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## **EUROPEAN SOCIAL CHARTER**

2<sup>nd</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF “THE FORMER YUGOSLAV  
REPUBLIC OF MECEDONIA”**

(Articles 7, 8, 16, 17, 19, 27  
for the period

01/01/2010 – 31/12/2013)

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Report registered by the Secretariat on  
23 December 2014

**CYCLE 2015**





REPUBLIC OF MACEDONIA

MINISTRY  
OF LABOUR AND SOCIAL POLICY

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SECOND REPORT  
ON THE IMPLEMENTATION OF THE  
REVISED EUROPEAN SOCIAL CHARTER

Submitted by

REPUBLIC OF MACEDONIA

(Regarding Articles 7, 8, 16, 17, 19 and 27)

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Skopje, December 2014

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## PREFACE

On 06.01.2012 Republic of Macedonia ratified the Revised European Social Charter.

Therefore according to Part IV Article C and Article 21 of the Charter, Republic of Macedonia hereby submits its Second Report on the Implementation of the Ratified Provisions of the Revised European Social Charter (1996).

The report was prepared according to the new reporting system, adopted by the Committee of Ministers of the Council of Europe which is applied since October 31, 2007.

This Report covers the implementation of the obligations accepted by Republic of Macedonia in terms of the articles belonging to the thematic group *Children, families and migrants* as follows:

Provisions	Reference reporting period according to the European Social Charter (ESC) and the Revised Charter (RESC)
Article 7 paragraph 1	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 2	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 3	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 4	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 6	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 7	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 8	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 9	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 7 paragraph 10	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 8 paragraph 1	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 8 paragraph 2	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 8 paragraph 3	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC

Article 8 paragraph 3	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 8 paragraph 4	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 8 paragraph 5	1/3/2012-31/12/2013 according to RESC
Article 16	1/3/2012-31/12/2013 according to RESC
Article 17 paragraph 1	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 17 paragraph 2	1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC
Article 19 paragraph 1	1/3/2012-31/12/2013 according to RESC
Article 19 paragraph 5	1/3/2012-31/12/2013 according to RESC
Article 19 paragraph 6	1/3/2012-31/12/2013 according to RESC
Article 19 paragraph 8	1/3/2012-31/12/2013 according to RESC
Article 27 paragraph 3	1/3/2012-31/12/2013 according to RESC

In accordance with Part IV Article 23 of the Revised European Social Charter, copies of the prepared Report are delivered to the relevant national organizations of employers and trade unions such as:

- *Federation of Trade Unions of Macedonia;*
- *Confederation of Free Trade Unions of Macedonia;*
- *Organization of Employers of Macedonia.*

## **ARTICLE 7 – Right of children and young persons to protection**

### **Article 7§1**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the minimum age of admission to employment shall be 15 years, subject to exception for children employed in prescribed light work without harm to their health, morals or education.

**Note: In the following we report on the obligations which arise from both the 1961 European Social Charter (ESC) and the 1996 Revised European Social Charter (RESC). Reference period 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC**

With the amendments of the Law on Labour Relations (LLR) (Official Gazette of Republic of Macedonia No. 11/2012) in the part of misdemeanour provisions, i.e. Article 265 foresees an amount of 2,000 to 3,000 euro in denar counter-value for a misdemeanour by the employer – legal entity and 1,000 to 2,000 euro in denar counter-value for the employer – natural person if he/she concludes an employment agreement with a person who is under 15 years of age and does not have a general health capacity and does not fulfil the prescribed and agreed conditions for working determined in Article 18 which relate to the possibility of concluding an employment agreement with a young person under 18 years of age. Additionally a penalty from 500 to 1,000 euro is foreseen for the director, i.e. other responsible person employed by the employer.

The State Labour Inspectorate in its regular inspection supervisions has not established cases of not following the LLR provisions in view of the ban on employment of persons under 15 years of age.

In view of the request of the European Committee of Social Rights to be informed of the last amendments in the 2010 Law on Labour Relations, on the consequences of those amendments allowing employment of children under 15 years of age as well as on the implementation of this question into practice<sup>1</sup>, we inform that Article 18 paragraph 2 explicitly forbids work of a child under the age of 15 or a child who has not got completed mandatory education, except for participation in activities allowed by law, but not longer than four hours a day. Namely, a child younger than 15 can be engaged, but not employed, for participation in activities that in their scope and character do not have a harmful influence on the health, safety, development and education such as: participation in cultural and artistic activities, sport events and marketing activities. It is envisaged the child to receive compensation for these activities.

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<sup>1</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 4

The amendments in the Law on Labour Relations are made in accordance with the Directive 94/33/EC on the protection of young persons at work, Article 18 of the existing law which regulated the questions related to the conditions for concluding an employment agreement with a person younger than 18 years of age. Having in mind the application of this Article so far, there are no a cases of employment of children younger than 15 years of age, except engagement in the exceptions for cultural, artistic and sport and marketing activities foreseen by law.

In view of the question of the European Committee of Social Rights whether the legal provisions contained in LLR also encompass all forms of economic activities, regardless the status of the worker (employed, self-employed, unpaid family member helping another family member etc.)<sup>2</sup>, we inform that the legal provisions in view of the eligibility for signing an employment agreement and the ban on employing children younger than 15 years of age are valid for all forms of economic activities regardless the status of the worker.

In view of the question of the European Committee of Social Rights whether the activities listed in Article 250 of the LLR are considered light work and whether there are other kinds of work in which children are allowed to participate, which are the rules for employment in these activities and especially – how long does that kind of activity last<sup>3</sup>, we inform that Article 250 is amended in September 2010 by amending the LLR (Official Gazette of Republic of Macedonia No. 124/2010) when paragraphs 1, 2 and 3 of Article 250 were deleted and transferred in Article 18 which regulated the possibility of concluding an employment agreement with a young person under 18 years of age. Therefore Article 18 paragraph 2 dictates the a child younger than 15 years of age can by exception and suitable remuneration participate in activities which with their scope and character do not have a harmful influence on the health, safety, development and education such as: participation in cultural and artistic activities, sport events and marketing activities. According to Article 18 paragraph 5 an approval for conducting activities foreseen for engagement of a person younger than 15 years of age is issued by a body of the state administration competent for labour inspection, based on a request by the organizer of the activities, after a previous consent of the legal representative of the child and after a previous inspection of the place where the activity will be conducted by the labour inspection.

However, in practice, the organizers of this kind of activities do not file requests to the Inspectorate for acquiring an approval, and the LLR does not contain a penalty provision for failure to follow this legal obligation.

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<sup>2</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 4

<sup>3</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 4



The activities foreseen in Article 18 paragraph 4 of the Law on Labour Relations are considered light work and additionally in their scope and character they do not have a harmful influence on the health, safety, development and education.

Besides the activities which encompass participation in cultural and artistic activities, sport events and marketing activities and the opportunity to fulfil practical work in frames of the educational programme, the Law on Labour Relations does not foresee other activities that would be defined as light work for which children less than 15 years of age could be engaged.

In terms of the engagement, however not employment, a limitation of the duration of the work is foreseen regarding the above mentioned activities and it cannot be longer than four hours a day (paragraph 2 Article 18).

In view of the question of the Committee whether the Inspectorate can conduct inspections for house work<sup>4</sup>, we inform that the competencies of the State Labour Inspectorate of RM are determined in the Law on Labour Inspection and the Law on Labour Relations. According to both laws this body monitors the application of the provisions regulating the labour relations in the companies who employ persons based on an employment agreement. However, according to Article 26 of the Constitution of the Republic of Macedonia, the inviolability of the home is guaranteed, i.e. the right of inviolability of the home can be limited only by a court decision when it comes to discovering or preventing criminal acts or protection of the health of the people. Accordingly the labour inspection has no competencies to conduct inspections related to house work.

Measures are undertaken against the unregistered entities by the market inspection.

<b>Registered employees in the social insurance system</b>				
<b>Age</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
15	1	1	1	1
16	12	8	18	14
17	37	57	79	89
18	313	279	304	322

Source: Agency for Supervision of Fully Funded Pension Insurance (MAPAS)

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<sup>4</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 4.

<b>Working population according to the economic activity, gender and age</b>																
	Age	Total			Work force						Inactive population					
		Total	Men	Women	Total	Men	Women	Employed			Unemployed			Total	Men	Women
2010	<b>Total</b>	<b>1648522</b>	<b>824393</b>	<b>824129</b>	<b>938294</b>	<b>575349</b>	<b>362945</b>	<b>637855</b>	<b>391923</b>	<b>245932</b>	<b>300439</b>	<b>183426</b>	<b>117013</b>	<b>710228</b>	<b>249044</b>	<b>461184</b>
	Age 15 - 19	155100	79681	75419	20592	14282	6310	8383	5136	3246	12209	9146	3063	134508	65399	69109
2011	<b>Total</b>	<b>1656215</b>	<b>828288</b>	<b>827927</b>	<b>940048</b>	<b>569987</b>	<b>370061</b>	<b>645085</b>	<b>388963</b>	<b>256122</b>	<b>294963</b>	<b>181024</b>	<b>113939</b>	<b>716166</b>	<b>258301</b>	<b>457865</b>
	Age 15 - 19	152468	78363	74105	20269	13874	6396	8386	4800	3586	11883	9073	2809	132198	64489	67709
2012	<b>Total</b>	<b>1669965</b>	<b>835287</b>	<b>834678</b>	<b>943055</b>	<b>573498</b>	<b>369558</b>	<b>650554</b>	<b>393092</b>	<b>257462</b>	<b>292502</b>	<b>180406</b>	<b>112096</b>	<b>726910</b>	<b>261789</b>	<b>465121</b>
	Age 15 - 19	143 798	73975	69823	16368	11158	5209	6762	4250	2512	9605	6908	2697	127430	62816	64614
2013	<b>Total</b>	<b>1672460</b>	<b>837446</b>	<b>835015</b>	<b>956057</b>	<b>573825</b>	<b>382232</b>	<b>678838</b>	<b>407531</b>	<b>271307</b>	<b>277219</b>	<b>166294</b>	<b>110925</b>	<b>716403</b>	<b>263620</b>	<b>452783</b>
	Age 15 - 19	139118	71669	67450	17734	10902	6832	6 695	3795	2900	11040	7107	3 932	121384	60766	60617

Source: State Statistical Office of RM

**Working population according the economic activity, gender and age, Structure according to age**

		Total			Work force									Inactive population		
		Total	Men	Women	Total			Employed			Unemployed					
Total	Men				Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men
2010	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	Age 15 - 19	9.4	9.7	9.2	2.2	2.5	1.7	1.3	1.3	1.3	4.1	5.0	2.6	18.9	26.3	15.0
2011	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	Age 15 - 19	9.2	9.5	9.0	2.2	2.4	1.7	1.3	1.2	1.4	4.0	5.0	2.5	18.5	25.0	14.8
2012	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	Age 15 - 19	8.6	8.9	8.4	1.7	1.9	1.4	1.0	1.1	1.0	3.3	3.8	2.4	17.5	24.0	13.9
2013	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	Age 15 - 19	8.3	8.6	8.1	1.9	1.9	1.8	1.0	0.9	1.1	4.0	4.3	3.5	16.9	23.1	13.4

Source: State Statistical Office of RM

## Article 7§2

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy.

**Note:** In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.

Besides the provision from Article 173 of the Law on Labour Relation which foresees a ban for certain occupations regarded as dangerous or unhealthy for persons under the age of 18, in October 2012 as a result of the mutual work between the Ministry of Labour and Social Policy and the Ministry of Health, the Ministry of Labour and Social Policy adopted a *Rulebook on the Minimum Safety and Health Demands for Young Employees* (Official Gazette of RM No. 127/12).

This Rulebook expands the minimum safety and health occupational demands for workers under the age of 18, i.e. young workers. Therefore according to the Rulebook, regarding all activities which could include specific risk related to the exposure of young workers to the harmful impact of physical, chemical and biological agents on the working place, the employer should:

- Make an assessment of the occupational risks in terms of the safety and health of young working regarding the harmful impact of the physical, chemical and biological harmful factors on the health and the occupational dangers related to the appearance of a disease and/or injury and their possible harmful impacts on young workers, in which the equipment and schedule of the working place, the nature and duration of exposure to the physical, chemical and biological factors, kind, scope and manner of using the work-related items, procedures and organization of the work, the level of vocational education and training of the young worker will especially be taken into consideration;

- Determine the preventive (preventive health check-ups) and corrective measures which should be undertaken; and

- Inform young workers and their representatives on the results of the risks assessment and preventive measures (preventive health check-ups – previous, periodical and referred to) before the allocation to the work place as well as for every substantial change of the working conditions.

If the occupational risks assessment determines the existence of risk for the health of the young worker which cannot be eliminated in any other way, the employer will change the working conditions or the working hours.

If the change of the working conditions or the working hours is technically and/or objectively impossible, the employer will allocate the young

worker on a different suitable working place where there are no risks to his/her health (or they are minimal, i.e. acceptable).

If the allocation on different working place is technically and/or objectively impossible, the employer will exclude the worker from the normal course of work for the entire period needed for protection of his/her health and occupational safety.

Young workers shall not be exposed to the following harmful factors/agents, nor work in the following conditions (List of harmful factors and working conditions):

### **1. Physical factors:**

- In activities which lead to exposure to ionizing radiation;
- Hyperbaric atmosphere (chamber under pressure and underwater diving) in which young workers are exposed to atmospheric pressure increased by more than 20kPa compared to the surrounding atmospheric pressure (in atmospheric containers and when diving or decreased atmospheric pressure as well as significant increase of the lung pressure);

### **2. Conditions in the working environment**

- Underground mining work or digging tunnels and underground shafts;
- Work related to increased effort for the moveable parts of the body, extremities and the related systems as well as the functions and movements of the body when lifting, moving load which exceeds the allowed weight<sup>5</sup>;
- Work in shifts longer than 4 hours in standing position without the possibility for changing the basic working position of the torso and the extremities during the shift;
- Work being done in physically difficult and unsuitable working positions, as the work with deep bending, kneeling, squatting, lying in an outstretched position, standing on the toes, with hands over head, with a semi-turned torso for more than 60°C (degrees). The ban is not valid for works in which the abovementioned working positions of the body and its parts appear rare or for short period of time during the shift and are necessary in the frames of the vocational preparation and the preparation for an occupation and profession where physical efforts and

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<sup>5</sup> Rulebook on Manual Loading and Deloading (Official Gazette of Republic of Macedonia No. 135/07).

extreme positions of the body are an integral part of the profession (Ex: artistic dancing and art);

- Work on working place with extensive effort/stress related with cold and hot environment:

- Where the periodically measured average temperature during the shift measured with a globe thermometer is over 28°C;
- Work in duration longer than four hours in a shift for working places where the temperature for technological reasons is held below 5°C and for longer than 1 hour per shift for temperatures lower than -5°C. Work in the abovementioned time period must be compensated with effective protective measures for providing physiological thermoregulation of the young worker, especially through suitable working clothes, suitable temperature in the halls and rest rooms, and if needed by providing hot meals and drinks;
- Work with great temperature changes in the working environment in cases when these changes happen in intervals shorter than 30 minutes and if no effective auxiliary and additional measures are provided which enable physiological thermoregulation of young workers, especially working clothes, adjusting the regime of working and resting periods, a regime for drinking fluids, suitable temperature-humidity conditions in the halls and rest rooms;
- Work in an environment with heat sources under which radiation the young worker is exposed to, where the intensity of the radiation on the working place in active heat radiation on the head exceeds 150 W/m<sup>3</sup>;
- Work in an environment where the relative humidity of the air exceeds 80%.
- Work with oxygen concentration in the air lower than 20%;
- Working places with noise where the allowed values for noise are exceeded, working places determined with special regulations<sup>6</sup>. If the these kind of activities are necessary for vocational training and profession preparation, the exposure to noise must be timely limited to the lowest possible extent and at the same time the measures for lowering the factors which increase the negatives effect of the vibrations must be implemented (Ex: coldness, humidity and static effort); and

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<sup>6</sup> Rulebook on the Protection from Noise at the Working Place (Official Gazette of Republic of Macedonia No. 21/08).

- On a working place with sources of non-ionizing radiation where the highest possible values for electromagnetic radiation and electromagnetic fields are exceeded with the frequencies of 3000 GHz and lower determined with a special regulation for the citizens.

## **2. Biological factors/agents**

Activities with harmful biological factors/agents and their impacts are determined according to the classified groups with a special provision for protection of health when working with biological factors<sup>7</sup>.

## **3. Chemical factors/agents**

- a) Work with harmful chemical factors/agents and their impacts related to work with dangerous chemical material/substances and dangerous products classified as toxic material/substances and products (T), especially toxic substances and products (Tx), inflammable substances and products (C) and explosive materials and products (E) listed in a special regulation<sup>8</sup>
  - Lead and lead compounds/ if they can be absorbed in the human body.
  - Dangerous chemical substances marked with the risk phrases R61 and dangerous chemical products which can cause damage and R63 as harmful substances and products (Xn) listed in a special provision marked with one or several further mentioned marks with specific risk which warn on their dangerous characteristics:
    1. danger from very serious irreversible effects, marked as P39;
    2. possibility for a cancerous effect, marked as P40;
    3. can cause damage when inhaling, marked as P42;
    4. can cause damage if comes in contact with the skin, marked as P43;
    5. can cause cancer, marked as P45;
    6. can cause genetic impairment, marked as P46;

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<sup>7</sup> Rulebook on Minimum Safety and Health Demands for Works of Employees Exposed to Risk from Biological Agents (Official Gazette of Republic of Macedonia No.170/10).

<sup>8</sup> Rulebook on Minimum Safety and Health Demands for Works of Employees Exposed to Risk from Chemical Agents, published in (Official Gazette of Republic of Macedonia No.46/10).

7. danger for serious health impairment as a consequence of a long-term exposure, marked as P48;
8. can impair the fertility, marked as P60; and
9. can endanger the unborn child, marked as P61.

b) Chemical substances and chemical products classified as irritating substances and products (Xi) listed in a special provision<sup>9</sup> marked with one or several further mentioned marks with specific risk that warn on their dangerous characteristics:

1. especially flammable, marked as P12;
2. can cause damage when inhaling, marked as P42;
3. can cause damage if comes in contact with the skin, marked as P43;

c) Chemical matters/substances and chemical products classified as cancer causing categories 1 and 2 listed in a special provision<sup>10</sup>.

d) With lead and lead compounds that can be absorbed in the human organism.

e) With asbestos.

f) When producing human and veterinary medications and products if the possibility of penetration of the biologically effective substance that are contained in significant amounts in the organism of the employee is not excluded, as well as activities in which there is no exposure to chemical factors with hallucinogenic and psychotropic effects.

