in order to create legal bases for student organization.*
- *Conducting educational activities with teachers and other professionals working with children in order to strengthen their capacity to support and encourage child activism.*
- *Political parties and their supporters to end the practices of partisan labeling of children who practice their right to peaceful assembly.*

### **3.5 Protection of privacy (Article 16)**

Violation of children's privacy in cyberspace is an increasingly pressing problem. In recent years, the Personal Data Protection Agency has received several complaints regarding the misuse of personal data of children on social networks, most of which relate to the opening of fake profiles, misused profiles and unauthorized publication of images and videos.<sup>118</sup> The majority of parents (64%) think that their children are not familiar with the privacy policies of social networks.<sup>119</sup>

Table 4: Number of complaints to the LPDP regarding the misuse of personal data of children on social networks<sup>120 121</sup>

| Year                 | 2011 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | Total |
|----------------------|------|------|------|------|------|------|------|------|-------|
| Number of complaints | 3    | 33   | 12   | 13   | 20   | 9    | 11   | 15   | 116   |

At the beginning of 2020, information about the misuse of intimate photos and videos of underage girls appeared on the Telegram telecommunication network, after which an investigation was opened, and the social work centres offered psychological counseling to the girls whose data were misused.<sup>122</sup> There are cases where the media reveals the identities of child victims of abuse, or publishes other data<sup>123</sup> which can lead to their identification.<sup>124</sup>

#### **Case study no.3<sup>125</sup>**

*In 2014, the Agency, then the Directorate for Personal Data Protection, implemented the project "Privacy Hour", which included lectures on personal data protection in all high schools in Skopje. The Agency plans in the future to continue with activities related to education of students from primary and secondary schools and at the national level, not only on the territory of the City of Skopje.*

### **Recommendations**

- *Conducting educational activities to increase the familiarity of children and parents with the ways of personal data protection and the competent institutions.*
- *Conducting educational activities for the media regarding the legal and ethical aspects in reporting cases of child abuse.*
- *Systematically build capacities of education personnel in order to respond to the challenges of abusing personal data and violating the right to privacy of children on social media and new technologies*

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

In the past years, AVMS has acted on several cases of violation of the rules for protection of children from harmful content in media programs, most of which refer to the wrong categorization of television programs.<sup>126</sup> and broadcasting programs at inappropriate times.<sup>127</sup> AVMS' perception that in cases "when there is a strong commercial interest among broadcasters, even legal measures and sanctions do not help to ensure the protection of minors from content that may harm their development" has been worrying.<sup>128</sup> An increasingly significant challenge is the protection against harmful content on the Internet and other channels that is not covered by traditional regulation or domestic law.

Despite the increased number of educational content in the media during the Covid-19 pandemic, the impression remains that their representation is insufficient and that there is a need for more such content in both Macedonian and the languages of the communities too.

## Recommendations

- *Systematic monitoring of the the audio-visual media in order to timely remove harmful materials, undertaking measures to stimulate the media to broadcast programs useful for children and educational activities for children and parents for protection from harmful content on the Internet.*

# VIOLENCE AGAINST CHILDREN



## ARE CHILDREN AND THEIR PEERS VICTIMS OF VIOLENCE?



"Insults on social networks and writing lies by anonymous people who hurt several families, as well as my peers who were later teased by their peers."



A friend from school tied my legs and made me kneel because I did not remember which football team I should go to. This was on PE class until another friend told her to stop doing that to me. In the afternoon I told my mother and she talked to the girl's mother and the teacher. It did not happen again after that, but I still have an unpleasant experience.



"The killing of two teenagers in my vicinity by other armed persons."

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"I am often ridiculed, gossiped and the like by my peers at school and in the neighborhood, but I am used to it and most of the time I just avoid them, but if they exaggerate I defend myself and they stop at least for a while, and sometimes after that they do not tease me at all. I am also insulted at home every day."

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## 4. VIOLENCE AGAINST CHILDREN

### 4.1 Abuse and Neglect (Article 19)

Children are usually victims of multiple forms of abuse and neglect at the same time, the most common of which are physical and psychological / emotional violence.<sup>129</sup> The child victims are most often between the ages of 11 and 14,<sup>130</sup> and most of them are boys.<sup>131</sup> The lack of a standardized approach to data collection on the prevalence of violence is a major obstacle to obtaining a complete picture.<sup>132</sup>

According to Megjashi's research, 10% of children have been victims of violence, while more than 20% know someone who has been a victim of violence.<sup>133</sup> Children often cite examples of peer violence in schools, as well as more and more cases of cyber-violence.<sup>134</sup> Peer violence is present in many primary schools, and the pedagogical measures applied are insufficient to solve the problem.<sup>135</sup> High schools are dominated by a variety of violent behaviors, including insulting and ridiculing students, destroying inventory, fighting among students, insulting students by teachers, and insulting teachers by students.<sup>136</sup> Indicators of the presence of interethnic tensions and incidents show that they are increasing in 2019, compared to 2011 and 2012.<sup>137</sup>

Children in street situations and children cared for in institutions are at increased risk of violence.<sup>138</sup> Violence is not properly recognized, reported and monitored, leaving perpetrators unpunished and contributing to a continuously high level of tolerance of violence.<sup>139</sup>

Increased efforts are being made to establish a coordinated approach to protect children from violence, with the establishment of a National Coordinating Body for the Protection of Children against Abuse and Neglect in 2017,<sup>140</sup> and the adoption of the National Strategy for Prevention and Protection of Children from Violence (2020-2025).<sup>141</sup> A Protocol for acting in the process of prevention and protection of children from abuse and neglect and a Protocol for mutual cooperation of the competent institutions and associations for protection and prevention of domestic violence were also prepared.<sup>142</sup> So far, cross-sectoral teams for the treatment of child victims have been established in only four cities.<sup>143</sup> Insufficient functionality of the inter-sectoral teams and insufficient cooperation between the institutions in the implementation of the procedures and procedures for protection of child victims have been ascertained.<sup>144</sup>

### Recommendations

- *Improve the data collection system through a standardized approach.*
- *Introduce effective programs for prevention of peer violence and strengthen cooperation between the family, educational institutions and the local community.*
- *Implementing prevention programs aimed at the groups at higher risk and strengthening multisectoral cooperation.*
- *Greater efforts in the implementation of the strategic documents, providing appropriate means that will guarantee the realization of the envisaged activities and services and their evaluation.*

#### 4.2 Measures to prohibit and eliminate all forms of harmful practices, including, but not limited to, female genital mutilation and early and forced marriage (Article 24, paragraph 3)

According to the Criminal Code, child marriage is prohibited, and living in an extramarital union with and between minors is considered a crime. With the amendments to the Criminal Code from 2018, the age limit for sanctioning extramarital life with a minor was increased from 16 to 18 years.<sup>145</sup>

Early marriages and living in extramarital unions at an early age are current problems, most pronounced in the Roma community. According to the data given by MICS, in Roma settlements, 45.1% of women aged 20 to 24 got married before the age of 18, compared to 7.5% of the general population.<sup>146</sup> Lack of action protocols, insufficient actualization of this problem and its acceptance as part of the traditional practices of certain communities are among the main obstacles to solving it.<sup>147</sup>

There is a lack of data on refugee and migrant children affected or at increased risk of harmful traditional practices, as well as lack of appropriate preventive measures.