#### **4. Work on certain risky working spots:**

- manufacturing and handling devices, fireworks and other items which contain explosives;
- work with savage or toxic animals;
- slaughtering animals industry;
- work which includes handling equipment for manufacturing, storage and using compressed, liquid or diluted gases;

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<sup>9</sup> Rulebook on Minimum Safety and Health Demands for Works of Employees Exposed to Risk from Chemical Agents, published in (Official Gazette of Republic of Macedonia No.46/10).

<sup>10</sup> Rulebook on Minimum Safety and Health Demands for Work of Employees Exposed to Risks from Exposure to Cancer Causing, Mutagens and Substances Toxic for the Reproductive System (Official Gazette of Republic of Macedonia No.110/10).



- work with big tanks, cisterns, reservoirs that contain corrosive liquids, the chemical factors listed in point 3 of chemical factors;
- work which includes danger from a structural collapse;
- work which includes danger from high electric voltage;
- work with a tempo dictated by the technological rhythm and tempo of the machines paid according to the achieved results (norm).

In view of the question of the Committee whether the types of work that are forbidden (because of their dangerous or unhealthy nature) for young employees are allowed as part of the educational programme and which inspection measures are used<sup>11</sup> we inform that when preparing the education programmes for the students from the vocational education the provision of the Law on Labour Relations are strictly followed, especially in the part that foresees a ban for doing activities considered dangerous or harmful for the health of the employees younger than 18 years, as hard manual work, work underground or under water, work with sourced of ionizing radiation and other work that can have harmful and increased influence on health, i.e. healthy development of their psycho-physical specifics.

The educational programmes for practical work of the students in the vocational education do not foresee for the students to do practice work on working places which are unhealthy and dangerous (physically, chemically and biologically harmful factors and work on certain risky working posts), so there are no inspection measures and conduct.

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<sup>11</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 5.

### Employed persons at the age of 15 - 19 according to sectors

		Year	2010	2011	2012	2013
		<b>Total</b>	<b>8383</b>	<b>8386</b>	<b>6762</b>	<b>6695</b>
A	1	Agriculture, forestry and fishery	5374	5769	4774	4270
B	2	Mining and extraction of rocks	-	-	-	-
C	3	Processing industry	:	(668)	:	(761)
D	4	Distribution of electric power, gas, vapour and air-conditioning	-	-	-	-
E	5	Distribution of water, removing waste waters, managing waste and activities for improving the environment	:	:	:	:
F	6	Building construction	:	:	:	:
G	7	Wholesale trade and retail trade; repairing motor vehicles and motorcycles	(1147)	:	(517)	(730)
H	8	Transport and storage	-	:	-	-
I	9	Accommodation objects and service activities with food	(862)	(546)	(535)	:
J	10	Information and communication	:	:	-	-
K	11	Financial activities and insurance activities	:	-	-	-
L	12	Activities related to real-estate	-	-	:	-
M	13	Vocational, scientific and technical activities	-	-	-	:
N	14	Administrative and auxiliary activities	-	-	:	:
O	15	Public administration and defence; mandatory social insurance	-	:	-	:
P	16	Education	:	:	-	-
Q	17	Health and social protection activities	-	:	-	-
R	18	Art, entertainment and recreation	:	:	:	:
S	19	Other auxiliary activities	:	:	:	:
T	20	Activities in households as employers; activities for households that produce various goods and provide services for own needs	:	-	-	-
U	21	Activities of extraterritorial organizations and bodies	-	-	-	-

Source: State Statistical Office of RM

- no entry
- : too imprecise estimated to be published
- ( ) less precise estimate - use with caution

## **Article 7§2**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy.

**Note: In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.**

With the amendments of the Law on Labour Relations (Official Gazette of Republic of Macedonia No. 11/2012) in the part of misdemeanour provisions, i.e. Article 265 foresees an amount of 2.000 to 3.000 euro in denar counter-value for a misdemeanour by the employer – legal entity and 1.000 to 2.000 euro in denar counter-value for the employer – natural person if he/she does not provide special protection who are still not 18 years old according to the law (ban on doing hard physical work, work under water, work with sources of ionizing radiation and other works that can influence their health, right to rest and pause, ban on night work, longer annual leave and working hours of 8 hours a day). A penalty of 500 to 1.000 euro is foreseen for the director, i.e. other responsible person at the employer's for the same misdemeanour.

### Article 7§3

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.

**Note: In the following we report on the obligations which arise from both the 1961 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC.**

In view of the determination of the European Committee of Social Rights that the length of the working hours for young persons who are still subject to compulsory education is excessive<sup>12</sup>, we inform that the determination of the upper limit of working hours under the age of 18 (8 hours) is present, because it comes to young persons who are not subject to compulsory education, that is it comes to persons that left the education system and as such concluded an employment agreement, according to the Law on Labour Relations (LLR). It is also important to repeat that Article 187 of LLR, precisely paragraph 6 dictates that young persons over 15 years of age and below 18 years of age, can conclude an employment agreement if they are not subject to compulsory education for occupations that are not harmful for their health and safety.

According to the Law on Secondary Education regular and irregular students enrol in secondary education in Republic of Macedonia where as in order for a person to enrol as a irregular student the person has to fulfil the following conditions: to be older than 17, to be on a sick leave for a longer period, to be employed and in other cases determined by the Statute of the school of secondary education in question. Therefore irregular students can be employed, because they are not encompassed with the compulsory education.

With a view to the question of the European Committee of Social Rights which are the rules that regulate the employment of children who are still subject to compulsory education and with a view to the fact that working must be banned in a period of at least 4 weeks during the summer break and at least half of every break period foreseen during the school year<sup>13</sup>, we inform that the Law on Labour Relations does not regulate the limitation of the work of young persons during breaks, because young persons (persons over 15 and below 18 years of age) who work have left the secondary education and that is why they

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<sup>12</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 from the Charter, (Council of Europe, January 2012), p. 6.

<sup>13</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 from the Charter, (Council of Europe, January 2012), p. 6.

are not subject to compulsory education. Thus there is no need to regulate the limitation of the work of young person regarding their work during breaks.

Young persons who are subject to compulsory education and are enrolled in vocational secondary education have practical training during the school year, but also have summer internship during the summer break. The summer break starts on the June 11 and lasts until September 1.

Depending on the occupation, the summer internship lasts 10-20 working days during the school (calendar) year. According to the Guidelines on Programing, Organization and Realization of the Practical Work in Four-Year Vocational Schools, the student shall, by rule, realize 7 school classes of summer internship in one working day. The school class lasts 45 minutes.

No activities are foreseen for students during the winter break, i.e. the winter break last from December 31 to January 20.

With a view to the question of the Committee about the work and the presence at classes, i.e. whether young persons are allowed to work early in the morning before going to school and for how long can they work on daily and weekly basis<sup>14</sup>, we repeat that according to the Law on Labour Relations the employer cannot conclude an employment agreement with a person who is subject to compulsory education. For young persons who are not subject to compulsory education, i.e. who have left secondary education, the Law foresees maximum number of working hours for a young person below and over 16 years of age which is 30 hours per week, i.e. 37 hours and 45 minutes and in case when the young person works for several employers at the same time (Article 18 of the LLR).

The allocation of the hours of practical training at the employer foreseen for students secondary vocational education schools is explained in details in paragraph 4 Article 7 of this Report.

The types of work that children below and over 15 years of age can or cannot perform are explained in paragraphs 1 and 2 of Article 7 of this Report.

### **Law on Vocational Education and Training**

(Official Gazette of Republic of Macedonia No. 71/06, 117/08, 148/09, 17/11, 24/13, 137/13 and 41/14).

The Law on Vocational Education and Practice foresees that the student who is doing practical work at the employer to conclude an agreement for

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<sup>14</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 from the Charter, (Council of Europe, January 2012), p. 6.

practical training in order to prevent persons who are still subject to compulsory education to be employed on working positions which would deprive them from all benefits of their education. The agreement on practical training is concluded between the institution for vocational education and practice, the employer and the student, and for a minor student the agreement is signed by a parent, i.e. guardian of the student. The agreement determines the training conditions, duration, scope of the practical training at the employer as well as the rights and obligations of all parties included in the agreement. The agreement is mandatory signed before the beginning of the practical training by the institution for vocational education and training, the employer and a student older than 18, if he/she is capable enough, i.e. a parent/guardian of the student younger than 18. According to the Law on Secondary Education, the educational activity in secondary education is realized according to the curriculums and syllabuses adopted by the Minister of Education and Science on proposal of the Bureau of Education Development and the Vocational Education and Training Centre. The curriculums and syllabuses determine the time of practical training of the student and he/she cannot perform practical training at the employer longer than the foreseen number of hours/days.

The practical training according to the curriculums is comprised of practical education and summer internship. For certain occupations besides practical education and summer internship there is also professional practical training. The realization of the professional practical training is in the schools and at employer's premises according to the purposes foreseen in the curricula. The practice training is realized according to the signed agreements concluded between the employer, the school and the parent/guardian.

According to the Law on Vocational Education and Training, the practice training can be realized only at employers verified by a suitable chamber, after they fulfil the criteria for verification in terms of the space, equipment and suitable staff. Every verified employer shall have a mentor conducting the training.

According to the Law on Vocational Education and Training the Chambers are obliged to keep the following registers:

- Register on Verification of the Employers for Practical Training of Students (adopted by the Ministry of Education and Science (MOS) in 2010);
- Register of Students who have Concluded Agreements for Practical Training with an Institution for Vocational Education and Training and the Employer (adopted by MOS in 2014).

The Chambers have the obligation to file a report for the concluded agreements for practical training of students with the institution for vocational education and training and the employer to the Ministry of Education and Science and to the Vocational Education and Training Centre every 3 months, and to file an annual report on employers verified for performing practical training to the Ministry of Education and Science.

In order to put the provisions of the Law on Vocational Education and Training that regulate the practice training of students and employers into practice and to establish the procedures for admission of students at the employers, the Government of Republic of Macedonia adopted the Action Plan on Trainings implemented by the Chamber of Crafts of Republic of Macedonia and the regional Chambers of Crafts in collaboration with the Vocational Education and Training Centre on its 151 Session held on 27.08.2013. In collaboration with USAID YES Network Project the following activities were realized from the adopted Action Plan:

- The Vocational Education and Training Centre prepared a Standard for Professional and Other Staff for the Carrying out of Practical Training at Employers which was adopted by the Chamber of Crafts of Republic of Macedonia, after a positive opinion given by the Ministry of Education and Science;
- The Vocational Education and Training Centre prepared a Standard for Equipment and Premises which shall be adopted by the Chambers;
- The Vocational Education and Training Centre made a Programme for Training of the Professional and Other Staff to carry out practical training at employers';
- The training of the professional and other staff at the premises of the employer was completed in three municipalities: Tetovo, Bitola and Strumica;
- In the second phase which will start in October 2014 and will last until May 2015 the training of professional and other staff will continue at the premises of the employers in the municipalities of: Prilep, Gostivar and Shtip, as well as training of professional and other staff from the City of Skopje;
- The Vocational Education and Training Centre also prepared Guidelines for Programming, Organization and Realization of Practical Training in the Vocational Schools with four year duration of the education.

After creating conditions for fulfilment of the criteria for verification in terms of the space, equipment and suitable staff, according to the Action Plan the employers that can accept students for practical training will be verified and they will be registered in a Register for Verification of Employers for Practical Training of Students. Immediately after that the agreements for realization of the practical training at the premises of the employers will be concluded and they will be registered in the Register of students who have concluded agreements for practical training with the institution for vocational education and training and the employer. The realization of practical training of students at employers by fulfilling all the law regulations is expected to start at the beginning of 2014/2015.

In order to follow the students that preform practical training at employers in frames of the World Learning USAID Project an electronic base for entering data on the parties involved in the process of preforming the practical

training of students at employers was created, entitled “Register of Secondary Vocational Schools and Companies for Conducting of Practical Education for Students in Secondary Vocational Schools in Republic of Macedonia”. A Manual for using the electronic base – the Register was prepared, but it needs to be revised and upgraded according to the law amendments.

A Strategy on Vocational Education and Training in Context of Life-Long Learning 2013 – 2020 was prepared together with an Action Plan.

A system for mentors was introduced in the secondary education and a system of tutors who are selected according to the determined criteria is being implemented and they are preparing the secondary school students to continue with higher education. 160 mentors were selected for the school year of 2010/2011, 132 mentors were selected for the school year of 2011/2012, 106 mentors were selected for 2012-2013 and 102 mentors were selected for 2013/2014 on the basis of the announced notices.

In the direction of encouraging measures and activities and improvement of the social inclusion and cohesion “Mapping of the policies and practices in vocational education and training for social inclusion and social cohesion in the West Balkans, Turkey and Israel” was made. One of the chapters relates to abandoning vocational education during the education and assesses the influence of social inclusion, integration of the most vulnerable groups of students on the labour market and society.

A “Strategy on Decreasing Violence in Schools 2012 - 2015” was adopted as well as a “Protocol on How the Institutions Should Act with Children at Risk”.

Training for all schools vocational teams from primary and secondary schools in RM was conducted for fast and efficient solution of the problem with school violence.

*- Relevant information for vocational education*

In frames of the Project of the Chamber of Crafts Koblenc, 184 candidates passed the craftsmen exam and acquired a craftsman diploma from 2008-2010. This diploma is equivalent to the completed training for professional and other staff for conducting training at employers and it is acknowledged when verifying for fulfilment of the conditions for suitable staff.

In frames of the Twining project “Support of the Modernization of the System for Education and Training”, IPA IV Component (MK/2007/IB/SO/03), 53 candidates acquired the certificate for completed training for mentors which is acknowledged when verifying for the fulfilment of the conditions for suitable staff.

In frames of the Action Plan, supported by USAID YES Network Project total of 54 mentors from three municipalities were trained and acquired a certificate for completed training for vocational and other staff and the same



certificate is acknowledged in verifying the fulfilment of the conditions for suitable staff.

Total issued certificates for vocational and other staff for conducting practical training at employers (mentors) in the frames of several projects:

No.	Issued certificates in frames of the project	Number of issued certificates
1.	Project of the Chamber of Crafts Koblenz	184
2.	Twining project "Support of the Modernization of the System of Education and Training", IPA IV Component (MK/2007/IB/SO/03)	53
3.	Action Plan supported by the USAID YES Network Project	54
<b>Total issued certificates for mentors</b>		<b>257</b>

Source: Ministry of Education and Science

#### Employed at the age of 15 to 19 according to education

	2010	2011	2012	2013
Total	<b>8383</b>	<b>8386</b>	<b>6762</b>	<b>6695</b>
No education	:	:	:	:
Unfinished primary education	:	:	:	:
Primary education	3776	4586	3386	2699
3-years secondary education	1640	(1043)	(1014)	(792)
4-years secondary education	2591	2450	2174	2965
College education	-	-	-	-
University education	-	-	-	-

Source: State Statistical Office of RM

- no entry

: too imprecise estimated to be published

( ) less precise estimate- use with caution

#### Article 7§4

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training.

**Note: In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.**

With a view to the request of the Committee to explain the situation whether in Macedonia there are young persons between 15 and 16 years old who are not subject to compulsory education and are allowed to work, except those who are part of the system for vocational education<sup>15</sup>, we inform that besides all efforts for eradication of the early abandonment of the compulsory secondary education, still there are young persons who abandon education at their own will. Part of them gets employed.

For young persons who are not subject to compulsory education, that is who have left secondary education, the Law foresees maximum number of working hours for a young person below and over 16 years of age, and the same is 30 hours per week, i.e. 37 hours and 45 minutes and in case when the young person works for several employers at the same time (Article 18 of the LLR).

The duration of the practical training for students in vocational education and training younger than 16 is regulated in the curriculums and syllabuses, according to the Concepts for vocational qualification and vocational education for occupations, the general state curriculum on reformed secondary vocational education, Methodology for development of curriculums and syllabuses, as well as with the Guidelines for programming, organizing and realizing practical training in vocational schools with four-year education.

- Concept for professional qualification, approved by the Decision number 11-3109/2 of the Minister of Education and Science dated 01.10.2010;
- Concept for vocational qualification, approved by the Decision number 11-3109/3 of the Minister of Education and Science dated 01.10.2010;
- General state curriculum for reformed vocational education;
- Methodology for development of curriculums and syllabuses, adopted in the frames of the Twining project "Support for Modernization of the System for Education and Training", IPA IV Component (MK/2007/IB/SO/03);

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<sup>15</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 7.

- Guidelines on Programing, Organization and Realization of the Practical Work in Vocational Schools with Four-Year Education.

In the framework curriculum of the Conception for professional qualification in duration of two years, the practical training is present up to 50% of the total classes fund in the curriculums, in the framework curriculum of the Conception for vocational education in duration of three years, the practical training is present up to 40% of the total classes fund in the curriculums, in the framework curriculum of the Conception for reformed vocational education in duration of four years, the practical training is present up to 10% of the total classes fund in the curriculums, and in the framework curriculum of the Methodology for development of curriculums and syllabuses in duration of three years is present up to 40% of the total classes fund, and in the curriculums and syllabuses in duration of two years the practical training is present up to 50% of the total classes fund.

The Methodology also regulates that practical education can be realized in workshops, laboratories, on school property, school company and at employers. In frames of the practical education at least one third of the classes (12 weeks during the three years of vocational education for occupations, that is 9 weeks during the two years of vocational qualification in duration of two years) shall be performed at employers. The Guidelines for programming, organizing and realizing of practical training in four-year education describe the forms and representation of practical training, the application of law regulations in planning and organizing, the place where different forms of practical training can be realized, manner of assessing the achievements of students and recording the results of the practical training in the pedagogic documentations.

The students enrol in vocational education after finishing primary education at the age of 15. Depending on the kind and level of vocational education, students finish at the age of 17 (vocational education for occupation in duration of three years) and at 18 (technical education in duration of four years). In accordance with the Law on Secondary Education and the Law on Vocation Education the curriculums for vocational qualification can include students who have finished primary education and those who have not finished primary education yet but are obliged parallel with the vocational qualification to finish primary education. According to the law and concept decisions, the vocational qualification, depending on the complexity of the occupation, lasts up to two years, but the first qualification can be acquired in one year.

Although there are legal and conceptual opportunities for vocational qualifications in our formal system for vocational education there are no students enrolled for vocational qualification. In frames of the Twining project "Support for Modernization of the System for Education and Training", IPA IV Component (MK/2007/IB/SO/03) standards for occupations, standard for vocational qualifications and complete curriculums and syllabuses for the educational profile for vocational qualification with two-year duration for

plasterer- fitter for the architecture-geodesy profession were prepared. The Call for enrolling students in the public secondary schools in the school year 2014/2015 for the first time after a long period gave opportunity for students to enrol for the education profile for vocational qualification for plasterer- fitter in the Secondary Architecture School of the City of Skopje “Zdravko Cvetkovski”. We will discover if there is interest for this kind of education at the beginning of the new school year.

The age of the students is taken into consideration when programming the classes for practical training. In other unreformed education profiles with three-year duration the practical education is covered since the first year, and in others it starts in the second year. In all reformed education profiles in the frames of the Twinning project “Support for modernization of systems for education and training”, IPA IV Component (MK/2007/IB/SO/03) the practical education begins in the first year. In all education profiles with four-year duration the practical education begins after finishing the first year, i.e. it begins from the second year. Also the scope and the number of classes for practical education are increased from the first to the final year.

In the reformed two-year vocational qualification the practical education is represented by 14 classes in the first and second year, and in the three-year vocational education, in the first year when the students are 15 years old the education is represented with 6 to 8 classes a week, in the second year when the students are 16 years old the practical education is represented with 13 to 14 classes a week, and in the third year when the students are 17 years old the practical education is represented by 14 to 16 classes a week.

In the education profiles with four-year duration the practical education in the first year when students are 15 years old is not represented at all and it starts in the second year. In the second year when students are 16 years old the practical education is represented by 2 – 6 classes, in the third year when students are 17 years old the practical education is represented by 3 to 11 classes, and in the fourth year when students are 18 years old the practical education is represented by 3 to 10 classes.

When it comes to the limitation of the length of the working hours of students younger than 16 in order to respond to the demands of their development and especially the needs of their professional education, the representation of the practical training is very little and cannot influence negatively on their development, nor the needs for their professional education.

Besides practical education after finishing the school year the students also do summer internship. In the four-year vocational education the summer internship is realized from I until III year. It is present in 11 vocations and 26 education profiles, and it is not present in 3 vocations and 16 education profiles. The representation is expressed in days and it is 10 to 20 working days during the school (calendar) year. According to the Guidelines on Programming, Organization and Realization of the Practical Training in Vocational Schools

with Four-Year Education, the student in one working day shall, by rule, realize 7 school classes of summer internship. The time in which the student realizes the ferial practice is determined in the Agreement for Realization of Practical Training signed by the three included parties: the institution for vocational education and training, the employer and the student and for a minor student the agreement is signed by a parent, i.e. guardian of the student. Article 2 of the Agreement for realizing practical training of the student at employers states that the practical training at employers is realized based on the prepared Working Plan for practical training and that the student can realize 8 hours at the most during one working day, including the break, that mostly 40 hours per week.

The students in the formal vocational education and training can do practical training in the frames of the curriculums and syllabuses. During the summer break which lasts from June 10 until August 31 the students can do maximum 20 working days of ferial practice which means that they have the other two thirds of the summer break to rest, i.e. approximately two months. During the winter break which lasts from the beginning until the middle of January the students do not have summer practical training.

For the performance of practical training of the students in vocational education and practice Article 15 of the Law on Vocational Education and Practice foresees that the employer has the right to financial, customs and tax reliefs prescribed by law. Although this opportunity is foreseen this Article of the law is not operatized and it is not determined how the employer who accepts students for practical training can realize the benefits foreseen in the Article of the law. On the other hand Article 22 of the same law foresees that the student shall receive remuneration for the work at the employers during the practice which is determined by law. Although the possibility for students to receive remuneration for the work at the employers is envisaged, in practice the students do not realize this opportunity. There is a close connection between these two articles of the Law on Vocational Education and Training because students cannot fulfil their right to remuneration because the employers neither can fulfil their right to financial, customs and tax reliefs.

In order to overcome the noticed weaknesses connected to operationalization of Articles 15 and 22 of the Law on Vocational Education and Practice, the Ministry of Education and Science, the Vocational Education and Practice Centre and the Chambers have agreed that they should introduce the relevant institutions in the state and they should demand from them to undertake concrete steps for solving the same.

The State Labour Inspectorate, besides the regular inspections which include the control of the working hours, also acts upon the requests of the employees for protection of the working relation rights foreseen by law and labour agreement. With a view to the rules related to the working hours and overtime work in 2010 it was acted upon 119 requests of employees for

protection of their rights. In 2011 it was acted upon 112, in 2012 upon 272 and in 2013 it was acted upon 332 requests. None of these requests were from workers younger than 18.

**Employed for full and shorter working hours according to sex and age**

		<b>Employees</b>								
		<b>Total</b>			<b>Full working hours</b>			<b>Shorter working hours</b>		
		<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
2010	Total	637855	391923	245932	600118	372479	227638	37737	19444	18294
	At the age between 15-19	8383	5136	3246	6326	4083	2243	2057	1054	1003
2011	Total	645085	388963	256122	604382	366448	237934	40703	22515	18188
	At the age between 15-19	8386	4800	3586	6313	3479	2834	2073	1321	(752)
2012	Total	650 554	393 092	257 462	608 716	369 914	238 802	41 838	23 177	18 661
	At the age between 15-19	6 762	4 250	2 512	4 234	2 761	1 473	2 528	1 489	1 039
2013	Total	678 838	407 531	271 307	647 501	389 641	257 860	31 337	17 890	13 447
	At the age between 15-19	6 695	3 795	2 900	4 660	2 575	2 085	2 034	1 220	(815)

Source: State Statistical Office of RM

#### **Article 7§4**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training.

**Note: In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.**

In the reporting period there were no amendments in the law with a view to this Article.

Everything stated in the previous point 7.4 related to persons under the age of 16 refers to this point, only it also affects the students at the age of 17 and 18, i.e. the students from third and fourth year of vocational education.

## Article 7§6

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day.

**Note:** In the following we report on the obligations which arise from both the 1961 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC

In the reporting period there were no amendments in the law with a view to this Article.

With regard to the concrete question of the European Committee of Social Rights whether the two general labour agreements are the only agreements that provide inclusion and compensation of the time spent at professional training in normal working hours, which parts of the working force are included in these labour agreements and what is the situation for the rest of the working force which is not included in these labour agreements<sup>16</sup>, we inform that: The questions related to the time spent at professional training and inclusion of the same in the working hours of the employee, if not arranged and specified in the Law on Labour Relations shall be subject on collective agreements. There are General Labour Agreements which additionally specified and arrange the questions that are part of the Law on Labour Relations. However the industrial labour agreements and the labour agreements on employer level give the opportunity for further arrangement and further specifying. What is important is that the content of the labour agreements is subject to arrangement by the signatories of the labour agreement and the same can contain smaller rights than the rights determined by law and the General Labour Agreement. That means that the labour agreements cannot determine smaller rights than the rights determined by law, and if the contain that kind of provisions they are considered nulled and suitable law provisions are applied.

With a view to the scope of the working force with the labour agreements, the General labour agreements affect all employees, while the industrial labour agreements and the agreements on the level of employer affect the employees and employers from that industry, i.e. that company.

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<sup>16</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 8.



The Law on Adult Education (Official Gazette of Republic of Macedonia No. 07/08) created a legal frame that regulates adult education, activities and institutions that can realize that kind of education, kinds and forms of adult education, forming a special institution on charge for developing policies for development of adult education, as well as a special body in which participants from all interested subjects for adult education will participate which will define and suggest the strategic priorities in the system of adult education. The Law on Adult Education arranges the organization, structure, financing and management of the system of adult education. Adult education includes formal, non-formal and informal education. Adult education includes persons over 15 years of age and fulfils the conditions prescribed by the programme. The persons included in the process of adult education by concluding an agreement for enrolling in programme for adult education acquire the status of participant. In accordance with the Law on Adult Education, the adults can be educated and specialized and supplement their knowledge, skills and competences in accordance with the curriculums for primary, secondary and higher education, adjusted to the needs and possibilities of adults and in accordance with special programmes for acquiring knowledge, skills and competences organized in special verified educational institutions. The special programmes for adult education are adopted by the institution for adult education, and verified by the Adult Education Centre.

In the period 2010 - 2013 there were no petitions for violated rights to additional education foreseen by law and labour agreement to the State Inspectorate.

### **Article 7§7**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that employed persons of under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay.

**Note: In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.**

In January 2012 amendments and supplements of the LLR were adopted which changed the amount of the penalties for a misdemeanour – not providing longer annual holiday for persons younger than 18. Namely, for a misdemeanour of an employer – legal entity there is a penalty in the amount of 2000 to 3000 euro in denar counter-value, the responsible person of that employer receives a penalty in the amount of 500 to 1000 euro in denar counter-value and to an employer – natural person a penalty in the amount of 1000 to 2000 euro in denar counter-value.

In their regular inspections the Labour Inspection has not determined violations of the right to annual holiday of employees younger than 18.

With a view to the question of the Committee whether in case of illness or accident during the holiday the young persons have the right to use the lost part of the holiday in some other period<sup>17</sup>, we inform that the Law on Labour Relations determines that the employee has the right to use the annual holiday that was not used in the current calendar year because of illness or injury leave until the June 30 in the following calendar year.

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<sup>17</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 8.

**Article 7§7**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

In the reporting period there were no amendments in the Law with a view to this paragraph, i.e. the law provisions from the previous report of the Republic of Macedonia regarding implementation of Article 7 paragraph 7 of the European Social Charter are effective.

## Article 7§8

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations.

**Note: In the following we report on the obligations which arise from both the 1961 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC**

In January 2012 amendments and supplements of the LLR were adopted which changed the amount of the penalties for violating the provisions for banning night work for employees younger than 18. Namely, for a misdemeanour of an employer – legal entity there is a penalty in the amount of 2000 to 3000 euro in denar counter-value, the responsible person of that employer receives a penalty in the amount of 500 to 1000 euro in denar counter-value and to an employer – natural person a penalty in the amount of 1000 to 2000 euro in denar counter-value.

In the regular inspections of the State Labour Inspectorate in the reference period for this report (2010 – 2013) there were no determined violations of the provision for banning night work for employees younger than 18.

With a view to the question of the Committee whether there are some other categories of young employees that can be excluded from the ban on night work<sup>18</sup> mentioned in the previous Report of RM we inform that the Law on Labour Relations does not define other categories of young employees who can be excluded from the ban on night work.

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<sup>18</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 9.

## Article 7§9

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

**Note: In the following we report on the obligations which arise from both the 1961 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC**

With the amendments and supplements in the Law on Safety and Health at Work (Official Gazette of Republic of Macedonia No. 136/2011) and connected to the provisions from Article 20, listed in the previous Report of Republic of Macedonia, line 3 was amended and it now foresees organizing and conducting first aid training for the employed persons. With the same amendments in the Law, the time period in which the employer has to provide medical checks of the employees was amended from “at least every 18 months” to “at least every 24 months” (Article 22).

With the amendments and supplements in the Law in 2013 (Official Gazette of Republic of Macedonia No. 23/2013) a penalty in the amount of 4000 to 5000 euro in denar counter-value was foreseen for an employer for not conducting medical checks of the employees, besides the existing penalties of 5000 to 8000 euro for a legal entity and penalty of 500 to 1000 euro for the responsible person in the legal entity.

With the following amendments and supplements in the Law on Safety and Health at Work (Official Gazette of Republic of Macedonia No. 25/2013) paragraph 2 of Article 22 was amended, so the kind, manner, scope and price book for the health checks on a proposal by the minister competent for the activities in the labour area, after a previous opinion by the minister competent for the activities in the health area, arranged by the Government of Republic of Macedonia. For that reason on the Session held on 16.04.2013 the Government of Republic of Macedonia brought the Decree on the kind, manner, scope and price book for the medical checks of employees. The Decree is valid for all employed persons in Republic of Macedonia.

The Decree prescribes the kinds of medical checks (previous checks, periodical checks, directed checks and systematic checks) conducted by authorized health institutions in the area of labour medicine in which data form the safety declaration by the employer are used. The Decree contains the following elements on the previous and periodical health checks:

1. Requirements and burdens
  - 1.1. Sense of sight;
  - 1.2. Sense of hearing;
  - 1.3. Smell and taste;
  - 1.4. Balance;
  - 1.5. Effector requirements and burdens;
    - 1.5.1. Dynamic;
    - 1.5.2. Static;
    - 1.5.3. Recurring quick movements and forced position;
  - 1.6. Psychological requirements and burdens;
    - 1.6.1. Cognitive
    - 1.6.2. Psychosensor;
    - 1.6.3. Psychomotor;
    - 1.6.4. Emotional.
2. Physical hazards:
  - 2.1. Unfavourable illumination;
  - 2.2. Noise;
  - 2.3. Work in unfavourable microclimate conditions;
  - 2.4. Vibrations;
    - 2.4.1. General;
    - 2.4.2. Local;
  - 2.5. Acceleration and deceleration
  - 2.6. Increased and decreased atmospheric pressure;
  - 2.7. Non-ionizing radiation
  - 2.8. Ionizing radiation
3. Chemical hazards
  - 3.1. Metals and non-metals;
    - 3.1.1. Aluminium;
    - 3.1.2. Antimony and its compounds;
    - 3.1.3. Arsenic and its compounds;
    - 3.1.4. Vanadium, selenium and their compounds
    - 3.1.5. Platinum and its compounds;
    - 3.1.6. Mercury and its compounds (except organic compounds with short chains)
    - 3.1.7. Organic mercury compounds;
    - 3.1.8. Cadmium and its compounds;
    - 3.1.9. Manganese and its compounds;
    - 3.1.10. Nickel;
    - 3.1.11. Lead and its inorganic compounds
    - 3.1.12. Organic lead compounds;
    - 3.1.13. Chrome and its compounds;
    - 3.1.14. Zinc and its compounds;
    - 3.1.15. Beryllium and its compounds;
    - 3.1.16. Copper and its compounds;
    - 3.1.17. Cobalt and its compounds;

- 3.1.18. Magnesium and its compounds;
- 3.1.19. Tin and its inorganic compounds
- 3.1.20. Organic tin compounds;
- 3.1.21. Thallium and its compounds;
- 3.1.22. Hard metal;
- 3.1.23. Phosphorus and its compounds;
- 3.2. Gases:
  - 3.2.1. Carbon monoxide;
  - 3.2.2. Fluorine and its compounds;
  - 3.2.3. Halogen elements and their compounds (except fluorine and its compounds);
  - 3.2.4. Simple stuffers – methane, ethane, carbon dioxide, etc;
  - 3.2.5. Cyanides;
  - 3.2.6. Sulphur Hydrogen;
  - 3.2.2. Fluorine and its compounds;
- 3.3. Organic compounds;
  - 3.3.1. Aliphatic and alicyclic hydrocarbons (n-hexane, cyclohexane, etc.);
  - 3.3.2. Cyclic Hydrocarbons (aromatic hydrocarbons);
  - 3.3.3. Amino and Nitro Compounds of cyclic hydrocarbons, their homologues and derivatives;
  - 3.3.4. Halogen derivatives of aliphatic and cyclic hydrocarbons;
  - 3.3.5. Alcohols, esters, ethers, aldehydes and ketones;
  - 3.3.6. Amides, NN - dimethylformamide;
  - 3.3.7. Pesticides;
  - 3.3.8. carbon disulphide;
  - 3.3.9. Artificial resins and plastic masses;
  - 3.3.10. Vinyl chloride monomer;
- 3.4. Other substances;
  - 3.4.1. Gases, vapours and aerosols with irritative, toxic and sensitizing effect;
  - 3.4.2. Non-fibrogene dust;
  - 3.4.3. Fibrogene dust (free  $\text{SiO}_2$  etc.);
  - 3.4.4. Asbestot;
  - 3.4.5. Acids, bases, their anhydrides and salts;
  - 3.4.6. Fertilizers;
  - 3.4.7. Substances or radiation sources with proven carcinogenic action on human (category A1 list of carcinogens WHO);
  - 3.4.8. Other (so far unspecified) chemical substances or dangerous and insufficiently tested materials and preparations;
- 4. Biological agents;
  - 4.1. Exposure to tuberculosis bacillus;
  - 4.2. Exposure of virus hepatitis B and / or C
  - 4.3. Exposure to HIV viruses;

- 4.4. Exposure to other (unspecified) biological hazards
5. Special hazards and dangers;
  - 5.1. Work at a height of three and more than three meters;
  - 5.2. Work underground;
  - 5.3. Working at night;
  - 5.4. Internal transport (drivers of forklifts, cranes, conveyors, construction and agricultural machines);
  - 5.5. Working in unhygienic conditions, the presence of moisture, unpleasant odours and vapours;
  - 5.6. Work in traffic and on roads;
  - 5.7. Managing responsible systems (systems with special demands, complex systems);
  - 5.8. Responsibility for the safety of others or for the safety of the environment.

As it was listed in the previous Report of Republic of Macedonia with regard to the implementation of paragraph 7 of Article 7 of the Charter, the Government of Republic of Macedonia every year brings Preventive programmes for protection of the population, financed from the Budget of Republic of Macedonia. The Preventive programmes for protection of the population are brought in accordance with Article 16 of the Law on Health Protection (Official Gazette of Republic of Macedonia No. 43/12, 145/12, 87/13, 164/13, 39/14 and 43/14). Programmes of interest for the persons younger than 18 shall be considered the Programme on Compulsory Immunisation and the Programme for Systematic Checks, which provide vaccination free of charge and systematic checks for children no matter their health insurance.