#### Recommendations

- *Development of targeted measures to reduce and eradicate early marriages and extramarital unions.*
- *Continuous training and support for professionals working with families and children at risk.*
- *Sensitization campaigns for the negative impacts of harmful traditional practices.*
- *Survey to assess refugee and migrant children affected or at increased risk of harmful traditional practices.*

#### 4.3 Sexual exploitation and sexual abuse (Article 34)

In 2008, a National Coordination Body was established to implement the Action Plan for Prevention and Combating Child Sexual Abuse and Pedophilia (2009-2012), which has not been functioning for several years.<sup>148</sup> No data is available on the activities of this body, nor the status on the implementation of the Action Plan can be assessed.<sup>149</sup>

Following the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2010,<sup>150</sup> a number of amendments to the Criminal Code were adopted. The amendments from 2014, among other things, increased the penalties for the crime of sexual assault on a child under 14 years of age.<sup>151</sup> A Register of Persons Convicted of Juvenile Sexual Abuse and Pedophilia has been introduced and is available online<sup>152</sup> and the system of sanctions was expanded to provide for medical and pharmacological treatment.<sup>153</sup> There is no

information whether such treatment has been pronounced and implemented so far, nor there is an analysis of the impact of this measure in order to provide greater protection for children.

Regarding services for child victims of sexual abuse and sexual exploitation, there is a Protocol for cooperation between the competent institutions in cases of child sexual abuse and pedophilia based on a multisectoral approach,<sup>154</sup> and the Ministry of Health has established three centers for screening cases of sexual violence with special protection for child victims of sexual abuse.<sup>155</sup> However, there is no data on the quality of services received by children, whether continuous training of professionals is being conducted, whether and how the protocol is being implemented.

## Recommendations

- *Providing equal protection for all children under the age of 18 from the crime of child sexual abuse.*
- *Introduce programs for the prevention of sexual abuse in schools and preschool institutions in order to strengthen the capacity of children to recognize and avoid potential situations of sexual abuse.*
- *Strengthen services for direct medical, psychosocial and legal support in cases of sexual abuse.*
- *Provide an overview of the level of implementation of relevant policies and the current situation regarding trained educators, the number of victims, reported cases and the quality of services they have received.*

### 4.4 The right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (Article 37 (a) and 28, paragraph 2)

In addition to legal bans on corporal punishment in all areas,<sup>156</sup> there is still a high rate of violent discipline, with about 79% of parents / guardians using at least one violent method in disciplining their children (psychological abuse, light or severe corporal punishment).<sup>157</sup> The majority of parents / guardians (57%) believe that it is justified for a parent to hit a child in some situations, although most (72%) are aware of the negative consequences for the child.<sup>158</sup>

In recent years, several cases of cruel, inhuman or degrading treatment within the child protection system (institution for care of children with disabilities<sup>159</sup> and a health facility<sup>160</sup>) were announced publicly which indicates the need to conduct systemic research.

## Recommendations

- *More systematic implementation of laws prohibiting corporal punishment.*
- *Promoting and encouraging non-violent forms of disciplining children, as alternatives to corporal punishment, through media campaigns and changing traditional norms regarding violent parenting.*
- *Systematic research into the practices of cruel, inhuman or degrading treatment or punishment within the child protection system and the provision of measures to prevent and effectively sanction such practices.*

### 4.5 Measures to promote physical and psychological recovery and social reintegration of child victims (Article 39)

Assistance for reintegration of child victims of violence is often insufficient, untimely and there is no continuity in its provision, which does not provide adequate protection.<sup>161</sup> In addition, the right to compensation of the child victim is rarely exercised.<sup>162</sup>

Employees in the child protection system emphasize the "gap that exists between what should happen by law and what the existing resources allow to happen in practice", as well as the lack of training, cross-sectoral cooperation, awareness of the role of each competent institution and appropriate monitoring of the institutional response in cases of violence against children.<sup>163</sup>

## Recommendations

- *Systematic implementation of the laws and strengthening of the capacities of the employees in the child protection system on providing appropriate services for recovery and reintegration of child victims.*
- *Opening a shelter / safe house for children and young victims of abuse*

### 4.6 Telephone helplines made available to children

Megjashi's SOS Telephone for Children and Youth has been operating since 1993. Due to financial sustainability problems, the toll-free number 080012222 has not been in use since 2016. Calls are made to land-line and mobile phone numbers (022465316 and 070390632) which are not free, on working days from 8 am to 4 pm.

Megjashi continuously finds ways to finance the SOS telephone in order to maintain it, even though it is not financially supported by the state, nor by the telecommunication operators. In recent years there have been several attempts to communicate with the Government and the current operators to permanently overcome this problem, which is a major obstacle to providing

a free 24-hour helpline and a six-digit number in line with European practices and the Committee's recommendations from 2010.<sup>164</sup>

## **Recommendations**

- *Providing financial support by the competent state institutions and telecommunication operators for the operation of Megjashi's SOS Telephone for Children and Youth and harmonization with the European number.*

# FAMILY ENVIRONMENT AND ALTERNATIVE CARE



## 5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### 5.1 Family environment and parental care in a way consistent with the developmental capacities of the child (Article 5)

In the period from 2013-2015, the MLSP opened 29 regional marriage and family counseling centers, which are free of charge and work with parents and children<sup>165</sup> Referrals to counseling centers are made by social work centers, but the public knows very little about their existence.

International organizations, national and local civil society organizations implement activities to raise public awareness of the role of parents and the importance of the family in the upbringing of children as well as in educating them, and some work directly with parents to strengthen their skills.<sup>166</sup>

#### Recommendations

- *Strengthening services to support parents / guardians in improving their skills and knowledge for positive parenting and developing specialized services for parents / guardians of vulnerable groups of children.*
- *Increased efforts to inform the general public about the existence and services offered by the counseling, as well as evaluation of the work done so far.*
- *Frequent and continuous campaigns and specialized services intended for parents, i.e. guardians of the most vulnerable categories of children, such as children deprived of parental care, children from the Roma community, children with disabilities and children living and working on the streets.*

### 5.2 Joint responsibility of both parents, assistance to parents and provision of childcare services (Article 18)

The violation of the right of the child to have personal and direct contacts with the parent with whom he / she does not live is the most common reason for the complaints to the Ombudsman,<sup>167</sup> as well as for the calls on Megjashi's SOS Telephone for Children and Youth in the past years.<sup>168</sup> This right of children is usually restricted by parents who are in a conflicting relationship after the divorce / separation. Such restrictions have been particularly prevalent since the onset of the COVID-19 pandemic.<sup>169</sup>