The Programme for Systematic Checks of Students besides the activities listed in the previous report also encompasses:

- conduct of trainings for strengthening the capacities of health workers for activities in the area of health promotion and education when working with children and adolescents and for conducting systematic checks
- preparing guidebooks for the health workers
- preparing health-educative materials for students and parents on subjects connected with health of children and adolescents (sexual and reproductive health, nutrition, immunisation, addiction illnesses)
- professional and methodological supervision of the work of prevention teams



### Conducted inspections by the State Labour Inspectorate

	2009	2010	2011	2012	2013
Total conducted inspections at employers	17 991	18 007	14 619	14 473	16 594
Regular inspections	15 027	14 075	10 772	9 643	10 699
Controlled inspections	2 911	3 307	3 061	3 384	4 167
Complaints	53			368	364
Brought decisions for removal of determined irregularities and deficiencies in determined terms	4 676	5 929	5 059	3 649	3 698
Determined irregularities that is deficiencies	16 008	19 733	16 793	20 207	15 687
Removed deficiencies	11 269	13 823	12 835	17 500	12 529
Determined deficiencies of the compulsory medical checks of the employees are:	2 777	4 088	3 400	5 232	2 857
Removed deficiencies of the conducted compulsory medical checks of the employees are:	2 075	2 721	2 613	1 846	2 320

Source: State Labour Inspectorate

### Conducted inspections in requested activities

Activity	2009	2010	2011	2012	2013
Sole proprietor and trade companies					
Agriculture, forestry and fishery	100	154	116	231	241
Mining and extraction of rocks	13	44	63	214	260
Processing industry	3 501	4 188	3 554	3 314	3 305

Source: State Labour Inspectorate

**Conducted systematic checks of students in primary schools in Republic of Macedonia  
in the period 2005 - 2013**

Year	Total subjected	Total checked	Students by grades							
			I grade		III grade		V grade		VII grade	
			Total subjected	Total checked	Total subjected	Total checked	Total subjected	Total checked	Total subjected	Total checked
2005	82495	80773	20296	19891	20354	19877	20501	20071	21344	20934
2006	79559	77945	17810	17498	19061	18721	21550	21110	21138	20616
2007	94241	92265	23479	22881	23627	23081	22722	22405	24413	23898
2008	87151	85262	19144	18773	18222	17845	23326	22793	26459	25851
2009	82229	80054	19011	18260	24396	23971	19131	18666	19691	19157
2010	/		/	18554	/	14847	/	19629	/	20178
2011	93247	78079	22585	16365	22997	15942	23152	28855	24513	16917
2012	114856	58357	22224	17029	22727	15800	45682	10885	24223	14643
2013	113097	83871	22130	18294	22460	17057	44470	18261	24037	30159

Source: Ministry of Health of Republic of Macedonia

**Conducted systematic checks of students in secondary schools in Republic of  
Macedonia in the period 2005 - 2013**

Year	Total subjected	Total checked	Students per classes			
			I class		IV class	
			Total subjected	Total checked	Total subjected	Total checked
2005	35263	33527	18371	17661	16892	15866
2006	46718	45022	25408	24696	21310	20326
2007	37088	35611	21190	20641	15898	14970
2008	35990	34422	19171	18408	16819	16014
2009	33996	32468	19014	18283	14982	14185
2010	/	37472	/	20118	/	17354
2011	45033	37093	24336	19167	20697	17926
2012	45655	27296	24734	14123	20921	13173
2013	46675	33853	24315	18463	22360	15390

Source: Ministry of Health of Republic of Macedonia

## Article 7§10

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

**Note:** In the following we report on the obligations which arise from the 1964 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period- 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC.

Given the fact that the Law on Protection of Children (Official Gazette of RM No. 98/2000) was a subject to several changes and amendments (total of nine: Official Gazette of Republic of Macedonia No. 17/03, 65/04, 113/05, 98/08, 107/08, 83/09, 156/09, 51/11 and 157/11), appeared the necessity of adopting a new Law on Protection of Children in which is specified the new concept for further development of the system of children protection.

The Assembly of Republic of Macedonia on February 12, 2013 adopted the Law on Children Protection, which on February 14 was published in Official Gazette of Republic of Macedonia No. 23/2013, and entered into force on February 22, 2013.

The fundamental purpose of the Law is its update and approaching to the lawful decisions to the legislative of the EU countries, as well as provisions related to the Convention on the Rights of the Child and other documents aimed at children protection.

The Law regulates the system and the organization for children protection as an activity of public interest.

The children protection is an organized activity based on the children rights, as well as the rights and obligations of the parents for planning a family, and the country and the units of the local government units for conducting a humane population policy. The children protection is exercised with providing conditions and a level of life standard which corresponds to the physical, mental, emotional, moral, and social development of children. The country as well as the units of the local government are taking care of giving appropriate financial help to the parents for sustenance, upbringing, care and protection of the children, and organization and providing a development of institution and services for children protection (Article 2 of the Law on Children Protection (Official Gazette of Republic of Macedonia No. 23/13).

The law contains provisions in which are respected the principles of protection of the children's right to live and develop, the protection of the best interest of the children, providing a minimal standard for each child under equal circumstances, exclusion of any form of discrimination, respecting the children's right on freedom and

safety of the personality, on own opinion, and free expression, association and educations, conditions for healthy life and realization of other social rights and freedoms of the child. These postulates, which are taken directly from international documents, mean direct promotion of the domestic legislation with the standards which are determined on an international level.

It is also suggested in the Law on Children Protection to include the parents, family, guardians of the child and the foster family, educational, social, medical, and cultural institutions and individuals, institution of the state and local government and public legal entities whose activities are related with giving help and support to children.

Any form of discrimination on the basis of race, skin colour, gender, language, religion, political or other view, national, ethnic, or social background, cultural or other origin, property, disability, birth or other status of the children or its parent or legal guardian, it is prohibited and in the Law is sanctioned and are included misdemeanour provisions for the violators of this prohibitions. In function of arising of the quality of children protection, this Law contains provisions that arise from the Directive of the Council 2000/43//E3 which refers to prohibition of discrimination on the basis of race or ethnic background which in the text of the Law is elaborated in all segments of realization of the rights and the forms of children protection.

For providing these children rights and prevention of possible abuses, the law provides for the state and the institutions of the system to take over all of the measures for children protection. It is also provided protection of the illegal use and forms of children abuse in the illegal production and trafficking of narcotic drugs, psychotropic substances and precursors. Any kind of political or religious organization and action as well as abuse of children for the purposes of political or religious organization and action as well as inclusion of children in armed conflicts and their recruitment in units performing military or other activities is prohibited. For that purpose, the country and the institution of the system are obliged to take over all of the necessary measures for providing the rights of the children and for prevention of all forms of discrimination and abuse, regardless on the places where these actions were performed, the severity, the intensity and the duration.

It is envisioned the obligation for every citizen to report to an authority any form of discrimination, abuse and use of a child, and to do that immediately after finding out about the event.

The law stipulates prohibition for any kind of direct or indirect discrimination and harassment in the realization of the rights and the forms of children protection determined with this law. Thereby are defined the forms of direct and indirect discrimination where the applicant or user determines the right to claim for protection from an authority, and in the same time, the legal protection is determined. It is provided the obligation of the country to provide the right of the child to express its own opinion for every question referring to him, and the opinion of the child to have the proper attention in accordance with the age and the maturity of the child. The

expression of the child can be direct or through a representative or appropriate body in a manner and in accordance with a determined procedure and law.

In the Law on Children Protection adopted in 2013, with Article 12 are prohibited all forms of sexual exploitation and sexual abuse of children (harassment, child pornography, children prostitution), violent soliciting, selling or trafficking of children, mental or physical violence and harassment, punishing or other inhumane act, every kind of exploitation, commercial exploitation and abuse of children that violates the basic human freedoms and rights, and the children's rights.

The country and the institutions of the system are undertaking all of the measures for protecting the children from the illegal exploitation, child labour in the illegal production and trafficking of narcotic drugs, psychotropic substances and precursors.

The abuse of children for political or religious organizing and actions is prohibited.

The inclusion of children in armed conflicts and their recruitment in units performing armed and other activities is prohibited.

The country and the institutions of the system are obliged to take over all of the necessary measures for providing the rights of the children and for prevention of all forms of discrimination and abuse, regardless on the places where these actions were performed, the severity, the intensity and the duration.

It is provided the obligation for every citizen to report to an authority any form of discrimination, abuse and use of a child, and to do that immediately after finding out about the event.

Penalties are provided with the misdemeanour provisions for not following the provisions of the Law (Article 228). Penalties in the amount of 500 to 1000 EUR in denar counter-value, shall be imposed for violation for a child institution or an individual who performs certain activities from the field of fostering and upbringing of children as a professional activity and agency for giving services for taking care and nourishing of preschool children or an individual who independently performs a certain work of the activities fostering and upbringing of children as a professional activity, and agency for giving services of taking care and nourishing of preschool children if: Organizes political or religious organizing and acting in the institution for children or the individual or the agency, is performed harassment of children of the same kind, as well as mental or physical violence and harassment, punishing or other inhumane act, or child abuse (Article 12 paragraphs (2) and (4)).

Fines in amount of 500 to 1000 EUR in denar counter-value are also provided for the managing person.

Penalties in the amount of 500 to 1000 EUR in denar counter-value, shall be imposed to an employed person in the institution, in the agency for giving services for taking care of preschool children as well as for an individual who individually performs certain works of the activities fostering and upbringing of children as a professional

activity, if: performs mental or physical violence and harassment or other inhumane act or abuse of child/children (Article 12).

In the Draft Law on Amending of the Law on Children Protection, stipulated by the Government of Republic of Macedonia and which in the last quarter of 2013 was in assembly procedure (adopted by the Assembly of Republic of Macedonia on a session held on January 17, 2014, published in Official Gazette of Republic of Macedonia no. 12/2014 on January 22, 2014) was intervened with replacing the existing provision with a new provision, namely, the provision of the paragraph (3) from Article 12 "The state and the institutions of the system shall be obliged to undertake all of the necessary measures for providing the rights of the child and for prevention of every kind of discrimination and abuse regardless on the place where these actions are performed, the weight, the intensity and their duration", was replaced with a new provision "It is prohibited to purchase or offer drugs, psychotropic substances and precursors to a child under 18 years old, and any kind of illegal activities and child labour for production and trafficking with drugs, psychotropic substances and precursors is prohibited".

### **Protecting children from sexual exploitation and pornography**

On October 5, 2010 the Law on Ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of the Council of Europe was adopted.

The National Strategy for Protection of Children from Paedophile in Republic of Macedonia is based on the principles and the standards contained in this Convention. Also, in the drafts of the Criminal Code of 2008, 2009 and 2014 are implemented the provisions of this Convention referring to the material criminal law.

The implementation of the new Law on Criminal Procedure started in December 2013.

With the amendments of the Criminal Code of 2009 is implemented a new provision in Article 106 and is referring to: Special registry for persons sentenced for criminal acts for sexual harassment of minors and paedophilia. In accordance with paragraph 1 of this Article: "Data for an effective court decision for a safety measure the court submits to the body of the state administration authorized for the works of the health field due to registration in a health record, as well as to the body of state administration authorized for the works from the field of labour and social policy, due to registration in a special registry.

Paragraph 2 provides that: "The court to the body of a state administration authorized for the works of the field of labour and social policy submits data for persons sentenced with a final verdict for criminal acts against the sexual freedom and sexual moral and the criminal act from Article 418-g of this Code, committed against minors, for which is kept special register."

Paragraph 3 determines in which cases this data can be used. "The data from article (1) and (2) of this article can be used exclusively for protection of the health of persons upon which are imposed security measures or for protection or for protection of the rights of minors under conditions and with a procedure determined by law."

On the basis of these provisions is adopted the Law for Special Register for Persons Sentenced for Criminal Acts for Sexual Abuse of Minors and Paedophilia (Official Gazette of RM No. 11/12) as well as Rulebook for the manner of inserting data for persons sentenced for crimes for sexual abuse of minors and paedophilia, as well as for the manner of mutual reporting and collaboration (Official Gazette of RM No. 62/12)

Since the beginning of this year, the Special registry for persons sentenced for criminal acts for sexual abuse of minors and paedophilia is available online, through the web-site [www.registarnapedifili.mk](http://www.registarnapedifili.mk). The data in the Registry is inserted, changed and updated manually and electronically by an official from the PI Institute for Social Activities – Skopje, in accordance with the adopted Rulebook.

The aim of this innovation is to raise the public awareness for the problem which is the sexual abuse of children and paedophilia, as well as motivating the children who have already been exposed to sexual abuse and paedophilia, to report such activities. This web-page has the information on who can be a victim of sexual abuse, which is the profile of the offenders, information for the ways to recognize if a child has been exposed to sexual harassment and what is more important - information on where to go for help. Also, on the web-page there is a blog through which any visitor can ask a question on which the expert team from PI Institute for social activities will respond.

On the web page is shown information for the campaign realized by the Ministry of Labour and Social Policy in collaboration with the Red Cross, and on the cover is written the number of SOS phone service, and a link from the Registry for Paedophiles. Also, the profile on the social network Facebook is active which shows contents related to the activities undertaken by the Ministry of Labour and Social Policy in the part of prevention and management with sexual abuse of children and paedophilia, but also for the rest of activities related to children protection in Republic of Macedonia.

The ministry of Labour and Social Policy and the Red Cross of Republic of Macedonia, through representatives from PI Social Activities – Skopje and representatives from the Red Cross of Skopje, has conducted a campaign "With education and knowledge to prevention of sexual abuse of children and paedophilia" in accordance with the sexual abuse of children and paedophilia 2009-2012.

As a result of the obtained positive results from the conduction of the campaign which covered the psychological and pedagogical services and the teaching staff at the schools imposed the need of continuance and expansion to the students as a target group.

In December 2012 was adopted the National Action Plan for Prevention and Handling the Abuse and Neglecting of Children for 2013, and in May 2012 was formed the National Coordinative Body for the conducting. The Ministry of Labour and Social Policy in March 2013 revised the National Action Plan for Prevention and Handling



with the Sexual Abuse of Children and Paedophilia which predicted continuing of the ongoing activities as well as undertaking new ones in the current year.

The National Action Plan for Prevention and Handling with the Sexual Abuse of Children and Paedophilia with activities for 2014/2015 is in preparation. Also, in preparation is a protocol for acting, drafting analysis assessment of the legislative as well as formation of multidisciplinary teams, whose activities are conducting with engaging foreign and domestic experts from UNICEF and WTO.

At the same time it is planned an expansion of the campaign for protection from sexual abuse which is conducted in the schools with information on protecting the children from abuse and general neglecting.

With the amendments of the Criminal Code from February 2014 were implemented the next amendments in order to comply with the part from the Lanzanote Convention which refers to the material criminal law:

- paragraph 2 is introduced in the criminal act Rape from Article 186 which states: If the act from paragraph (1) of this Article is performed to a 14 year old child, the offender will be sentenced to at least ten years of imprisonment. (Paragraph (1) of this Article states: The one who will perform Sexual assault taking advantage of the mental illness, the mental disability, incapability, the retarded mental development or other condition for which the person is incapable for resistance, shall be punished with at least eight years of imprisonment);
- In the criminal act 187: Sexual assault towards incapable person, paragraph 2 provides punishment with imprisonment of at least 10 years for the person who shall perform the acts from paragraphs 1 and 2 of this criminal act towards a 14 year old child (paragraph 1 states: The one who shall perform Sexual assault taking advantage of the mental illness, the mental disability, incapability, the retarded mental development or other condition for which the person is incapable for resistance, shall be punished with at least eight years of imprisonment. Paragraph 3 states: If due to the act of paragraph 1 and 2 occurred severe body injury, death or other severe consequence or the act is performed by more than one person, on an extremely cruel or humiliating manner; the offender shall be sentenced to at least ten years or life imprisonment.
- The title of the criminal act of Article 188: "Sexual offence against a minor who is less than 14 years old" is amended and states: "Sexual offence against a child who younger than 14 years." In that line, paragraph 1 is amended and provides incrimination of the acts of: "The person, who shall perform Sexual assault or other sexual activity against a child younger than 14 years, shall be sentenced to at least eight years of imprisonment.
- In the criminal act: Sexual assault with abuse of the condition of Article 189 are intruded amendments in paragraph 2 and are stating that: "If the act from paragraph (1) of this Article shall be performed by a blood relative of first degree such as sister, teacher, educator, foster parent, guardian, step father, step mother,

doctor or other person by abuse of their position or by performing domestic violence shall perform sexual assault or other sexual activity with a child who is over 14 years old who is entitled to him for studying, upbringing, taking care or nourishing, shall be sentenced with at least ten years of imprisonment.

- In the criminal acts of Article 193: Showing pornographic material to a minor and Article 193-b: Enticement to sexual assault or other sexual activity to a minor who is less than 14 years old, also a compliance of the term minor who is less than 14 years old is being performed with the term child who is less than 14 years old;

As for the specifically asked question to the Committee – if the regular owning of child pornography presents criminal offence<sup>19</sup>, we are informing that the acts of owning child pornography are incriminated in Article 193-a: Production and distribution of child pornography:

The person producing child pornography in order to distribute or transfer or offer it, or on other manner makes it available, shall be punished with at least five years of imprisonment.

(2) The person purchasing child pornography for himself or for another person, or owns a child pornography, shall be punished with five to eight years of imprisonment.

(3) If the act from paragraphs (1) and (2) of this Article is committed through a computer system or other mean for massive communication, the offender shall be punished with at least eight years of imprisonment.

(4) If the act of this Article is committed by a legal entity, it shall be punished with penalty.

With the amendments of the Criminal Code from February 2014, and in accordance with the recommendations of the Committee for the rights of the child and the Facultative Protocol for Children trafficking, child prostitution and child pornography to the Convention for the Children's Rights, a new criminal act is introduced in 191-a:

Child prostitution:

(1) The person, who recruits, leads, stimulates or entices a 14 years old child to prostitution, or mediates, transmits or participates in transmitting to another due to performing prostitution, or provides sexual services to another person, or uses it on another way for executing financial or other benefit, shall be punished with at least four years of imprisonment.

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<sup>19</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 11.

(2) If the act from paragraph (1) of this Article is committed by using force or serious threat that there will be attack on the life or body of the child or someone close to it, the offender shall be punished with at least eight years of imprisonment.

(3) If the act from paragraph (1) and (2) of this Article is committed to a child younger than 14, the offender will be sentenced to at least ten years of imprisonment.

(4) The person who is organizing performing of the acts from paragraphs (1), (2) and (3) of this Article or the performs the acts while performing domestic violence, shall be punished with at least ten years of imprisonment."

### **Protecting children from human trafficking and forced labour**

In February 2014 was adopted the Law on Drafting and Amending of the Criminal Code (Official Gazette of RM No. 27/2014) which executes further compliance with the international standards. Also, in the paragraph 1 of the Article 418-a: Human trafficking, introducing amendments which incriminate the acts of: "panhandling or exploitation due to activity prohibited by law".

In terms of reminding the Committee that the countries need to criminalize the defined activities for every child under the age of 18, regardless to the lower national ages of voluntary sexual intercourse<sup>20</sup>, we are informing that in every criminal act as well as in the criminal act of 418-g, Trafficking with a minor, there was a replacement of the term: "minor" with "child" in order to comply with the Convention of the Child's Rights. Also, amendments were made in paragraph 1 of this Article, and they state: "The person who shall solicit a child to perform sexual acts or shall extort consent as a mediator for adopting a child, illegal transplantation of human organs, shall be punished with at least eight years of imprisonment."

Regarding the note of the Committee that from another source is reported increase of the number of cases of sexual abuse and exploitation of children, that only the children younger than 14 years are protected with Article 188 of the Crime Code ("sexual attack towards a child under 14 years"), and that in case of a rape, the burden for proving falls on the victim older than 14 years, as well as that the Committee for the rights of children at the United Nations (UN-CRC) is worried that the sanctions for sexual abuse of children adopted by some courts were mainly short and interrupted, we are informing for the following:

Regarding to the crime Rape, the burden for proving does not fall to the victim, but to the Public Prosecutor, because it is a criminal offence prosecuted ex officio. The Law for the criminal procedure contains provisions for: The rights of the victims (Article 53), Special rights for vulnerable categories of victims (Article 54) and Special rights of the victims of crimes against the sexual freedom and sexual moral, humanity and international law (Article 55).

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<sup>20</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 11.

In 2009, the Government of Republic of Macedonia reviewed and adopted the Information of Ministry on Justice for the criminal offences related to sexual abuse of children and paedophilia in the time of 2005 to 2008. The information contains overview for the type of criminal act, offenders and victims, as well as the imposed criminal sanction for the period from 01.01.2005 to 30.06.2008.

The sentenced sanctions from separate courts are pointing that were sentenced weak sanctions and probation verdicts. Regarding the data obtained from the appellation courts in Republic of Macedonia, can be concluded that in the most cases of the courts of second degree are just modified the verdicts of the first instance courts, which increases the sanction imprisonment in 10 cases, and in 7 cases it reduces the punishment. Taking into consideration this analysis, the Government authorized the Ministry of Justice to suggest drafts and amendments in the Criminal Code, in Chapter 19: Criminal acts against the sexual freedom and the sexual moral.

In that line in 2008, two amendments of the Criminal Code were adopted, which increased the punishments for the criminal acts of sexual abuse of children and were implemented new criminal acts in accordance with the Convention of the Council of Europe for protection of children from sexual exploitation and sexual abuse.

Due to regular follow up of the conditions in the court practice and the sanctioning policy, the Ministry on Law has obtained data for the court decisions and procedures that are led for the period from July 1, 2008 to July 1, 2009, and for the most common criminal acts, which are:

- Sexual assault towards an incapable person (Article 187),
- Sexual offence towards a minor who is less than 14 years old (Article 188),
- Sexual assault with abuse of the condition (Article 189),
- Mediation in performing prostitution (Article 191),
- Showing pornographic material to a minor (Article 193),
- Production and distribution of child pornography through computer system (Article 193-a), and
- Incest (Article 194).

The analyses of the data from the past year compared with the conclusions from the period from January 1, 2005- June 30, 2008 are showing the following:

1. In this period as well as the previous period, the most common act is "Sexual assault of a minor who is less than 14 years old" of article 188 of the Criminal Code;
2. The age of the offenders is from 30-55 years, while previously ranged from 21 to 78;

3. The age of the victims is from 10 to 14 years, while in the previous period was determined a victim on the age of 7;
4. The duration of the procedures is significantly reduced. A good part of the cases or 24% are finished in 1-3 months at the basic courts, while before that, the procedures at the courts of first degree lasted up to 2 years and 6 months;
5. By the amount of the fines it can be concluded that the basic courts in Republic of Macedonia are applying more strict sentencing policy. Namely, in the period from July 2005 – July 2008 were imposed 5 sentences with imprisonment of more than 8 years and 22 probation sentences.
6. For the period of one year or to be more exact from July 1, 2008 – July 1, 2009 were imposed 44 sentences with imprisonment, which are:
  - Imprisonment of over 8 years: 11 or 25% of the imprisonment
  - Prison 3-8 years: 7 or 16% of the imprisonment
  - Prison 1-3 years: 16 or 36% of the imprisonment
  - Prison up to 1 year: 10 or 23% of the imprisonment
  - And only 3 probation sentences.

This leads to the conclusion that the increasing of the punishments provided with the Criminal Code in 2008, shows positive effects in the sanctioning policy of the courts in Republic of Macedonia.

Regarding to other amendments of the legal frame in the referent period, on initiative of the Ministry of Labour and Social Policy, the Government of Republic of Macedonia, has adopted a Law on Drafting and Amending of the Law on Social Protection (Official Gazette of RM No. 79/2013) through Article 10, with which was made an amendment of the Article 84 paragraph 2, line 7, which provides health protection to the persons who are victims of human trafficking, if they cannot be secured on another ground.

The Ministry of Labour and Social Policy, the prevention and protection of the victims of human trafficking, especially women and children is conducted through the Sector for Equal opportunities, the Office of the National Mechanism for Directing of Victims of Human Trafficking (NMD)

The Office of NMD is in constant coordination and collaboration with trained social workers from 30 Centres for Social Work (in 30 cities of RM), with the Ministry of Interior, the Unit for combating human trafficking and illegal migration as well as with NGOs.

All of the conducted activities of the Office in the Reference period are in accordance with the National Strategy and the Action plan for combating human

trafficking and illegal migration 2009-2013 as well as in accordance with the National action plan for combating children trafficking.

In accordance with the aforementioned documents, the help and protection of the victims of human trafficking is based on respect of the human rights and freedoms, the children rights and in accordance with the Standard Operative Procedures for Acting with Victims of Human Trafficking of the Government of Republic of Macedonia.

The help is being performed through:

1. An identification and primary assessment of the needs of the persons for which is supposed that are victims of human trafficking, organization and coordination of appropriate help (assigning of guarding, intervention during crisis, psychosocial support and counselling, medical help).
2. Directing and accommodation in a national shelter, returning to the family or finding an appropriate accommodation.
3. The nominated social workers of CCR, the authorities from MI and MFA, are locating the family and are performing an assessment of the eligibility and competence of the family for returning of the minors, collection of the necessary documentation, personal documents, health cards etc.
4. Advocacy and legal aid which consists of informing for the rights and the status of the victims, the course of the procedure or their presence in the capacity of damaged during the investigation and the main trial.
5. Conduction of individual programs for resocialization and reintegration of the children victims of human trafficking (including in the educational procedure, additional training, etc.).

*- Directing and accommodation in a Centre for Victims of Human Trafficking*

In accordance with the obligations that arising from the Law on Social Protection (Official Gazette of RM No. 79/2009), protection of victims of human trafficking is provided in a Centre for Victims of Human Trafficking (Article 132) That is why, on 28.01.2011 was opened the National Shelter for Protection of Victims of Human Trafficking or Centre for Victims of Human Trafficking for Domestic and Foreign Citizens who have Obtained a Permission for Temporary Residence.

In this context, the Ministry of Labour and Social Policy (MLSP) has drafted "Rulebook on the norms and standards for space, equipment, professional staff and resources required for founding and commencement of an institution for social protection Centre for Victims of Human Trafficking" (Official Gazette of RM No. 100/10 from 23.07.2010).

For the functioning of this Centre, in accordance with the international standards for human rights, were drafted internal documents referring to the acts and procedures of directing, accommodation, residency, the rules for behaving of the engaged staff, the protocol for protection and:

1. Rulebook for behaving and work of the employees;
2. Acts and procedures for directing, accommodation, sheltering and stay (SOP);
3. House rule;
4. Protocol for protection;
5. Statement for secrecy of the location/Statements of the staff for confidentiality;
6. Evaluation of the program for help and support;
7. Statement (consent) for acceptance of accommodation;
8. Application for registration;
9. Statement for abandonment;
10. Statement for handover;
11. Statement for acceptance and direction CRG/NMD.

In accordance with the legislative, in this Centre are accommodated the victims of human trafficking with people who are domestic citizens and foreigners who have obtained permit for temporary residence. A direct help and support of the victims are getting from two non-governmental organizations with which MLSP has signed memorandum for collaboration:

- Social support of NGO "Open Gate" („Отворена порта“) and
  - Psychological support from NGO "For a happy childhood" („За среќно детство“)
- The team for social support is composed of 7 members who are: coordinator, assistant of the coordinator and 5 persons conducting the standby duties. The structure of the team for social support in accordance with the profession is consisted of 4 social workers, 2 – pedagogues, 1 – sociologist.
  - The team for psychological support consists of 3 persons from which: 2 persons are performing daily individual and group psychological educational activities and one person who is supervising their work. The structure of the team for psychological help according to the profession is consisted of two psychologists and a social worker.

The Ministry of Labour and Social Policy in 2013 has continued the memorandums for collaboration with the two citizens associations for direct help and support of the victims of human trafficking with people accommodated in the Centre for victims of human trafficking, and for a social support of the victims with the Association for action against violence and human trafficking "Open Gate" and for

psychological support of the Association for help and support from the Association for help and support of children and families exposed to risk “For a happy childhood”

The general daily activities in the Centre are conducted in accordance with previously prepared schedule by the teams in regards to the expert work as well as in regards to the maintenance of the hygiene in the facilities of the shelter and preparation of the meals during the day. The going out is under supervision of the employees and independent in accordance with the joint assessment of the team of the shelter.

In the Centre for victims of human trafficking a regular documentation and records about the conducted work are kept, and monthly reports are submitted to NMD/MLSP in accordance with the rules of work of the Centre.

The communication between NMD/MLSP is on daily basis, depending of the current activities and regular monthly meetings on which are discussed the current cases and all of the subjects that are of interest of the work of the Centre.

Starting from 2011, MLSP supports the utility costs (rent, electricity, heating, water, phone, and internet) for functioning of the Centre for victims of human trafficking, for which are provided assets in the yearly program of MLSP in an amount of 615.000.00 denars. For 2012 and 2013 in the budget of the Ministry of Labour and Social Policy, for functioning of the Centre for victims of human trafficking are provided assets in amount of 363.036.00 denars annually. Both of the non-governmental organizations are responsible for the costs in accordance with the programs which they are conducting, for which they have obtained grants in amount of 312.500.00 denars annually (2011, 2012 and 2013) for direct help and support of the victims of human trafficking from the Government of Republic of Macedonia.

Both of the non-governmental organizations are responsible for the costs in accordance with the programs which they are conducting, for which they have obtained grants in amount of 312.500.00 denars annually for direct help and support of the victims of human trafficking from the Government of Republic of Macedonia.

#### *- Building capacities*

In the period from 14-16 December 2010 Training for direct help of the victims of human trafficking with 15 persons from: The Centre for social work – Skopje, the Shelter Centre for Foreigners and from both of the non-governmental organizations “For a happy childhood” and “Open Gate” was held. From the line of this people, the persons who will work in the Centre for victims of human trafficking shall be selected. The training is realized with the support of IOM within the IPA project “Technical assistance for strengthening of the capacities of the relevant parties included in the combat against the organized criminal, with focus on the human trafficking.”

In order to improve the coordination and the collaboration with the police and the Centres for social work, were held work meetings with representatives of the police from the department of organized crime, the department for prevention as well as with



representatives of the Centres for social work in Berovo and Prilep. The discussions referred to the revision of the Standard operative procedures for acting with victims of human trafficking, opening of the national shelter, the legislative for combat against human trafficking, the conditions on a local level and the needs of actions.

In line of compliance of the Standard operative procedures for dealing with victims of human trafficking (SOP) with the amendments in the legislative and overcoming the obstacles which arise in the practice of their application. The Government of RM has adopted the revised content of SOP and made it mandatory for implementation of all governmental institutions and non-governmental organizations which work on this field in the country.

The memorandum of cooperation to 2015, between MLSP and the German association for international collaboration (GIZ) for conducting of the Regional program for social protection and prevention of human trafficking is continued. As a part of this program in Republic of Macedonia, during 2012 were published 3 issues of "Informator" due to improvement of the awareness, collaboration and the coordination with the Centres for social work, as well as with other institutions working in this field.

During March – April 2013 were organized two two-day seminars for involvement of the medical workers in the prevention and protection of victims of human trafficking. The seminars were a first activity which includes the medical workers on an organized manner in the combat against human trafficking, which means update of the mechanism for directing and protection of the victims of human trafficking. On the seminars participated representatives from the clinical hospitals, health Centres, Centres for public health from several cities in Republic of Macedonia or a total of 30 participants.

For providing protection of victims and illegal migrants in accordance with the international standards, MLSP in collaboration with the Institute for social activities, has realized 3 two-day specialized seminars for guardians for children victims of human trafficking, were trained 60 experts from the Centres for social work from the state. The seminars were held during October-November 2013 in Skopje and are part of the continuous professional development of the expert workers. The performance of the seminars is financially supported by the program of GIZ.

#### *- Preventive activities*

The Ministry of Labour and Social Policy and the Ministry of Interior with support of the Mission of OSCE in 2011 has conducted 3 regional work meetings with representatives of the Local preventive counsels for protection with the aim for the combat against human trafficking to be set on their agenda and for preventive activities to be provided in their plans and programs.

The Ministry of Labour and Social Policy in collaboration with the Commission for equal opportunities for women and men of municipality Gjorche Petrov (Skopje) as a part of the Local action plan of the municipality during 2011 has conducted preventive workshops in four elementary schools and in one preschool institution with the

teachers, employees and the students of seventh and eighth grade. Also, a public debate was held with representatives of the local institutions and the police and promotional material was prepared and distributed on the subject of prevention of human trafficking.

The Ministry of Labour and Social Policy has signed a Memorandum for collaboration with the German help for international collaboration (GIZ) for conducting a program for combat against human trafficking and social protection which is regional program for handling the problem with human trafficking and the social protection which is conducted in Macedonia, Serbia, Kosovo, Bosnia and Herzegovina. The duration of the program is five years. The aims of this Program is to strengthen the decentralized social services so that they can successfully fight against the human trafficking and to be able to reach to the vulnerable groups through different social programs which are in accordance with their needs, provided by the governmental and non-governmental sector.

As a result of the planning workshop in Skopje held on 3 and 4 March 2011, was drafted the Operative plan which consists of four components:

1. Support on a national level in the strengthening of the social structures in encouraging of system solutions and in adopting social policy.
2. Support for the decentralized mechanisms for offering social services on a regional, local and municipal level.
3. Measures for direct support in order to improve the social inclusion of the people affected by human trafficking;
4. Mechanism for collaboration in the social protection of the vulnerable groups and improvement of the mechanisms for offering of the social services.

Work meetings were held with representatives of CRG in: Tetovo, Gostivar, Kichevo, Ohrid, Struga and Debar in order to identify the situations of human trafficking and the needs for action. During September-December were drafted 3 studies:

- Study for "National programs and benefits within the system of social protection in Republic of Macedonia";
- International legal frame and Macedonian laws for poverty with special focus on the human trafficking;
- Assessment of vulnerable groups from aspect of poverty with focus on human trafficking.

From 28-30 November 2011 in Skopje, GIZ organized Regional Forum on the subject: "The social dimensions of human trafficking in West Balkan" with participants from 4 countries of the region.

*- Raising public awareness*

For raising the public awareness, MLSP supports the activities within the program conducted by GIZ from the planned campaign for 2013, or:

- Caravan with pantomime in Debar, Probishtip (2 events) and in Skopje to mark "October 18, the European day for combat against human trafficking" and
- to mark "The week for combat against human trafficking" organized by the Centre for institutional development (CID) and the non-governmental organizations in collaboration with the National Commission for combat against human trafficking and illegal migration. The campaign was aimed towards preventing of human trafficking of children for labour exploitation and panhandling.

*- Direct help and protection*

According to data owned by the office of NMD during 2013, was identified a total of 15 victims of human trafficking from which 9 a minors all of which are females. From the total number of minor victims of trafficking, five were accommodated in the Centre for victims of human trafficking, and four are returned to their families.

"Open Gate" has provided the following services:

- Engaging an expert team and manager who are providing activities in day and night shifts, as well as accompanying the victims to the necessary destinations;
- Provided food during their stay, hygienic packages, clothing and shoes;
- Involving 5 minors in the program for psycho-social help (different workshops, training for computer work, basic classes for learning English language, etc.);
- Organizing occupation-entertaining activities, depending on the affinities such as: Painting on glass, painting on canvas, technique with paper napkins, handmade jewellery, painting of porcelain, knitting, sewing, origami techniques. Also, practiced getting acquainted with the cultural values of the city, visiting museums, theatre, cinema, exhibitions, zoo, and sport activities such as walking, running. Once a month are organized tours to the close recreational Centres such as Matka, Vodno;
- providing basic medical examinations and specialized gynaecological examinations, laboratory examinations, examinations for HIV, hepatitis A, B and C;
- legal counselling and introduction to the judicial system and representation at the court bodies by a lawyer on a previously initiated court procedures.
- Individual long-term plans for involving in the educational procedure. After the return in the places of living, three of them were involved in elementary school, while two were included in secondary education.

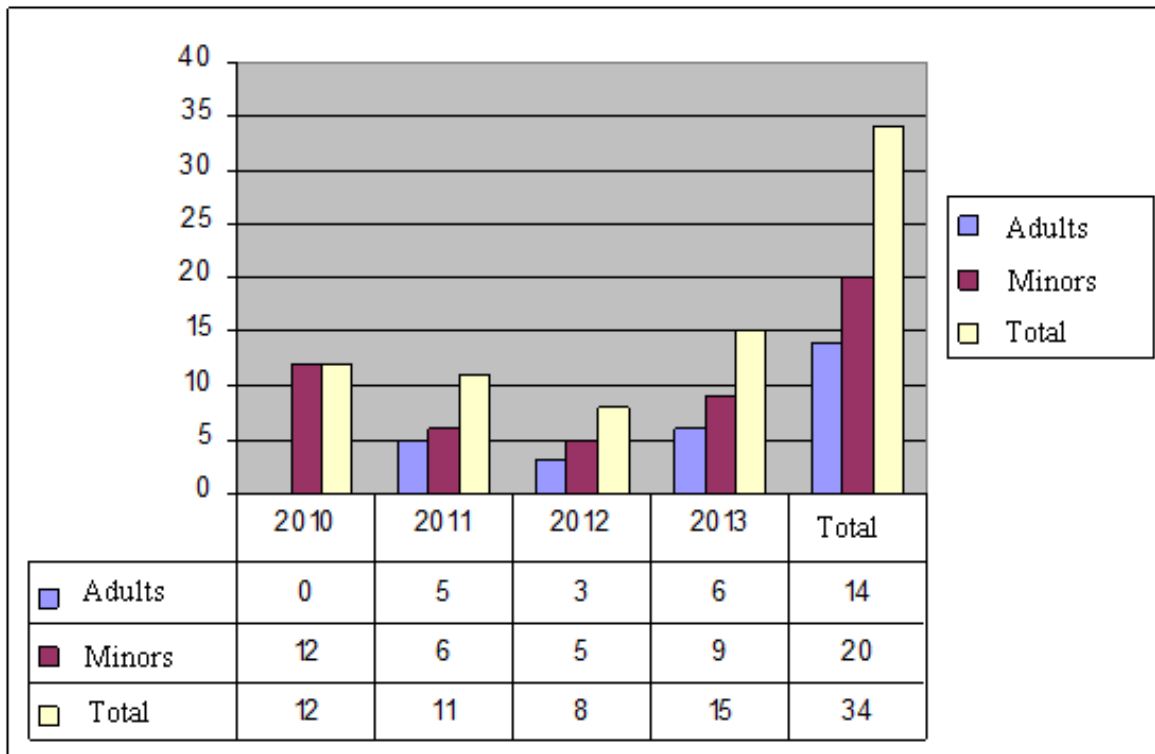
NGO “For a happy childhood” has conducted psychological support of the victims, including different types of treatments and sessions, group therapy and individual psychological counselling once a week, as well as emergency and more intense help depending on the need. In the Centre for victims of human trafficking by “For a happy childhood” were provided the following activities:

- engaging an expert team and manager who provide activities in day and night shifts, as well as accompanying the victims to the necessary destinations;
- Implementation of a short clinical interview, implementation of a test for evaluation for the stress level and a test for examination of the intellectual capabilities, was performed an assessment of the psychological condition of the victim (the stress level, assessment of the capabilities, skills and habits), on the basis of the results are created individual plans for working with the victims;
- Overcoming of the stress and the trauma, forming habits, improvement of the reading skills, positive thinking, basic information for the adolescent development problems, emotional relationship and relations with the people of the same age, dangers of sexually transmitted diseases and unwanted pregnancy.
- Organizing occupational – recreational activities, depending on the affinities of the victims together with the team of “Open Gate”.