The complaints and the calls are usually made by parents with whom the children do not live. The subject of complaints and calls most often is the dissatisfaction with the work of the social work centres and the lack of an efficient system for administrative execution of the sightings. Namely, the competent centers work with the parents on counseling, point out the obligation to respect the decision for seeing the child or instruct them to visit a counseling center, but rarely measures are taken towards the parent who continues to obstruct the child's seeing and meeting with the other

parent. The measure for referral to a counseling center is ineffective because the social work centres do not oblige the parents with an act, they are not in contact with the counseling institution, nor do they follow this process.<sup>170</sup> Centres very rarely use the measure of supervision over the exercise of parental rights, and make decisions that are difficult to implement in practice. The lack of human, financial and technical resources in the centres is a significant limiting factor.<sup>171</sup>

*For more information on respecting the opinion of the child in the proceedings before the SWC, see under 2.4 Respect for the views of the child (Article 12).*

The initiative for joint and responsible parenting after divorce, started by an informal group of parents with the support of Megjashi, actualizes the need for amendments to the Family Law, in order to introduce joint parenting after divorce.<sup>172</sup> In May 2018, the Parliamentary Committee on Labor and Social Policy held a debate on this topic and adopted the conclusion that amendments to the Family Law are needed, after which the Initiative drafted legal changes, but they have not yet entered the parliamentary procedure.<sup>173</sup>

*For more information on assisting in the upbringing of a child and providing childcare facilities and services see 7.1 Right to Education (Article 28), 7.2 Objectives of Education (Article 29) and 6.1 Children with Disabilities.*

## **Recommendations**

- *Conduct an in-depth analysis in order to determine the systemic shortcomings in the operation of the centers for social work.*
- *Finding an appropriate systemic solution to ensure the smooth exercise of the child's right to personal relations and contacts with the parent and other family members with whom he does not live, as well as effective protection in cases of non-compliance with this right by the parents.*
- *Inter-municipal centers for social work to take continuous measures for monitoring and working with families, preventive measures to protect the rights of the child, and improve the parent-child relationship, as well as continuous training of professional teams to recognize the best interests of the child and acting in accordance with the CRC, strengthening the institutions with professional and expert staff and more efficient counseling within the competent centers.*
- *Take measures to educate parents about the importance and impact of responsible parenting for the care, custody and upbringing of the child in marriage and after divorce.*
- *Opening a wide public debate regarding the proposed amendments to the Family Law in order to introduce joint parenthood after divorce, with the participation of all relevant stakeholders, including children.*

### 5.3 Separation from parents (Article 9)

With the amendments to the Family Law from 2014, it was determined that the misuse or gross neglect of the parental right will be considered the induction of the child to beg, which expanded the grounds for deprivation of parental right.<sup>174</sup> In case there is a basis for deprivation of parental rights, the social work centre is obliged to first point out to the parent the shortcomings and omissions, to make a decision for permanent supervision over the exercise of parental rights and to conduct professional advisory work with parents and children.<sup>175</sup> If the parent does not act upon the indication, the social work centre is obliged to temporarily take away the child and initiate a procedure for deprivation of parental rights.

Measures of deprivation of parental rights and criminal prosecution of parents are most often applied to parents who are socially disadvantaged, without permanent residence, are not married, have a history of drug use, and the majority are from the Roma community.<sup>176</sup>

#### Recommendations

- *There is a need for legal solutions, as well as strengthening the capacity of the social work centres for continuous monitoring and counseling of families at risk as a preventive measure to protect the safety and security of children.*
- *Deprivation of parental rights should be the last resort, which will be used in exceptional cases. However, this measure should be taken in a timely manner in order to prevent the occurrence of serious consequences in the life of the child.*

### 5.4 Providing support for the child (Article 27, paragraph 4)

An effective system has not been set up to provide child support by a parent who has not been given custody of a child after divorce. There are numerous cases where a solvent parent fails to pay the specified monthly financial support.<sup>177 178</sup> Some parents cheat the law by showing false information about their income. If the parent does not pay the financial support, the verdict can be handed over for enforcement to the Enforcement Agent and appropriate criminal proceeding can be initiated. The parent who refuses to pay usually receives a suspended sentence, and the burden of support remains the responsibility of the other parent.<sup>179</sup>

The state does not provide alternative measures to reimburse child support from a solvent parent who refuses to pay. The Government Work Program 2017-2020 envisaged the establishment of a State Fund for the payment of legal child support, which would pay the support in cases when the parent did not fulfill the obligation on time, after which he would collect the determined amount from the non-payer.<sup>180</sup> This fund has not been established and there is no information on current activities for its establishment.

## Recommendations

- *Increasing the awareness of the parents about the importance of timely payment of child support determined by a final judgment by including the professional services in schools, social work centres, campaigns, etc.*
- *Establishment of a State Fund for payment of legal support for children.*

### 5.5 Children deprived of a family environment (Article 20) and periodic accommodation checks/controls (Article 25)

#### *Deinstitutionalization*

In 2018, the Government adopted the National Strategy for Deinstitutionalization (2018-2027),<sup>181</sup> and in January 2020, the MLSP announced that the deinstitutionalization of children was completed and that there were no more children cared for in institutions.<sup>182</sup> Institutional reform was implemented gradually, and large institutions were replaced by small group homes used when children could not be reintegrated with their families, adopted, or placed with foster families.<sup>183</sup> As part of this process, 22 new group homes were established, where conditions are significantly better and children are given the opportunity to be part of the local community for the first time, as opposed to living in institutions that were separated from populated area or settlements.<sup>184</sup> However, the insufficient sensitivity and information of the local population where they were opened resulted in numerous reactions and in some cases protests and requests for their dislocation. These reactions were particularly evident in areas where children with disabilities and children in conflict with the law were housed.<sup>185 186</sup>

#### **Case study no.4**<sup>187</sup>

*In June 2018, hundreds of residents of the village of Timjanik, protested to express their dissatisfaction with the decision to open a small group home for children with disabilities in this village. At the protest, the residents said that they want a kindergarten to be built on that place, and not a home for children with disabilities. Residents said they have nothing against children with disabilities, but on the other hand have repeatedly stated that they do not want their children to be near this kind of facility. The journalists reported some of their statements:*

*"Our children are playing here in the middle of the village alone, free, and now you take away their freedom, they will have to go out with a companion. What will happen if a child throws a stone at them or attacks them," said one of the present locals.*

*"The school is nearby, and our children must not see those children," said one of the women present, and when asked by a journalist why, she answered that "it would be stressful for them".*

*"Those children are not healthy, they are undressing naked and will go out to frighten our children," said one of the residents, adding that they would not allow such a center to exist in the middle of the village, but only outside the village.*

*Residents met several times with the Minister of Labor and Social Affairs, who explained the need for small group homes and the reasons for their location in populated settlements, and promised to open a kindergarten too.*

The new Law on Social Protection from 2019 enabled the introduction of specialized foster families for children with complex needs, including children victims of domestic violence, children at risk, children in conflict with the law, children with disabilities.<sup>196</sup> So far, no families have applied for special care.<sup>197</sup>

## Recommendations

- *Increasing the awareness and sensitization of the communities in which small group homes are opened in order to provide a supportive environment in which children will be well received and will feel as part of that community.*
- *Development of additional / complementary community-based services.*
- *Improving the existing mechanism for monitoring the work of foster families and promoting systematic support for foster families through ongoing guidance and training.*
- *Continuation of the promotion of foster families, with a special focus on specialized foster families.*

## 5.6 Adoption (Article 21)

With the amendments to the Family Law from 2014, the duration of the stay of children without parents and parental care in institutions or other families was reduced, and the deadlines for the competent institutions were shortened.<sup>198</sup>

When entering in the register of possible adoptive parents, the adoptive parents give a statement of what kind of child they want to adopt in terms of nationality, health status, gender and age. Adoptors often seek to adopt a child at a younger age, with favorable developmental potentials.<sup>199</sup> The number of children adopted with mild or severe mental disability is very small. The ethnicity of the child is also one of the key factors for adoption.<sup>200</sup>

Adopted children are not always familiar with the fact of their adoption.

## Recommendation

- *Ongoing educational campaign to raise public awareness to reduce prejudices and stereotypes about certain groups of children.*
- *See recommendations under 3.2.*

# DISABILITY, GENERAL HEALTH AND WELL-BEING



## DO CHILDREN KNOW ABOUT THEIR PEERS WHO DID NOT RECEIVE NEEDED MEDICAL OR SOCIAL ASSISTANCE?

• "There was an injured girl to whom the fund did not pay for the operation, so we collected money for that operation from all over the city."

"There is a child in our municipality who has mental health problems and no one is helping him."

"There are many children in Skopje who beg on the streets and do not have a warm home, nor are they given love and care. Our people are really cruel and rarely leave money to such children. "I don't think they are educated enough to know how to deal with such children to help them."

“ Yes. When the child had two broken bones on his head and was not admitted because he was positive for the Covid-19 virus. ”

"Yes, I have heard, and the child has received help from the people (known or unknown), but not from the state or the institutions that are competent to provide such help."

## 6. DISABILITY, GENERAL HEALTH AND WELFARE

### 6.1 Disabled children

Parents of disabled children believe that their children are discriminated against and do not enjoy equal protection before the law as other citizens.<sup>201</sup> They are most often discriminated against in the health care, social protection and educational systems, as well as science and sports.<sup>202</sup>

Disabled children face numerous barriers to accessing health services, such as the physical inaccessibility of health facilities, the inaccessibility of medical equipment and devices, the lack of trained staff and accessible information formats, and rigid administrative procedures.<sup>203</sup> Healthcare professionals and patients themselves are insufficiently aware of their rights and responsibilities, which contributes to creating a relationship of mutual distrust and frequent cases of violation of patients' rights.<sup>204</sup> Parents point to limited access to rehabilitation services<sup>205</sup> and the low quality of orthopedic and hearing aids.<sup>206</sup> The stereotypes of health professionals regarding the sexuality of disabled young people with further complicate their access to sexual and reproductive health services.<sup>207</sup>

There is a lack of data on the inclusion of disabled children in regular education.<sup>208 209</sup> Access to school buildings, interiors and appropriate teaching aids is not provided to a satisfactory extent.<sup>210</sup> Professional teams are incomplete in many schools and kindergartens, and teachers do not have the appropriate knowledge and skills to work with disabled students, the application of individual educational plans and assessment.<sup>212 213</sup> There are no mechanisms for exchange of knowledge and experiences between different levels of education.<sup>214</sup>

The number of educational and personal assistants is insufficient, and only primary school children have the legal right to an assistant.<sup>215 216</sup> Due to the extremely low remuneration, many of the assistants quit their jobs quickly.<sup>217</sup>

Parents of disabled children point out a number of problems when enrolling in regular schools.<sup>218</sup> They are dissatisfied with the conditions, treatment and achievements of the children and because of that they are often in a dilemma whether they have made the right decision by enrolling them in a regular school.<sup>219</sup> Disabled children are not always accepted by their typically developing peers and their parents.<sup>220</sup>

During the Covid-19 pandemic, disabled pupils had significant problems attending online classes. Only a small proportion of schools (6%) believe that such teaching is fully appropriate for disabled pupils, while more than 1/3 believe that most pupils did not have adequate resources or support.<sup>221</sup> Not all educational assistants were involved in providing distance learning support.<sup>222</sup>

In many of the urban and rural areas, the infrastructure has not been adequately adjusted and access to goods and services has not been provided. There is also a lack of adapted sports and recreational facilities and physical exercise curricula for disabled children.<sup>223</sup> Little attention is paid to opportunities for participation in cultural and entertainment activities.

There are day care centers that take care of disabled children during certain times of the day. According to a 2015 UNICEF report, these centers are only available to a small proportion of children, and there is a lack of support services for children under 6, children with autism spectrum disorders, and mild to moderate disabilities.<sup>224</sup> Since 2015, new centers have been opened and an updated assessment of their capacities and evaluation of their work is necessary.

A significant part of the parents assess the activity of the state in creating conditions for a dignified life of disabled children as insufficient.<sup>225</sup>

### **Case study no.5**

#### *Ema Ananievska's educational experience*

*“As a person with completely impaired vision who has spent the entire educational process from kindergarten to university graduation in regular education, I can say that Macedonia is very far from a country ready for inclusive education.*

*It was constantly emphasized to our educational support institutions that I was lacking adequate learning materials. In elementary school, I was not provided access to much of the material that was available in Braille with an explanation that those books were intended only for students at the school for visually impaired children. In high school I asked for the books that everyone received to be provided to me in electronic form for free. I was rejected by the ministry on the grounds that they had not secured copyright for such a thing. In 2013, when I was supposed to take the state matriculation exam, despite having duly informed the state examination center about my case and the need for a developing a strategy that will enable me to take the exam, the center did not try to find a timely solution...*

*During my education I have had many positive examples from teachers and professors, but generally our professors have no readiness to work with visually impaired people. It all depends on how much each teacher individually wants to try to find a way to involve the student in the teaching.”*

### **Recommendations**

- *Providing a multi-sectoral approach to caring for disabled children.*
- *Strengthening the institutional and financial support for the process of educational inclusion of disabled children, adequate preparation of the conditions in schools and preschool institutions, and the staff for working with disabled children.*
- *Sensitization of children with typical development, their parents and the general public.*
- *Legal changes in order to provide assistants for all disabled children. Full employment of assistants, instead of hiring them on a contract basis, and providing adequate compensation for their work.*
- *Complete adaptation of the infrastructure and providing access to goods and services in all settlements.*
- *Development of programs for participation of disabled children in sports-recreational, cultural and entertainment activities.*
- *Updated assessment of the existing facilities of the day care centers and evaluation of their work.*