Additionally, MLSP has given its support through involving social workers from the Centres for social work in the realization of the projects of the citizens associations, or:

- The program “Associate social work with the victims of human trafficking and potential victims” is conducted by “Open Gate” and its aim is to help and follow the process of integration of the victims of human trafficking after they leave the shelter in collaboration with the Centres for social work;
- The project “Securing support and services for the victims of human trafficking and vulnerable groups on a local level” is being conducted by an equal approach and has an aim through 6 mobile teams (representatives from CCR and civil associations) Bitola, Gostivar and Kumanovo to improve the identification, help, support of the victims of human trafficking, their involvement in the processes of resocialization and reintegration as well as their social inclusion and prevention from re-trafficking.

### Identified victims of human trafficking in Republic of Macedonia 2010-2012



Source: Office of NMD

The office of NMD in 2010 has acted with 12 identified victims of human trafficking which are minor citizens of Republic of Macedonia. A dominant age group is from 16-18 years, and 3 persons are aged 13-15. 7 of them have finished elementary education and have left the further education, and only 3 of them have continued with regular education in a secondary school. All of them are from dysfunctional families, families with domestic violence and families that lack parental care.

In the shelter of “Open Gate” during 2010 were accommodated 9 persons.

According to data owned by the office of NMD during 2011, was identified a total of 11 victims of human trafficking from which a minors all of which are females. All of the victims are females, 6 of which were minors aged 15 and 5 of them were over 18; 5 citizens of Republic of Macedonia and one citizen of Republic of Albania.

In the Centre for victims of human trafficking are accommodated 9 persons (1 over 18 years old and 8 minors) where was initiated a process for their reintegration, and they are continuing with their educational procedure. The minors come from dysfunctional families, from rural environments near Gostivar and Prilep, Kriva Palanka, Kumanovo and Skopje.

### Identified minors who are victims of human trafficking in 2011

Country of origin		
domestic	foreign	
5	1	
Type of exploitation		
labour	Sexual and labour	Forced marriages
1	3	1

Source: Office of NMD

### Identified minors who are victims of human trafficking in 2012

Country of origin		
domestic	foreign	
4	1	
Type of exploitation		
labour	Sexual and labour	Forced marriages
1	3	1

Source: Office of NMD

Help and protection of children victims of human trafficking besides the authorized Centres for social work or the social workers included in the National mechanism for directing also being realized through the associations of citizens. In 2012 continues the collaboration in the Centre for victims of human trafficking between the Ministry of Labour and Social Policy and both of the non-governmental organizations that give direct help and support of the victims or: Social support from NGO "Open Gate" and psychological support from the NGO "For a happy childhood". During 2012 from 5 identified victims of human trafficking, 4 minors are accommodated in a Centre for victims of human trafficking and one of them is returned to the family.

By NGO "Open Gate":

- 7 minors were included in the program for psycho-social help, medical and legal protection of the victims of human trafficking,
- For 2 minors is being provided an advocacy at the court by a lawyer,
- 5 minors have gotten medical treatment and
- 8 minors are included in the Program for strengthening of trafficked persons and highly risked cases
  
- NGO "For a happy childhood" has conducted a group treatment (twice a week) and individual psychological counselling (once a week) for 4 minors accommodated in the Centre for victims of human trafficking. The psychologist of the team, besides these activities, prepares a report for the emotional

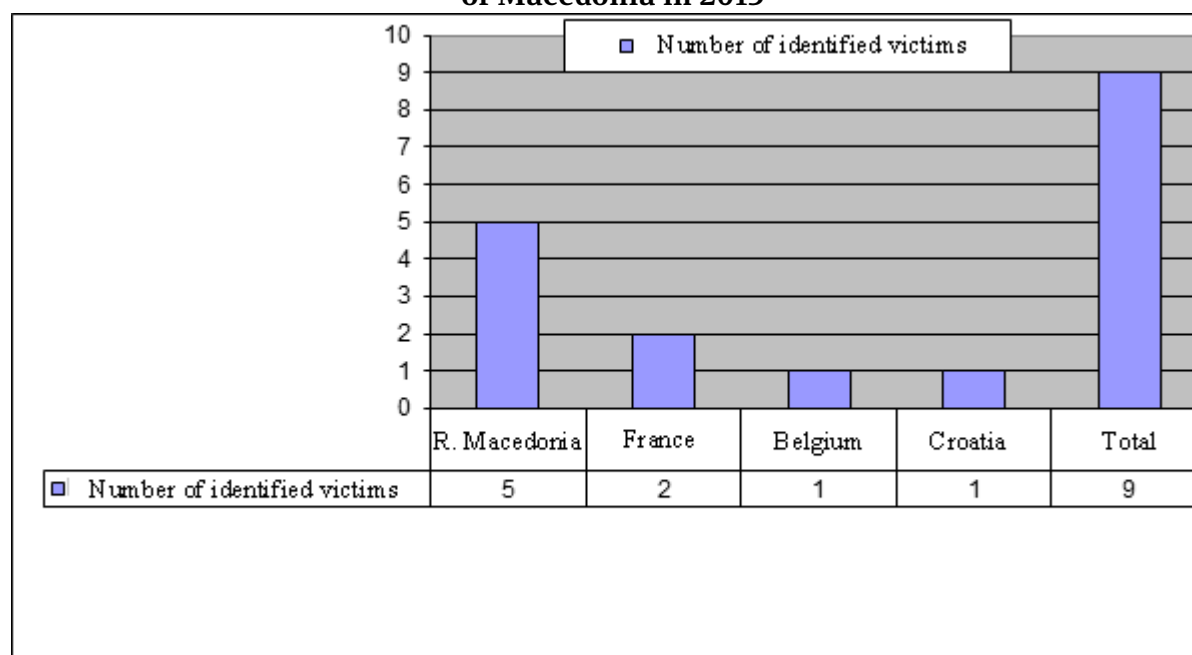
condition of the victim that is presented at court and accompanies the victim during the procedure.

### Identified minors who are victims of human trafficking in 2013

Country of origin		
domestic		foreign
8		1 (R. of Albania)
Type of exploitation		
sexual	sexual and labour	forced marriages
4	1	4

Source: Office of the National mechanism for directing of victims of human trafficking

### Country of exploitation of minor victims of human trafficking, citizens of Republic of Macedonia in 2013



Source: Office of the National mechanism for directing of victims of human trafficking

### Help and support to unaccompanied children who are illegal migrants

Besides the help and support of the children victims of human trafficking for who is mandatory to assign a guardian, also the Office of NMD is coordinating the procedure with the PI Centre for social work Skopje, for assignment of a guardian and for the minors who are accommodated in the Shelter for foreigners (by the police).

During 2011, the Office of NMD has coordinated a procedure for assignment of a guardian for 17 children who are illegal immigrants from a total number of 28 children accommodated in the Shelter for foreigners.

- According to the age, one child is under the age of 14 and 16 are from 14-18 years old.
- According to the gender, 2 are female and 15 are male;
- According to the country of origin, they are recorded as citizens of: Afghanistan (9) Morocco (1), Algeria (1) Iran (2), Libya (2), Kosovo (1), Albania (2);
- 12 of them have requested asylum and are transferred to the Centre for asylum.

During 2012, the Office of NMD has coordinated procedures for assignment of a guardian for 49 children who are illegal immigrants from a total number of 66 children accommodated in the Shelter for foreigners.

- According to the age: 2 are aged under 14 years, and 47 are from 14 to 18 years old.
- According to the gender, 2 are female and 47 are male;
- According to the country of origin, they are citizens of: Afghanistan (34), Albania (2), Somalia (3) and Pakistan (10);
- 45 of them have requested asylum and are transferred to the Centre for asylum.
- 2 have been returned to their native country (Albania), 2 are in the Shelter Centre for foreigners (January 2012).

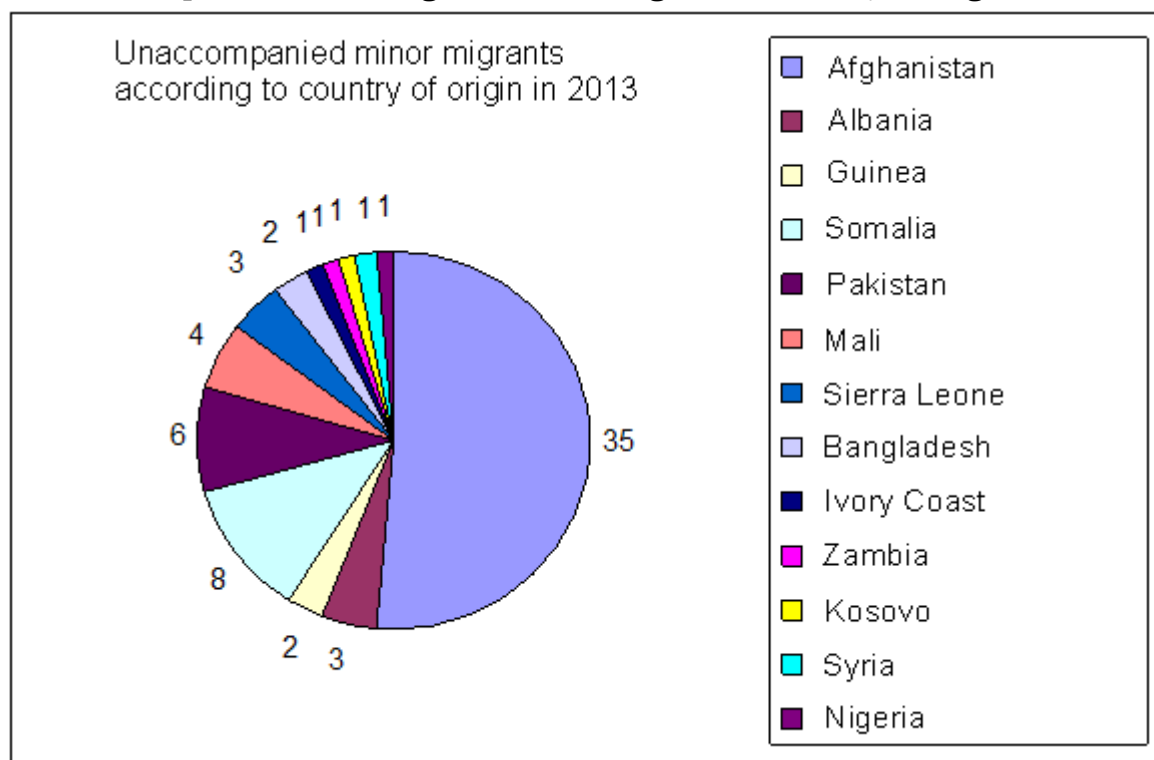
SBAM-MIA has provided the Shelter Centre for foreigners – Skopje 24 hours a day and has provided accommodation and food, general and specialist medical care and psycho-social protection of the persons accommodated in the Shelter Centre.

During 2013, the Office of NMD has coordinated a procedure for assignment of a guardian for 68 children who are illegal immigrants from a total number of 80 children accommodated in the Shelter for foreigners.

- According to the age: 11 are aged under 14 years, and 57 are from 14 to 18 years old.
- According to the gender, 6 are female and 62 are male;
- 50 of them who are children, through their guardian have requested asylum and are transferred to the Centre for asylum.
- 4 of them have been returned to their native country (Albania and Kosovo) with a readmission (in accordance with Article 7 of the Treaty with the European Community for transferring persons with illegal residence), 3 have been returned to R. Greece and 11 are in the Shelter Centre for foreigners (December 2013).



### Unaccompanied minor migrants according to the country of origin



Source: Office of the National Mechanism for Directing of Victims of Human Trafficking

#### - Court procedures

During 2010 by the legal representative is given a legal advice to 10 minors for which is supposed that are victims of human trafficking.

7 minors who are victims of human trafficking are represented in the Basic Court Skopje 1 Skopje.

One person has been represented in the Basic Court of Shtip under suspicion that it is a victim of human trafficking.

At the main hearing at the Basic Court Skopje 1 Skopje for a crime: "Organizing of a group and inciting commission of the crimes human trafficking, trafficking of minors and smuggling migrants" of Article 418-v paragraph 1 of the Crime Code and a crime "Trafficking of a minor" from Article 418-g paragraph 2v with Article 22 of the Criminal Code by the representative are represented 2 minors who are victims of human trafficking.

For 3 minors which are under suspicion that have been victims of human trafficking, were faced with charges for other crimes: "Mediation in acts of prostitution" for 2 persons for which the main hearing is being held at the Basic Court Shtip and "Sexual assault of a minor" (Article 186 in the Basic Court Prilep.

During 2011 the procedures for the victims of human trafficking have continued, which have been identified in the previous year. The legal representative of NMD has participated in the court hearings. For the minors was provided hearing through a video recording in accordance with the Law on Juvenile Justice. Also, for every minor it is being appointed a temporary guardian in accordance with the Law on Family.

During 2011 to 30.08.2011 in the Basic Court Skopje 1 Skopje by the legal representative were represented 9 minor victims of human trafficking. For these 9 minor victims were led 7 court procedures and 6 procedures for crime 418-g trafficking with a minor and 1 procedure for Article 140 paragraph 5 - unlawful deprivation of liberty.

In the 7 court procedures were accused 23 persons for article 418-g - Trafficking with a minor and 1 person is accused for Article 140 paragraph 5 - unlawful deprivation of liberty. For the crime in accordance with Article 140 paragraph 5 the unlawful deprivation of liberty the procedure is being led by a judge and a main hearing still have not been held.

Two court procedures – with 4 minor victims of human trafficking are finished and the verdicts were adopted. A verdict for 6 accused persons for a criminal case is adopted and they are sentenced to:

- Two of the accused are sentenced to imprisonment of 8 years and 6 months;
- One of the accused is sentenced to imprisonment of 7 years;
- Two of the accused are sentenced to imprisonment of 4 years and 6 months;
- One of the accused is sentenced to imprisonment of 4 years;

During 2012 were processed 5 criminal procedures for human trafficking in which a legal help is given to 7 minor victims of human trafficking. 3 of those crime procedures were initiated before the start of 2012 and 2 of them are finished with a verdict of first instance.

The accused are sentenced to imprisonment of 4 years; In these two verdicts, only for one victim is awarded a compensation, but for the amount shall be decided in an additional verdict, while the other victim is referred to a litigation, due to the unavailability of the court and the expert.

In 2013 in the court procedures were represented 6 victims of human trafficking initiated in the previous years (2011 and 2012).

4 final verdicts were adopted, 3 of which are from a second degree and 1 from a first degree, and were obtained compensations for 4 victims in the amount of 400.000 denars for each one.

### **Protection from other forms of exploitation**

In 2014 were adopted amendments of the Law on Families, or the practical application of the Law has imposed the need of further clarification of the provisions referring to the abuse and severe neglecting of performing of the parental duties in order to provide greater protection of the children. A new provision was implemented “leads the child to panhandling or uses him for panhandling” as a form of abuse and severe neglecting. Also, an obligation is implemented for the Centre for social work, if they have information that an abuse of the child is being performed, to inform the parent of the shortcomings and omissions in the performance of the parental right. If the parent does not act in accordance with the suggestions of the Centre, the Centre is obliged to initiate a procedure for protection of the child immediately, or to take the child from the parent and to initiate a procedure at the authorized court for revocation of the parental rights.

It has been adopted an Action plan for children on the streets 2013-2015, which provides concrete measures and activities, in the part of the education and the health protection as well as in the other fields that need to contribute to reducing of the harmful impact of the street on the development of the children.

The Ministry of Labour and Social Policy is coordinator of the Project “Involvement of the Roma children in the Public municipal institutions Children Day-care Centres” and to the total activities for involvement of the Roma children (from socially endangered families) in the preschool education. The number of these children in 2013 is 425 children signed in the day-care centres financed by the state.

In accordance with the priorities of the Ministry of labour and social policy for dealing with the problem “children on the streets” from the beginning of September 2013, the Centres for social work in collaboration with the Sector for internal affairs on a local level are undertaking coordinated activities of evidencing of this case in all of the municipalities of Republic of Macedonia. An individual plan for work for all children on the streets in these actions is prepared, home visits in the families are being performed and concrete measures for strengthening of the parenting capacities.

Under the Association for Protection of the rights of the children, from March 2013 was started the implementation of the Project “Through education to new opportunities” which is in line of the “Educational-fun day Centre for abandoned children - Shuto Orizari”.

The main purpose of the project is social involvement of the abandoned children through involvement of the community in the Municipality Shuto Orizari, which would allow these children to use the resources of the community (education, health protection, social protection and safety). Within this Project is formed a Local coordinative body of Shuto Orizari, whose members are state authorities representatives, public institution representatives, citizens associations who are active on the territory of municipality of Shuto Orizari and who are preparing a local action plan for improvement of the life of this most vulnerable category of children. Also, it is

formed a Platform for improvement of the condition of the children/families exposed to a social risk on the territory of municipality Gazi Baba which consists of citizens associations that work on the territory of municipality Gazi Baba, on the problems of the abandoned children and their education. There is an ongoing collection of data for children who have overcome the age for enrolment in the first grade and for which there is no educational program.