## 6.2 Health and health care services, especially primary health care (Article 24)

On average, 73% of boys and 71% of girls, aged 11 to 15, rate their health as excellent.<sup>226</sup> This self-perception is associated with the "protective" attitude towards children characteristic of traditional cultures and the lack of criticism and interest of children in healthy habits and behaviors.<sup>227</sup>

There are serious concerns about the low human capacity in the health sector. In the period from 2011 to 2016, the number of pediatricians decreased by as much as 15.75%.<sup>228 229</sup> A satisfactory standard of provision with doctors in the field of health care for school children and youth has not been achieved either.<sup>230</sup> In 2018, there was an average of 1 doctor per 4892 children and young people from 7 to 19 years old.<sup>231</sup>

In Megjashi's research, children cite numerous cases where their peers have not received adequate medical care, especially since the onset of the Covid-19 pandemic.<sup>232</sup> Humanitarian actions are often organized to provide funds for treatment abroad, which indicates the shortcomings in the health care system. Households with children have a higher level of risk of excessive health care costs because private health care costs for children are 19% higher compared to the general population.<sup>233</sup>

There is an improvement in the health insurance coverage of the Roma population.<sup>234 235</sup> However, health insurance remains inaccessible to a significant number of children without personal documentation.<sup>236</sup> Many Roma families face physical and financial barriers to accessing health services and medicines, and in areas with a predominantly Roma population there is an acute shortage of gynecological services.<sup>237</sup>

The pilot program for comprehensive sex education in the 9th grade of primary education should start in 2021. CSOs, such as HERA, have been filling this gap in formal education for years through their sexual and reproductive health education programs.

*For more information on financing health services see under 1.7 Budget.*

### Recommendations

- *Improving the level of health care by increasing medical staff, reducing private costs, providing funds for treatment abroad whenever needed, increasing the availability of health services especially for the most vulnerable groups of children and continuous health education of the entire population.*

## Environment

Air pollution in urban areas is continuously above European standards and is an alarming problem. In 2019, Macedonia had the highest annual concentration of PM 2.5 particles in Europe<sup>238</sup> and 3,400 premature deaths as a direct result of pollution.<sup>239</sup> Respiratory diseases have for years been at the forefront of the structure of individual disease groups in children,<sup>240</sup> and medical staff are constantly appealing to the negative effects of pollution on children's health.<sup>241</sup>

Enormous air pollution in the winter is a problem for 2/3 of the children, who point out that it affects their physical and mental health, limits their daily functioning and forces them to stay in their homes.<sup>242</sup> Most of the adopted measures for improving the air quality have not been implemented.<sup>243</sup>

## Recommendations

- *Make legal changes to reduce the high threshold of PM 10 particles permissible limit value, according to European standards.*
- *Detect and sanction all small and large pollutants that do not use filters for protection and release harmful carcinogenic particles into the air.*
- *To activate urgent measures and recommendations and to declare an alert threshold if the value of PM 10 particles exceeds the threshold instead of the previously foreseen 200 micrograms per cubic meter in two consecutive days, to be reduced to 40 micrograms per cubic meter in two consecutive days.*

## Mental health

Up to 45% of adolescents have mental health problems, ranging from dissatisfaction with life, through psychosomatic disorders to prolonged periods of malaise and dysfunction.<sup>244</sup> General well-being decreases as children grow older, with girls at higher risk of worse outcomes. Caring for children's mental health is not a public health priority, and is below the level of physical health care.<sup>245</sup> The existing health system is characterized by inadequate inter-institutional connectivity, predominance of institutional treatment, lack of community psychosocial rehabilitation services and prevention programs.<sup>246</sup> Mental health services for children and young people and their quality have been significantly reduced, and there is no adequate plan for their development.<sup>247</sup> The number of child and adolescent psychiatrists is steadily declining.<sup>248</sup>

The students point out that the teachers refer them to the school psychologist and pedagogue only if they have caused a problem,<sup>249</sup> due to which they are not perceived as services to support the mental health of students.

In 2018, the National Strategy for the Promotion of Mental Health (2018-2025) was adopted, which includes several measures for children. No information is available on the extent of their implementation.<sup>250</sup>

## Recommendations

- *Preparation of a plan for development of services for promotion of mental health for children and youth and development of a network of these services which will also represent a system of mutual support.*
- *Strengthening the role of school psychologists in primary and secondary education in promoting students' mental health, while reducing administrative tasks*
- *Educate parents to recognize the signs of impaired mental health of their children and take timely measures in appropriate services, including school psychological and pedagogical services.*
- *Introducing activities and contents for fostering mental health from preschool institutions to high schools.*

### *Nutrition*

In the last 10 years, the children from Macedonia are continuously among the first in Europe who are overweight and who consume sweets and carbonated drinks every day.<sup>251</sup> Financial status does not affect the choice of unhealthy foods, but it does affect the consumption of vegetables and fruits.<sup>252</sup>

The nutrition that children receive in kindergartens<sup>253</sup> and children with full-time stay in schools do not meet the recommendations for energy intake.<sup>254</sup> In dormitories, the average daily energy intake is below the physiological needs in children of male gender.<sup>255</sup> The diet in all these institutions is characterized by inadequate intake of nutritious foods.<sup>256</sup>

While at school, most of the children consume some kind of pastry every day (51.88%), while a significant part eat fast food (39.27%), snacks (38.02%) or something sweet (42.83%).<sup>257</sup> More than 1/2 never eat vegetables, and more than 1/3 never eat fruits while at school.<sup>258</sup>

## Recommendations

- *Systematic nutrition planning, compliance with the standards for healthy nutrition, increased control, as well as appropriate education of the staff in the institutions where children are cared for.*
- *Conducting educational activities and public campaigns to improve children's eating habits.*

### 6.3 Measures for protection of children from substance abuse (Article 33)

At the moment there is no institution that offers adequate treatment and care for children using psychotropic substances, while the existing institutions are usually declared incompetent for the treatment of minors.<sup>259</sup> Treatment of children is usually reduced to emergency medical interventions.<sup>260</sup> There is no effective prevention system, no properly trained staff, no protocols for pharmacological, psychiatric treatment and rehabilitation and resocialization programs.<sup>261</sup>

In 2018, the Ministry of Health established a Working Group to develop a program for comprehensive care and treatment of juvenile users of psychoactive substances.<sup>262</sup> No information can be found whether the program has been adopted.

#### Recommendations

- *Adoption of the program for care and treatment of children users of psychoactive substances and raising public awareness of this issue.*
- *Establishment of an institution specialized in the treatment of children users of psychoactive substances.*

### 6.4 Standard of living (Article 27, para. 1-3)

The monetary value of social contributions is too low, while the existing social care and support services are underdeveloped and do not provide an adequate standard of living for children.<sup>263</sup> Many of the poorest families with children are excluded from the welfare system.<sup>264</sup> The social protection system is insufficiently linked to other child services. Hence, fragmented initiatives do not address the many factors that contribute to poverty and social exclusion.

Every third child in the country lives in poverty,<sup>265</sup> and an additional 16,000 children are estimated to fall below the poverty line due to the Covid-19 pandemic crisis.<sup>266</sup> The poorest children are most affected by the combined effects of multiple risks and disadvantages, such as insufficient internet access and poor housing conditions, which affects their learning progress. Children from single-parent households and households receiving guaranteed minimum assistance face an increased risk of food poverty in the event of interruption of free meals due to the closure of preschool and school facilities.<sup>267</sup> With the budget rebalance from May 2020, cuts were made in several child-related programs that further exacerbated their vulnerabilities and the capacity of institutions to adapt to the long-running crisis.<sup>268</sup>

In Megjashi's research, children share numerous examples from their immediate environment for peers living in poverty, stating that most often, instead of institutional care, help is provided to these children through humanitarian actions.

## Recommendations

- *Significant investments in order to cover the most marginalized children and families.*
- *Review the value of social assistance to determine the extent to which it is adequate, especially for the most vulnerable children and families.*
- *Improve social support and care services by further investing in the number and capacity of social service providers.*
- *Take urgent action to help families with children most affected by the Covid-19 pandemic.*

# EDUCATION, LEISURE AND CULTURAL ACTIVITIES



## IF I WERE THE PRINCIPAL AT MY SCHOOL, I WOULD ...

"...fight for every child to find their place and be happy."

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☺☺ ...take better care of the hygiene throughout the school, ask teachers to help children learn better by motivating them and provide year-round school parties for children to have fun and socialize.



"...take care of the discipline of the pupils."

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"...organize several consultation meetings and surveys with students, organize workshops where students from different classes will share ideas for new activities, would encourage participation and many activities and projects."

## 7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### 7.1 The right to education (Article 28)

#### *Early years education*

Despite the trend of increasing the coverage of children with preschool education, it is at an unsatisfactory level and for children aged 36-59 months it amounts 36.8%.<sup>269</sup> Particularly low coverage exists in rural areas and in Roma settlements,<sup>270</sup> as well as among disabled children.<sup>271</sup> Lack of space capacity is one of the main reasons for the low coverage.<sup>272</sup> The number of children per group is usually two to three times higher than the legally prescribed,<sup>273</sup> and children's enrollment is hampered by long waiting lists.<sup>274</sup>

#### *School education*

Despite the fact that primary and secondary education is compulsory and free, 1.7% of children are not included in primary,<sup>275</sup> while 8.4% are not included in secondary education.<sup>276</sup> Access to education is a particular challenge for Roma children, of whom 18.7% do not attend primary school,<sup>277</sup> and 52.8% do not attend secondary education.<sup>278</sup> Some efforts have been made to increase their scope, but there are a number of systemic obstacles that make this process difficult.<sup>279</sup>

Children who have not received the necessary vaccines remain outside the education system.<sup>280</sup> The Constitutional Court concluded that conditioning the enrollment of a child in primary school by submitting proof of vaccination is not discrimination.<sup>281 282</sup> The Ombudsman has repeatedly pointed out to the Government the need to find a solution that will not hinder these children in exercising their right to education, but the problem has not been overcome.<sup>283</sup>

Children with rare conditions / diseases who are not able to attend regular classes for a long time, do not always receive adequate support in schools.

During the Covid-19 pandemic, pupils had significant problems attending online classes. Not all pupils were able to attend online classes (due to lack of technical devices and internet) and receive the same level of support at home.<sup>284</sup> The necessary preparations for the academic year 2020/21 were not timely. Neither the teaching staff received the necessary training, nor were technical devices and internet provided for pupils who did not have it. There was no extensive consultation of teachers, parents and pupils during the planning.<sup>285</sup>

*For more information on the educational inclusion of disabled children see under 6.1 Children with disabilities.*

## Recommendations

- *Expanding the network of preschool institutions and increasing the capacities for a larger scope. Adherence to the standards for accessibility of the facilities, number of groups, provision of appropriate didactic aids and staff that will respond to the needs of children with disabilities.*
- *Raising parents' awareness of the importance of early learning and development.*
- *Increasing efforts for full inclusion of Roma children in preschool and school education.*
- *Finding a systemic solution for the smooth exercise of the right to education of children who have not received the necessary vaccines.*
- *Addressing the individual needs of children with different diagnoses of rare diseases and their support in mastering the teaching material, especially after long periods of absence.*
- *Consolidation of all stakeholders in society, state, private and civil sector to support the inclusion of children from socially vulnerable categories in the educational process.*

### 7.2 Objectives of education (Article 29)

#### *Preschool education*

Preschool education is optional and is regulated by the Law on Child Protection, and most of the competencies are held by the MLSP. BDE emphasizes the need to adopt a special law on preschool education, and complete transfer of competencies to the Ministry of Education and Science, in order to raise the quality and improve the functional connection with primary education.<sup>286</sup>

Teachers and educators in kindergartens believe that there is a need for continuous professional and advisory support from the BDE, improvement of the Program for early learning and development and reduction of administrative responsibilities that deprive children of time.<sup>287</sup>

#### *School education*

Past educational reforms were not usually based on a systemic approach and took place without consulting the main actors in the education system (teachers, children and parents), due to which they did not fully achieve the set goals.<sup>288</sup>

The results of the PISA tests<sup>289</sup> indicate that students' competencies in reading, mathematics and science are below the international average.<sup>290</sup> The education system does not sufficiently develop the critical thinking and scientific approach in the review of information by pupils. Pupils do not perceive the teaching content as relevant to everyday life and applicable, their motivation is largely instrumental and they learn because of the grades, not because of the knowledge.<sup>291</sup> In schools, the traditional teaching methods are predominantly used, where the teacher is a

transmitter of knowledge, and the pupils are passive recipients from whom knowledge reproduction is most often expected.<sup>292</sup>

Teachers point out that the curricula are too extensive and often inappropriate for the age of the children, while the textbooks are neither quality nor interesting for the children.<sup>293</sup> In recent years, several textbooks have been withdrawn that have been found to have discriminatory content, after which a public debate has been opened on the appropriateness of the textbook revision process and quality assurance.<sup>294</sup>

Segregation of Roma pupils is still present, mostly through informal forms, social pressures and segregation practices.<sup>295</sup> The status of "Roma school" is the reason why pupils of other nationalities enroll in neighboring schools.<sup>296</sup> At the same time, in some of the multilingual schools, the teaching is spatially and temporally organized so that it does not allow pupils from different languages of instruction to study together (in the same building / part of the building and in the same shift) and to have conditions for direct contact.<sup>297</sup> The division of pupils along linguistic and ethnic lines does not stimulate acquaintance and learning about other ethnic communities, but leads to the creation of interethnic divisions that are further reflected in other areas. Activities in schools to build understanding, peace, tolerance and interethnic integration are mainly supported by NGOs.