On the territory of Republic of Macedonia there are 4 Day Centres for abandoned children – three national and one managed by a citizens association. The national Centres are located in the municipalities Gazi Baba, Kisela Voda and Bitola, while the Centre managed by the NGO “Association for protection of the children's rights” is located in the municipality Shuto Orizari (financially supported by MLSP). During the summer a Transit Centre for abandoned children will be opened in Ohrid, which will serve for fostering of the children/street children for 24-48 hours. During the next period it is planned an opening of the Day Centre for abandoned children in the Municipality Prilep.

## **ARTICLE 8 – The right of employed women to protection of maternity**

### **Article 8§1**

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks.

**Note: In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period – 1/1/2010-29/2/2012.**

Regarding the Committee's note that the information stated in the previous Report of Republic of Macedonia, in terms of paragraph 1 under Article 8 of the Charter, refer to the impression that due to the determination of the minimum period of 45 days paid maternity leave, and on the other hand, mandatory leave of 28 days before the childbirth, the employed women actually has left only 17 days paid maternity leave following the childbirth<sup>21</sup>, we inform you that the total mandatory and minimum period of paid maternity leave is 73 days of the total period of paid maternity leave totalling 40 weeks. That is, the employed woman shall mandatorily use 28 days before the childbirth (or 45 days, if the health condition requires it) and mandatory 45 days from the date of childbirth and must not return to work before their expiration. On her choice, the employed woman may return at work and thus to shorten her maternity leave of 40 weeks, but only after the expiration of 45 days following the childbirth. If the employed woman gives birth earlier than the term of 28 days before childbirth, she shall begin to use the leave from the date of birth of the child and shall last 40 weeks.

In view of the Committee's question regarding which legal protection measures exist to avoid any unnecessary pressure by the employers to shorten the maternity leave<sup>22</sup>, we inform you that in January, 2012, were adopted amendments and supplements of the Law on Labour Relations which amended the amounts of the fines for committed misdemeanour – failure to provide a maternity leave protection. Namely, for misdemeanour committed by employer – legal entity, the same shall be fined by an amount of EUR 2000 to 3000 in denar counter value, the responsible person at the employer shall be fined by an amount of EUR 500 to 1000 in denar counter value, and an employer – natural person shall be fined by an amount of EUR 1000 to 2000 in denar counter value,

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<sup>21</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

<sup>22</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

if he shorten the right to maternity leave provided by law. The employer shall be prohibited to exert any pressure for returning at work before the expiration of the maternity leave which is paid and shall last 40 weeks.

Regarding the Committee's question whether there is an agreement with the social partners for the issue relating to maternity leave following the childbirth that protects the woman's free choice and whether the collective agreements offer an additional protection<sup>23</sup>, we inform that: In December, 2013, on the Economic and Social Council's proposal, were adopted amendments in the Law on Labour Relations which provided a right to unpaid parental leave for the employed woman in duration of 3 months. During the use of the unpaid parental leave, the employed woman's rights and obligations arising from the labour relation are inactive, except the health insurance contribution which shall be borne by the Health Insurance Fund. The collective agreements provide the opportunity to determine an additional protection of the employed woman and it is subjected to regulation by the signatories of the collective agreement.

In view of the Committee's request for information regarding the general framework of the motherhood (for example, whether there is a system of parental leave where two partners may take paid leave at the end of the maternity leave)<sup>24</sup>, we inform that the Law on Labour Relations does not provide an opportunity for paid leave following the expiration of the paternity leave, neither for the mother nor for the father. Following the expiration of the absence for pregnancy, childbirth and parenting, the Law only provides for the right of the employed woman to use unpaid parental leave up to three months, in the period up to three years of age of the child, in three part, maximum, for childcare.

Pursuant to Article 161, the workers, due to pregnancy and parenting, shall be entitled to special protection in the employment, and the employer shall be obliged to provide the workers easier alignment of the family and professional responsibilities. Most of the information about the general legal framework regarding the maternity is already contained in the previous report of Republic of Macedonia and as well in this one. Additionally, we would like to inform you for the following legal regulations:

If the employed women do not use the parental leave, that right shall be used by the father or the adoptive parent of the father.

If the employed women gives birth to a stillborn child or if the child dies before the expiration of the absence due to pregnancy, childbirth and parenting,

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<sup>23</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

<sup>24</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

she shall be entitled to continue the leave for the time as the findings of a doctor indicate in order to recover from the childbirth and the psychological condition caused by the loss of the child, and at least 45 days, for which time all rights, based on absence due to pregnancy, childbirth and parenting, belong to her.

One of the parents of a child with developmental problems and special educational needs shall be entitled to work half of the full working time, if both parents are employed or if the parent is a single parent, based on findings of a competent health commission, if the child is not placed in social and health care institution. Such partial working time shall be deemed as full working time, while the right of salary compensation shall be paid in accordance with the social protection regulations.

The worker who uses an absence due to pregnancy, childbirth and parenting, absence due to child care and protection shall be entitled to salary compensation in accordance with this and other law and collective agreement.

All these provisions and all provision of the Law on Labour Relations shall be applied for all workers in Republic of Macedonia, regardless which sector they are employed in (public or private).

Regarding the Committee's question<sup>25</sup> whether the provisions of the Law on Health Insurance for calculating the maternity leave compensation also refer to the women who work in the public sector, we inform that the provisions equally apply to all employed women in Republic of Macedonia, i.e. employed both in public and private sector.

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<sup>25</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

## Article 8§1

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

In December 2013, on the Economic and Social Council's proposal, were adopted amendments in the Law on Labour Relations which provided a right to unpaid parental leave for the employed woman in duration of 3 months. During the use of the unpaid parental leave, the employed woman's rights and obligations arising from the labour relation are inactive, except the health insurance contribution which shall be borne by the Health Insurance Fund.

By the amendments of the Law on Labour Relations, (Official Gazette of Republic of Macedonia No. 11/2012), the Article 265 provides for a fine in amount of EUR 2,000 to 3,000 in denar counter-value for misdemeanour committed by an employer- legal entity and 1,000 to 2,000 in denar counter-value for misdemeanour committed by employer – natural person if he does not provide special protection in accordance with the Law on Labour Relations, that is, if he does not provide a leave from work in duration of nine months continuously, and in case of childbirth of several children at once – one year. The same fine shall also apply in case of not providing commencement of absence due to pregnancy, childbirth and parenting 45 days before the childbirth, and mandatory 28 days before the childbirth, as well as in case of child adoption until the child turns 9 months of age, that is, one year if more children are adopted. However, there is also a fine provided for in case of not providing an absence during pregnancy and childbirth if the employed woman gives birth earlier than the determined term, if it is not provided termination and reuse of the unused part of the absence if the child from medical reasons is retained on care and treatment in a health institution. Moreover, it is provided for a fine in an amount of EUR 500 to 1,000 for the director, that is, other responsible person of the employer.

In terms of maternity protection, in accordance with Article 36 of the Law on Child Protection, adopted on February 12, 2013 by the Assembly of Republic of Macedonia, it is provided a right of single financial aid for a newborn, provided for the family for a first-born child. A child who is first living child of the mother shall be considered a first-born child. The children, who the mother will give birth to at once (twins, triplet, etc.), shall also be considered a first-born child. For a first-born child shall also be considered the first adopted



child and several children adopted at once (twins, triplet or more) in the first adoption, when the child/children are up to one year of age if the mother has no first-born child in terms of the paragraphs (2) and (3) under this Article.

A right of single financial aid for a new-born shall have one of the parents, citizen of Republic of Macedonia with permanent residence in Republic of Macedonia for a child born on the territory of Republic of Macedonia.

The single financial aid for a new born shall amount 4,829 denars, which amount shall be adjusted to the rise of the costs of living for the previous year, published by the State Statistical Office in January for the current year.

By a transitional provision of the Law (Article 239) it was determined that in case when the increase of the costs for living for the previous year is lower than those in the last year of adjustment, or are with negative sign, there shall not be an alignment of the amount of the rights, that is, they will be provided by the last adjusted year as more satisfactory to the user.

## Article 8§2

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence.

**Note:** In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.

In terms of the question of Committee whether the prohibition from Article 101 of the Law on Labour Relations for dismissal during pregnancy and maternity leave has any exceptions and whether the same regime is also applied to a woman who are employed in the public sector, especially to those with fixed-term contracts<sup>26</sup>, we inform that the same regime prohibiting dismissal during pregnancy, childbirth and parenting also applies to the women employed in the public sector and there are no exceptions to this prohibition. Nevertheless, although the law determines that the employer must not terminate the employee's employment agreement during pregnancy, childbirth and parenting, these circumstances do not prevent the termination of the fixed-term employment agreement when the time for which the agreement was concluded expires.

Regarding the question of the Commission whether there is a highest amount that can be defined as a compensation in case of dismissal of an employed woman during her maternity leave and whether that limit of highest amount covers the material and non-material damage<sup>27</sup>, we inform that if the court adopts a decision by which is determined that the employee's employment is unlawfully terminated, the employee is entitled to return at work after the effectiveness of the decision. If the court, by decision, determines that the employee's employment was unlawfully terminated, and the employee does not accept to remain employed, the court, on request of the employee, shall determine the day of termination of the employment and shall impose compensation. The court may adopt the decision on the request of the employer also, if there are circumstances that justify that the continuation of the employment, with respect to the interest of both sides, is not possible.

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<sup>26</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 13.

<sup>27</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 14.

Pursuant to the Law on Obligations, the damaged person is entitled both to compensation of ordinary damage and compensation of the missed benefit. The amount of the compensation of damage shall be determined according to the prices in the time of adoption of the court decision, unless otherwise regulated by law. In the assessment of the missed benefit's amount, the profit that could be reasonably expected by the normal course of the matters or by special circumstances, and whose realization is prevented by the indemnity or by omission of the damaged shall be taken into consideration. Having into account the circumstances that occurred after causing the damage, the court will award compensation in the amount required to bring the material situation of the damaged into the condition before the harmful action or omission.

For suffered physical pain, suffered mental pain due to reduction of the life activity, annoyance, damage to the person's reputation, honour, freedom or rights of the person, death of close person, and fear, if the court finds out that the circumstances of the case, especially the severity of the pain and the fear of their duration, justify it, it will impose a fair compensation, regardless the compensation from the material damage, and in its absence. When deciding on the application for compensation for non-pecuniary damage, as well as for the amount of its compensation, the court shall take into consideration the importance of the damaged good and the purpose for which that compensation serves, and not affecting the aspirations that are not compliant with its nature.

Regarding the Committee's question whether the types of compensation are determined by the same courts and how long it takes, in average, the courts to determine that compensation, we inform you that the type of indemnity is determined by the court that adopts a decision in the particular labour dispute. Regarding the duration of the indemnity decision making, the labour disputes are characterized as urgency.

The same regime of indemnity determination in absence of possibility of returning at work shall be also applied for the women in the public sector and for those who are employed on fixed term contracts. The employment of the women employed with fixed term contracts shall terminate after the expiration of the time period for which the fixed term contract was concluded.

## Article 8§2

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period.

**Note:** In addition are given the responsibilities that arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

The Law on Amending the Law on Labour Relations in January, 2013 (Official Gazette of Republic of Macedonia No. 13/13) defined a new content of the Article 101. The employer must not terminate the worker's employment agreement during pregnancy, child birth and parenting, during placement of a child with adoptive parent, absence from work due to parenting by father or adoptive parent and shortened working hours due to care for child with developmental disabilities and special educational needs and inability to take care of a child up to three years of age.

The termination of the employment agreement shall be deemed as void if on the day of giving the dismissal, the employer was aware of the abovementioned circumstances or if the worker notifies the employer for the existence of such circumstances by delivering appropriate certificate from authorized physician or competent body within 15 days from the receipt of the dismissal.

But, these circumstances shall not prevent the termination of the fixed term contract, when the period for which the contract has been concluded expires.

The prohibition shall not apply to termination of the employment agreement due to serious violations of the contractual obligations, that is, due to violation of the working order and discipline or the working obligations which result in dismissal without notice period in accordance with law and collective agreement. From these reasons the employer may terminate the employment agreement only upon prior consent of the union whose member is the employee who is protecting from dismissal. If the union does not provide an opinion for the employment agreement termination within eight days, it shall be deemed that it agreed with the employer's decision. If the union does not provide consent for termination of the employee's employment agreement, the employer may initiate a procedure against not provided consent, for its review by a court or arbitrary decision, within 15 days from the day of the statement's delivery.

The procedure for review of the consent shall be implemented by the competent court within 30 days from the day the employer filled the lawsuit.

If there is no union established at the employer or the worker is not member of a union, prior consent for termination of the employment agreement shall be provided by the competent labour inspectorate.

Article 165 provides for a fine if the provision for prohibition of dismissal due to pregnancy, childbirth and parenting determined by the Law on Labour Relations is not respected. Thus, a fine in the amount of EUR 2,000 to 3,000 in denar counter-value shall be imposed for such misdemeanour to an employer – legal entity and EUR 1,000 to 2,000 in denar counter value to an employer – natural person. Moreover, it is provided for a fine in an amount of EUR 500 to 1,000 for the director, that is, other responsible person of the employer.

### Article 8§3

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.

**Note: In the following we report on the obligations which arise from the 1961 European Social Charter (ESC) and from the 1996 Revised European Social Charter (RESC). Reference period - 1/1/2010-29/2/2012 according to ESC and 1/3/2012-31/12/2013 according to RESC.**

During the reporting period no changes were made to the law with regard to this paragraph.

Regarding the Committee's question whether the breaks of the breastfeeding employed women are paid and whether the same can also be used by the women employed in the public sector<sup>28</sup>, we inform you that the breastfeeding mother shall be entitled to a paid break during the working hours, in duration of hour and a half a day, in which time the daily break is also calculated. The same regime shall also apply to the women employed in the public sector.

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<sup>28</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the charter, (counsel of Europe, January 2012), p. 14.

#### **Article 8§4**

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

A) to regulate the employment of women workers on night work in industrial employment;

B) to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

**Note:** In the following we report on the obligations which arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.

Regarding the Committee's question whether the women who work night works are subjected to a regular medical examinations and whether they have the right to be transferred to a day work in case of health issues related to night work and whether the same rules also apply to the women employed in the public sector<sup>29</sup>, we inform you that the Law on Labour Relations, in Article 128 defines that the worker who works night work at least three hours from his regular day work, that is, the worker who works out a third of the full working time at night from his annual working obligation, shall be entitled to a special night work protection.

If to a worker, because of the night work, according to an opinion of the medical commission, the medical condition gets worse due to such working, the employer shall be obliged to engage him to a proper day work.

The employer, on his expense shall be obliged to provide medical examinations to the workers who work night work, before they are hired for a night work and in regular intervals determined by law. The employer also shall be obliged to provide the workers extended vacation, adequate food, professional management of the working i.e. production process.

If the job is performed in shifts, the employer shall be obliged to provide periodical shifting of the workers.

The employer shall not schedule on a night work the worker who will not have transport to and from work provided by him.

These provisions shall apply to all workers, regardless the sex and regardless in which sector they are working (private or public).

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<sup>29</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 14.

Regarding the other information the Committee required in its Conclusions XIX-4 (2011)<sup>30</sup>, and which are related to the requirements under paragraph 4 of Article 8, we inform you that:

Pursuant to Article 162 of the Law on Labour Relations, if a specific risk is determined from the exposure of the employed women to harmful effects of the physical, chemical and biological factors, effects and processes that cannot be eliminated otherwise, the employer shall be obliged to perform a change of the working conditions or working hours, or to offer an adequate alternative work. If that is also not possible, it is necessary to exempt the employed women from the normal course of the work during the time needed to protect the health and safety of the pregnant worker and her child. During the employed woman's exemption from the normal course of the work, needed to protect her health and safety at work, as well as to protect her pregnancy and the toddler's health, the employed women shall be entitled to a salary as she is at work.

Pursuant to the *Rulebook on protection of pregnant workers and workers who have recently given birth and are breastfeeding* (published in Official Gazette of Republic of Macedonia, No. 119/11), if in the risk assessment of the working place is determined a risk on the pregnant worker's health, pregnancy or the health of the toddler that cannot be otherwise eliminated, the employer shall perform a change in the conditions for work or the working hours. If the change of the conditions or working hours is technically and/or objectively unfeasible, the employer shall deploy the worker on other suitable workplace where there are no risks for her health, the foetus and the toddler.

If the deployment on another workplace is technically and/or objectively unfeasible, the employer will exempt the worker of the normal working course during the period required for protection of her safety and health at work, as well as protection of the pregnancy and the toddler's health.

By the amendments of the Law on Labour Relations (Official Gazette of Republic of Macedonia, No. 11/2002), Article 265 determines a fine, if the provision that provides for the night work of the women in the industry and civil engineering. Namely, for misdemeanour committed by employer – legal entity for scheduling a woman on night work in the industry and civil engineering, the same shall be fined by an amount of EUR 2000 to 3000 in denar counter-value, the responsible person at the employer shall be fined by an amount of EUR 500 to 1000 in denar counter-value, and an employer – natural person shall be fined by an amount of EUR 1000 to 2000 in denar counter-value.

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<sup>30</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Counsel of Europe, January 2012), p. 15.



#### Article 8§4

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

During the reporting period no changes were made to the law with regard to this paragraph.

The *Rulebook on the minimum occupational safety and health requirements of pregnant workers, workers who have recently given birth or are breastfeeding*, besides the general provisions for protection of the workers who are already determined in the rulebooks concerning the exposure limits, provides a list of harmful factors and working conditions on which the pregnant workers should not be exposed, as well as the workers who have recently given birth or are breastfeeding, given in Attachment No.1, which is an integral part of the Rulebook. This list states that the worker may not perform an overtime and night work.

## Article 8§5

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

In accordance with the amendments and supplements of the Law on Labour Relations (Official Gazette of Republic of Macedonia No. 13/13), Article 25 provides for new paragraph 4 which regulated that if the job causes significant health risk for the mother and the child, and such risks are provided pursuant to the regulations in the field of occupational safety and health concerning the pregnant workers, workers who have recently given birth or are breastfeeding, in the conclusion of the employment agreement the employer shall be obliged to notify the worker for the hazards that arise from the work.