In the research of Megjashi<sup>298</sup> pupils point out that if they are in the role of school principals they would take more care of hygiene, they would try to improve the attitude of teachers / pupils towards pupils, they would do more for the mental and physical health of children, they would improve the quality of teaching, they would make the lessons more interesting and would make the pupils more involved in decision making.

#### **Case study no.6<sup>299</sup>**

*The First Children's Embassy in the World - Megjashi in April 2011 started implementing the Peace Education Programme, in order to promote peace and non-violence as basic values in the education system. It is implemented in over 20 educational institutions, of which 10 are secondary schools.*

*A psychologist from one of the schools involved in the programme shares that the programme helps their bilingual and multiethnic school strengthen the relations between colleagues and pupils from different ethnic and religious backgrounds:*

*"The Peace Education Programme offers us significant support for achieving this goal by organizing trainings for the teaching staff involved in the project and improving the skills and abilities of the individuals involved, to organize and conduct workshops and activities with pupils on the topics: peace, respect of human rights, non-violent conflict resolution, bullying, school mediation, raising environmental awareness...This program promotes values that we often feel are missing...Understanding, tolerance, respect and mutual trust...Peace education can be a way of life, and the future of our new generations."*

## Recommendations

- *Adoption of a law on preschool education with full transfer of competencies within the MES.*
- *Reform of the higher education study programs in order to introduce modern methods of work that will educate future educational staff that will change the traditional approach to teaching.*
- *Strengthening the professional-advisory support of kindergartens and schools by the BDE and providing long-term and quality educational programs.*
- *Involvement of all stakeholders (children, parents and teachers) in educational reforms and their evaluation.*
- *Introduction of teaching contents and activities for promotion of pupils' mental health,*
- *Raising the professional level of work of the psychological-pedagogical services in the schools in order to improve the mental health and reduce the administrative tasks.*
- *Creating an atmosphere of cooperation and respect for diversity, especially in multilingual schools through extracurricular and informal activities.*

### 7.3 Right to culture of children of indigenous origin and children from minority groups (Article 30)

Children belonging to minority ethnic communities have the right to education in their mother tongue.<sup>300</sup> Members of ethnic communities who do not teach in their mother tongue, in primary education have the opportunity to study an elective subject dedicated to the language and culture of the community to which they belong.

In reality, conditions are not always provided for teaching the languages of the smaller ethnic communities or for attending elective subjects dedicated to their language and culture.<sup>301</sup> This is especially the case for Roma pupils, most of whom attend classes in Macedonian, and some in Turkish or Albanian. In addition to the interest in studying the elective subject "Roma Language and Culture", in many schools the realization is difficult due to the lack of adequate staff.

## Recommendations

- *Encouraging the nurturing of the language and culture of the minority ethnic communities through extracurricular and informal activities that will affirm the language and culture and at the same time will contribute to better mutual acquaintance.*

#### 7.4 Leisure, play, free time, recreation and cultural and artistic activities (Article 31)

According to Megjashi's research,<sup>302</sup> children usually spend their free time hanging out with friends, listening to music, surfing the Internet or social networks. The percentage of those who attend cultural and artistic events is much lower. The large amount of homework and other school responsibilities significantly limit children's free time.

Almost 80% of children have the conditions to participate in the activities they enjoy in their place of residence, but list many things that are missing, such as green areas, places for recreation, cultural and educational activities. This is especially the case for children living in rural areas and small towns.

Half of the children think that there are enough sports clubs and activities in their place of residence. Children believe that there are many factors that prevent them from participating in sports, and the most important are the high costs and limited time.

#### Recommendations

- *Creating appropriate conditions for quality use of children's free time in all populated areas, including by providing green areas, places for recreation, cultural and educational activities, as well as reducing the cost of participation in them.*

# SPECIAL PROTECTION MEASURES



## 8. SPECIAL PROTECTION MEASURES

### 8.1 Children outside their country of origin seeking refugee status (Article 22), unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration

In 2015, the country faced a huge increase in refugee children, who transited through the Balkan route to the desired European countries. Although declining, this inflow continues, and migration flows remain largely transient.<sup>303</sup>

Despite the strengthening the legal framework and efforts to improve the child protection system, several shortcomings are evident.<sup>304</sup> There are difficulties in providing translation services and free legal aid to asylum seekers.<sup>305</sup> The practices of illegal return and detention of children for several days continue in the Reception Center for Foreigners in Gazi Baba where children are accommodated in rooms with adults, have no psycho-social and educational support, nor access to fresh air.<sup>306</sup> Children are usually detained as witnesses in proceedings against human traffickers,<sup>307</sup> but are not informed of the reasons for the detention.<sup>308</sup>

In the 2019/2020 school year, for the first time, asylum-seeking children from Syria, Afghanistan and Pakistan started attending regular primary school classes.<sup>309</sup> However, participation in the formal education system remains unattainable for many migrant children due to administrative and language barriers, especially for children who need to attend high school, as well as for children placed in reception centers. Certain forms of non-formal education are available in the accommodation centers.

Health care services are available and guardians of newly identified unaccompanied migrant children are regularly being appointed.

#### Recommendations

- *Provide appropriate translation services for asylum-seeking children and free legal aid whenever needed.*
- *Stopping the practices of illegal return, as well as the practices of keeping children in the Reception Center for Foreigners Gazi Baba.*
- *Providing appropriate alternatives for accommodation of children in accordance with international standards for accommodation of unaccompanied minors.*
- *Removing all obstacles for migrant children regarding access to the public education system and encouraging their early enrollment in schools regardless of their legal status.*

## 8.2 Children on the streets / street children

There is no precise record of the number of children on the streets / street children, but it is estimated that there are about 300 in Skopje alone.<sup>310</sup> Most of the children are Roma. They are usually forced to work by their family and are involved in begging, selling small items, collecting waste materials and cleaning car windows at intersections. Street work is the most common form of child labor abuse and it is rarely sanctioned.<sup>311</sup>

The Action plan for street children (2013-2015) expired in 2015, no information can be found for the conducted evaluation, nor for the adopted new action plan. There are no monitoring systems for other public policy documents that include aspects related to the protection of street children.

The multidisciplinary protocol for dealing with children on the streets / street children is incompletely implemented and there is a lack of cooperation between the institutions.<sup>312</sup>

The SWC of the City of Skopje manages two-day care centers for street children, and the children receive support from civil society organizations, such as the Association for Protection of the Rights of the Child. However, the coverage of children in day care centers is insufficient.

There are a number of personal, institutional and systemic risk factors that lead children to work on the streets. The general public is not sufficiently aware of the complex social situation of children and their families.

### Recommendations

- *Providing accurate records of the number of children on the streets / street children.*
- *Take urgent measures to protect children on the streets / street children from any kind of violence.*
- *Adoption of a comprehensive strategy for protection, assistance and reintegration of children on the streets / street children.*
- *Increasing the scope of day care centers, opening centers outside Skopje and shelters for children who will be provided with a guardian.*
- *Strengthening the capacities of the institutions in the child protection system for application of the Multidisciplinary protocol for dealing with children on the streets / street children through trainings.*
- *Involvement of children in the educational process and economic strengthening of their families.*
- *Raising public awareness of the needs of children on the streets / street children and their families.*

### 8.3 Children who are able to be exploited

#### *Sale, trafficking and kidnapping of children (Article 35)*

Recently, there have been increased efforts to identify victims of child trafficking, strengthen institutional capacity, coordination mechanisms and victims' access to rights and services.<sup>313</sup> In 2018, mobile teams were established to identify vulnerable categories, including victims of human trafficking and the National Unit for the Suppression of Migrant Smuggling and Human Trafficking. The National Strategy and Action Plan for Combating Trafficking in Human Beings and Migrant Smuggling (2017-2020) and new Standard Operating Procedures for Dealing with Victims of Trafficking were adopted.

However, the State Department for Trafficking in Human Beings states that the state does not fully meet the minimum standards for the elimination of human trafficking.<sup>314</sup> There are several negative practices in the current system, including placement of child victims who are foreign nationals in the Aliens Reception Center in Gazi Baba, where conditions are inadequate, interruption of resocialization and reintegration services after adulthood resulting in revictimization, inability of victims to exercise the right to property claims as damage parties, and insufficient support to the families of the victims.<sup>315</sup>

*For information regarding sexual exploitation and abuse see under 4.3 Sexual exploitation and sexual abuse (Article 34), and for economic exploitation of children (Article 32) see under 8.2.*

#### **Recommendations**

- *Improving the services for resocialization and reintegration and their continuation after the children reach full age in order to prevent revictimization.*
- *Discontinuing the practice of accommodating child victims who are foreign nationals in the Reception Center for Foreigners in Gazi Baba, their care in the Center for Victims of Trafficking in Human Beings and Sexual Violence, until the construction of the new center provided by the National Strategy and Action Plan against human trafficking and migrant smuggling (2017-2020).*
- *Adoption of the draft-Law on payment of monetary compensation to victims of criminal acts, ie to enable payment of compensation to the victims through a state fund.*
- *Professional, advisory and counseling work in order to strengthen the capacities and potentials available to the family to initiate changes in attitudes, beliefs, values and behaviors between family members and the child victim.*

## 8.4 Children in conflict with the law, child victims and child witnesses of crimes (Articles 40, 37 (b) - (d) and 39)

### *Children in conflict with the law*

In recent years, the legal framework for children in conflict with the law has been improved and a National Strategy for the Prevention of Juvenile Delinquency (2010-2020) has been adopted. There are increased preventive and educational activities of the Ministry of Interior and strengthened monitoring of the situation in this area through the work and annual reports of the DSPDP. In most cases, measures are applied that do not include deprivation of liberty of children, and the institution where the children, who were sentenced to be referred to an educational institution, were accommodated, was included in the process of deinstitutionalization and transformed into small group homes.

However, there is a deep discrepancy between laws and strategies and their practical application, leaving prevention, institutional and non-institutional treatment measures below international standards.<sup>316</sup>

There are particularly serious remarks about the conditions for carrying out the measures of referral to a correctional facility and a prison for children. In the Correctional Institution Tetovo, located in a building within the Penitentiary-Correctional Institution Ohrid Prison, children are not included in the regular educational process, there are no conditions for preventing contact with persons in child custody, there are not enough financial and human resources, no health service has been established, nor appropriate conditions for the use of children's free time.<sup>317</sup> In May 2020, the commissioning of the new facility of the correctional facility was announced in the village of Volkovija, Tetovo region, which was prolonged for several years.<sup>318</sup>

The possibility of imposing institutional measures on younger adults, which are carried out in institutions together with children, as well as the possibility for the duration of these measures up to the age of 23, leads to mixing of children with adults.<sup>319</sup>

Numerous other challenges remain, such as non-fulfillment of the legal obligation to establish councils for prevention of juvenile delinquency in most municipalities, non-application of forms of restorative justice by courts and public prosecutors, lack of provision of STATE COUNCIL FOR PREVENTION OF JUVENILE DELINQUENCY with appropriate spatial, material and technical and administrative working conditions,<sup>320</sup> lack of financial resources for preventive activities and adequately trained staff in the Ministry of Interior as well as frequent changes of staff working on juvenile delinquency, insufficient cooperation between the competent institutions involved in the justice system for children.

### *Children victims and witnesses of criminal acts*

According to the research of the Macedonian Young Lawyers Association<sup>321</sup> there are several shortcomings in the criminal justice system in dealing with child victims of violence, including:

- in criminal cases in which the perpetrators are adults, general judges and court councils act without requiring specialization and knowledge from them for the protection of children's rights;
- access to legal advice and a lawyer for child victims of violence living in poverty is limited;
- judges and public prosecutors are not sufficiently sensitized to implement a justice system that meets the needs of children;
- the principle of only one hearing of a child victim of violence during criminal proceedings is not implemented;
- most courts and public prosecutor's offices do not have the necessary technical equipment or premises in accordance with the standards for the application of special measures for procedural protection of child victims and child witnesses;
- the same-sex rule when a child-victim of specific crimes makes a statement is not strictly observed.

### **Recommendations**

- *Providing a regular educational process in VPD Tetovo and the Prison for Children in Ohrid, sufficient financial and human resources, multidisciplinary approach in the treatment of children, establishing a health service, as well as appropriate spatial, material and technical conditions for the use of children's free time.*
- *The Correctional Institution Tetovo, located in a building within the Penitentiary-Correctional Institution Prison of Ohrid*
- *Establishment of municipal councils for prevention of juvenile delinquency.*
- *Providing appropriate spatial, material-technical and administrative conditions for work of DSDP-State Council for Prevention of Juvenile Delinquency.*
- *Providing adequately trained staff in the Ministry of Interior in the field of juvenile delinquency, as well as additional human and financial resources for conducting preventive activities.*
- *Strengthening cooperation between the competent institutions involved in the justice system for children.*
- *Overcoming all shortcomings identified in the research of the Macedonian Young Lawyers Association (<https://bit.ly/3d0T54I>).*

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- <sup>5</sup> Law on Primary Education ("Official Gazette of RSM" No. 161/2019), Law on Child Protection ("Official Gazette of RM" No. 23/13), Law on Child Justice ("Official Gazette of RM" 148 / 2013), Law on Unregistered Persons in the Birth Registry ("Official Gazette of RSM" no. 42/20).
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