Pursuant to Article 162 Law on Labour Relations (Official Gazette of Republic of Macedonia No. 13/13) during pregnancy and one year following the childbirth, the employed women must not perform any work, if it affects her health or the child's health with increased danger. The work under paragraph (1) of this Article shall be prescribed by the minister responsible for the affairs of labour in accordance the minister responsible for the affairs of health and they shall be contained in the Rulebook on protection of pregnant workers and workers who have recently given birth and are breastfeeding. Thus, pursuant to the Rulebook, all activities that may include specific risk related to exposure of the pregnant women, the women who have recently given birth or are breastfeeding to agents on the workplace, the employer shall:

- perform a risk assessment for the safety and health of the pregnant worker regarding the adverse impact of the physical, chemical and biological harmful factors and dangers at the workplace on her health, related to occurrence of disease and/or injury at work and their possible harmful effects on the workers' pregnancy and breastfeeding, in which especially will be considered the equipment and deployment on the workplace, the nature and duration of the exposure on physical, chemical and biological factors, the type, scope and manner of use of means for work, procedures and organization of work, the level of professional preparation and training;
- in particular, he should assess the influence of the night and overtime work on the pregnant woman and foetus's health i.e. the child's health during the breastfeeding,

- determine the preventive and correctional measures which should be undertaken; and
- inform the workers and their representatives for the results of the performed risk assessment and preventive measures before deployment, and in any substantial change of the working conditions.

Besides the general provisions for protection of the workers who are already determined in the rulebooks concerning the exposure limits, provides a list of harmful factors and working conditions on which the pregnant workers should not be exposed, as well as the workers who have recently given birth or are breastfeeding, given in Attachment No.1, which is an integral part of the Rulebook. The list of harmful factors and working conditions on which the pregnant workers, workers who have recently gave birth or are breastfeeding should not be exposed, but based on previously performed risk assessment on the workplace, are given in Attachment No.2, which is an integral part of this Rulebook.

If during the risk assessment on the workplace is determined that there is a risk for the health of the pregnant worker, her pregnancy or her toddler's health which may not be eliminated otherwise, the employer shall perform change of the working conditions or the working hours. If the change of the conditions or working hours is technically and/or objectively unfeasible, the employer shall deploy the worker on other suitable workplace where there are no risks for her health, the foetus and the toddler. If the deployment on another workplace is technically and/or objectively unfeasible, the employer will exempt the worker of the normal working course during the period required for protection of her safety and health at work, as well as protection of the pregnancy and the toddler's health.

The pregnant worker shall use paid leave to perform medical examinations before delivery, if those examinations should be performed during working hours.

List of harmful factors and working conditions on which the pregnant workers, the workers who have recently given birth and are breastfeeding should not be exposed

The pregnant workers should not be exposed on the following factors/agents, nor to work in the following conditions:

1. Harmful factors/agents

a) Physical harmful factors

- i. Hyperbaric atmosphere (pressure chambers and scuba diving)
- b) Biological agents
  - i. Toxoplasma
  - ii. Rubella virus – unless it is proven that the pregnant women are protected in an appropriate manner by complete immunization.
- c) Chemical agents
  - iii. Lead and lead compounds, if they may be absorbed in the human body.
  - iv. Chemical substances marked with the risk phrases R61 (may cause damage to unborn children) and R63 (there is a risk for damage to unborn children).

## 2. Working conditions

- a) Underground mining

## 3. Organization of work

- a) night work
- b) overtime work

The pregnant workers should not be exposed on the following factors, nor to work in the following conditions:

### 1. Harmful factors/agents

- a. Chemical agents
  - i. Lead and lead compounds, if they may be absorbed in the human body.
  - ii. Chemical substances marked with the risk phrase R64 (may cause damage to infants).

### 2. Working conditions

- a. Underground mining

### 3. Organization of work

- a. Night work
- b. Overtime work

List of harmful factors and working conditions on which following performed risk assessment the pregnant workers, the workers who have recently given birth and are breastfeeding should not be exposed

The pregnant workers should not be exposed on harmful factors/agents nor to work in the working conditions listed below, if the risk assessment determined that there is a risk on their health and pregnancy:

1. a) Physical harmful factors

- during work
- a) Sudden movements and unfavourable position of the body
  - b) Traveling and exposure to general low frequency vibrations
  - c) Vibrations transmitted directly to the abdomen
  - d) Noise
  - e) Unfavourable microclimate conditions - high and low temperatures
  - f) Ionizing radiation
  - g) Non-ionizing radiation with possible effects on the fetus

2. Biological agents classified in the categories 2, 3 and 4 of the Directive 90/679/EEC, if it is determined that such agents or therapeutic measures applied in case of diseases caused by these agents, endanger the pregnant woman or fetus' health, such as:

- a) Viruses
  - i. Herpes viruses: cytomegalovirus, herpes simplex and varicella-zoster virus
  - ii. B19 parvovirus
  - iii. Rubella virus
  - iv. Enteroviruses: coxsackie B, echoviruses and poliovirus
  - v. HIV-1 and HIV-2 viruses
  - vi. Lymphocytic choriomeningitis virus
  - vii. Hepatitis B and hepatitis C virus
  - viii. Vaccinia and smallpox virus
  - ix. Adenovirus
  - x. Western equine encephalomyelitis virus
  - xi. Venezuelan equine encephalomyelitis virus
- b) Bacteria
  - i. Treponema pallidum
  - ii. Mycobacterium tuberculosis
  - iii. Lysteria monocytogenes
  - iv. Salmonella typhi
- c) Protozoa
  - v. Plasmodium spp.
  - vi. Trypanozoma cruzi

### 3. Chemical agents

- a) Chemical agents marked with the risk phrases: R40 (limited data on carcinogenic effects), R45 (may cause cancer), R46 (may cause heritable genetic damage); R47 (may cause congenital anomalies), R48 (may cause damage to health by prolonged exposure), R49 (may cause cancer by inhalation)
- b) Polycyclic aromatic hydrocarbons present in coal soot, tar, resin
- c) Mercury and mercury compounds
- d) Antimitotic medicines
- e) Carbon monoxide
- f) Harmful chemical agents with known absorption through skin

### 4. Production processes

- a) Auramine production
- b) Exposure to dust, vapors and aerosols produced during roasting and electrorefining of copper and nickel compounds
- c) Strong-acid processes in production of isopropyl alcohol

### 5. Working conditions

- a) Work under conditions of severe stress and mental strain that can be harmful to the foetus
- b) Heavy physical work
- c) Handling loads heavier than 5 kg

**ARTICLE 16 - The right of the family to social, legal and economic protection**

**Article 16**

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

Law on Family

With the Law on Family (Official Gazette of Republic of Macedonia No. 80/92, 9/96, 38/2004, 33/2006, 84/2008, 67/10, 156/10, 39/12, 44/12 and 38/14) shall be determined: The marriage and the family, the relations in the marriage and the family, certain forms of special protection of the family, domestic violence, adoption, custody, maintenance, as well as the court procedure in the marital and family disputes and the procedure for imposing a temporary measure for protection from domestic violence.

With this provision, the family is defined as a living environment of parents and children, as well as other relatives if they are living in the same household. It is determined that the family begins with the birth of children and with adoption. The relations between the members of the family shall be based on equality, mutual respect, mutual help, support and protection of the interests of the minor children.

The marriage is legally regulated living community of a man and a woman in which are realized the interests of the spouses, the family, and the community. The relations between the spouses are based on a free decision of the man and the woman to conclude a marriage, on the basis of their equality, respect and mutual help.

The extramarital life is defined as a living community of a man and a woman and it is equal with the marital community in the view of the right of mutual maintenance and the property obtained during that community, if it lasted for at least one year.

The Law determines that the rights and the obligations of the parents and the other relatives towards the children, as well as the rights and obligations of the children towards the parents and the other relatives are equal, whether the children have been born in a marriage or outside of it.

## Law on Social Protection

In Republic of Macedonia, the social protection as a field is determined with the Law on Social Protection (Official Gazette of Republic of Macedonia No. 79/09, 36/11, 51/11, 166/12, 15/13, 79/13, 164/2013, 187/2013, 38/2014, 44/2014 and 116/14).

According to this Law, users of social protection are citizens of Republic of Macedonia, with a permanent residence in the Republic of Macedonia, and foreign citizens with regulated permanent residence in Republic of Macedonia, in accordance with the Law.

The citizens of Republic of Macedonia who do not have permanent residence in Republic of Macedonia and the foreigners, who have regulated temporary residence in Republic of Macedonia, in accordance with the law, are using the rights of a social protection under conditions determined with this of other Law as well as international agreements and conventions.

The right of a social protection has a person that requests the right of asylum, a person with a status of a refugee, and a person who is under subsidiary protection, under conditions and on a manner determined by law.

As a family, in terms of this law, is considered a single person or a community of a man and a woman, parents and children, and other relatives that are living with them, and in accordance with the Law on family are obliged to support themselves.

As a household may be defined a community of family members and other relatives between which there is no legal obligation for mutual support, but they mutually contribute, manage and spend, in the procedure for exercising the right of a social welfare.

### **1. Social protection**

#### *Housing for families*

The necessity of a social housing according to the standards of minimal space conditions (equipped apartment with basic communal infrastructure, minimum required space in m<sup>2</sup> according to the number of family members, as well as regulation of the legal safety for using the apartment) in R. Macedonia is provided through national measures for different categories of citizens, especially for families with low income and vulnerable groups of citizens. In this line, particularly important are the following normative acts and national documents:

- Housing strategy of RM 2007/2012;
- Law on Housing (Official Gazette of RM No. 99/2009);
- Law on Social Protection



- The National Strategy for Decrease of the Poverty and the Social Exclusion 2010/2020;
- The Program for Construction and Maintenance of Apartments that are Property of Republic of Macedonia;
- A Project for Construction of Apartments which shall be rented to persons with low income F/P 1340.

The Program for Construction and Maintenance of Apartments that are Property of Republic of Macedonia shall be realized through several measures:

- During 2010 are given for sale 94 apartments built in Skopje, designed to solve the housing issue of young married couples and single parents without housing who are citizens of Republic of Macedonia, a procedure that ended in 2011, with conclusion of individual purchase agreements.
- During 2010 and 2011 were allocated 293 apartments to socially vulnerable groups of citizens built in the Project for housing of the socially vulnerable groups in the cities Ohrid, Kichevo, Kochani, Kavadarci and Kriva Palanka, on the basis of social housing of an apartment which is property of RM with a non-profit rent.

The project for construction of apartments which shall be rented to persons with low incomes – F/P 1340, was realized by construction and allocation to a total of 851 apartments, in several municipalities. The project for housing of socially vulnerable groups – F/P 1674 provides construction and allocation of a total of 1754 apartments for socially vulnerable groups and construction of 851 apartments for persons with low incomes, as apartments of state property, which are given with non-profit rent.

In the conduction of the Project for awarding a social apartment which is property of RM, 6 target groups are defined:

- Orphans over 18 years old;
- Unemployed persons and persons users of social welfare;
- residents of areas affected by natural disasters;
- Disabled persons or households that have a disable person as a member;
- Socially endangered persons, members of the Roma population; and
- Single parents with minor children

**Apartments at cities (which are awarded or need to be awarded)**

	A total number of apartments	Awarded apartments with a decision by a Commission and concluded lease agreement with a PI	Apartments that need to be awarded
Skopje	9	3	6
Debar	1	1	/
Ohrid	1	1	/
Strumica	7	1	6
Gevgelija	4	2	2
Veles	3	1	2 of the apartments are in bad condition located in Settlement Porcelanova and village of Bogomila
Kavadarci	1	1	/
Prilep	1	1	/
Bitola	12	6	6
Kratovo	2	/	2
Shtip	4	/	4
Radovish	1	/	1
TOTAL	46	17	29

Source: Ministry of Labour and Social Policy

Categories of citizens users of a social rented apartment		AWARDED APARTMENTS											
		Concluded lease agreements with ADISD											TOTAL
		Skopje	Makedonska Kamenica	Ohrid	Kichevo	Kochani	Kavadarci	Kriva Palanka	Berovo	Shtip	Bitola	Berovo	
	2/1/ 2010	4/22/ 2010	3/29/ 2011	3/23/ 2011	4/27/ 2011	4/14/2011	11/9/ 2011	3/29/ 2013	2/20/ 2014	4/15/ 2014	2/20/ 2014		
1	Children without parents or parental care – persons over 18 years old who were fostered in institutions and other forms of fostering until they turned 18	88	1	10	0	5	3	2	6	4	13	2	134
2	Users of social welfare	4	13	17	17	9	14	17	6	22	22	10	151
3	Persons affected by natural disasters	0	0	0	0	0	0	0	0	0	0	0	0
4	Disabled persons or persons that need help and care of other persons and families with disabled persons	2	10	12	3	4	4	12	3	12	16	2	80
5	Socially endangered persons, members of the Roma population;	0	0	1	1	0	0	0	2	1	4	1	10
6	Single parents with minor children	8	5	31	11	11	9	15	13	52	23	5	183
7	Blind persons											0	0
<b>TOTAL</b>		<b>102</b>	<b>29</b>	<b>71</b>	<b>32</b>	<b>29</b>	<b>30</b>	<b>46</b>	<b>30</b>	<b>91</b>	<b>78</b>	<b>20</b>	<b>558</b>

Source: Ministry of Labour and Social Policy

The Law on Social Protection provides a right to an allowance for social housing, which is provided for socially endangered persons which do not have housing.

- Users of constant social welfare; and
- A person who until turned 18 years of age had the status of an orphan without parental care, or after the termination of the custody, and up to 26 years of age.

The manner of realization of the right of financial allowance for social housing for the users of a constant financial allowance, is determined by an Act adopted by the council of the municipality, of Skopje and the municipalities of Skopje, and the means for exercising the right are provided by the budget of the municipality of Skopje, and the municipalities of Skopje.

The manner of exercising the right of financial allowance for social housing for a person who until turned 18 years had a status of an orphan without parental care, or after the termination of the custody, and up to 26 years of age is regulated with a Rulebook (Official Gazette of RM No. 54/10). In accordance with this act, the social housing is exercised on a manner which shall provide:

- Rent of an individual apartment or a part of it;
- Sanitation, adaptation and reconstruction of own property;
- Reimbursement of costs for accommodation in a student dorm.

For exercising the right of social housing, it is necessary for the person previously to have exercised a right to accommodation in an institution for social protection or fostering family, to be socially endangered and not to have housing.

For a socially endangered person, when exercising the right of financial allowance for social housing, it is considered a user of the right of financial allowance of a person who is until it turned 18 years, had the status of an orphan without parental care (in accordance with the Law on Social Protection), whose incomes on all grounds, as well as the incomes of the spouse and the other members of the family living in the same community for which exists the obligation for mutual support in accordance with the law on family, to be lower than 5600 denars for a family member. When determining the income, the financial allowance for help and care of other person, the child allowance and the special allowance determined in accordance with a law, are not taken into account.

As a person that does not have a housing can be considered a person who does not own an apartment or another real estate property, owned by his spouse or their child younger than 18, and does not use a rented apartment, owned by Republic of Macedonia, as well as a person which may occur as a successor after

the final completion of a probate procedure for allocation of legacy of the testator, in accordance with the Law.

As a person that does not have housing, cannot be considered a person which:

- Expropriated a real estate personally owned by his spouse or their child younger than 18, in the last three years prior to the application;
- On a voluntary basis or otherwise is accepted by a parent, a close relative or by a third person, and thus has solved the housing issue; and
- Did not initiate a procedure for awarding of an inheritance of a testator, on which can be considered as a successor pursuant to law, or during the procedure is not accepted as a successor.

The Centre for social work, with the decision deciding upon the right of financial allowance for social housing for rent on an individual apartment or a part of such, determines the amount of the allowance for social housing depending on the average amount of the rent of the territory of the jurisdiction and the lease agreement in the following amounts:

- For a single person – up to 4000 denars for a monthly rent;
- For a family of two to four members – up to 6000 denars for a monthly rent; and
- For a family of five or more members – up to 8.000 denars for a monthly rent.

The Centre for social care in the decision includes the utility costs (electricity, heating, water and waste removal fee) in the amount of:

- For a single person - up to 1500 denars;
- for a family of two to four members – up to 2.000 denars; and
- for a family of five or more members – up to 2.500 denars.

The Centre for social work the exercising of the right of financial allowance for social housing with awarding of means for sanitation, adaptation and reconstruction of ruined and unfinished housing property of the user of the right of financial help for social housing is performed on the basis of calculation of quantities prepared by an expert, for the factual costs for the necessary construction works that need to be performed for creating basic conditions for living.

A user of a financial aid for social housing who is regularly studying and is accommodated in a student dorm, the right of social aid for social housing is exercising in the amount of the costs for accommodation.

In accordance with the revised National strategy for decreasing of the poverty and the social exclusion in Republic of Macedonia 2010-2020, were realized concrete measures and activities for decreasing of the poverty and the social exclusion of the citizens of Republic of Macedonia, through a process in which are participating all of the relevant Ministries and institutions responsible for realization of the provided activities. In accordance with the adopted strategy and in line of achievement of the standardized and harmonized conditions of housing for the categories of citizens that are considered as socially excluded in the housing, within the area of transport, communication and housing, continuously implement activities for reducing the level of substandard housing conditions that include construction of water supply and sewerage in all of the municipalities on the territory of Republic of Macedonia, as well as providing a sustainable supply of clean water to the population through improvement of the water supply systems in eight municipalities: Gostivar, Tetovo, Bitola, Kavadarci, Negotino, Kochani, Radovish and Gevgelija. By the end of 2013 were finished 16 projects for water supply in 7 municipalities.

In this line are also the activities for construction and awarding of apartments to persons exposed to a social risk and other vulnerable groups on the territory of Republic of Macedonia, with over three (3) buildings with a total number of 119 social apartments (from 2007-2013 were awarded 558 apartments in 10 municipalities) were built.

It was initiated a procedure of preparation of tender documentation for construction of 100 residential units within the project “Local integration of fugitives, internally resettled persons and minority groups” from IPA component 1 of the National program for 2011.

#### *Institutions for childcare*

In line with this topic, we are directing you to the information contained under Article 17 Paragraph 1 of this Report.

#### *Family counselling services*

In order to provide appropriate counselling and psychological and social support of the family, during 2013 were opened regional counselling offices for marriage and families in order to provide an approach to this service to all of citizens, including the centres for social work that do not have conditions for

opening a separate counselling office for marriage and family. Also, the regional counselling offices are working to help the centres for social work, whenever it is necessary to dedicate more attention and time for overcoming the problems in the family.

In the regional counselling offices for marriage and family are working experts from the centres for social work that have greater work and expert experience in solving the problems in the marriage and the family and which proved that they are good at the work. The directing in these regional counselling offices is made by the centres for social work, after free evaluation of the expert team of the centre that works with the concrete subject. The service given by the counselling offices is free of charge.

The counselling services are giving services to families with deteriorated family relations, families that are in the procedure of divorce as well as families that have finished the divorce procedure, but there are still unsolved partner relations. The counselling offices are working with the parents, with the children, and together with both the parents and the children, depending on the problems and necessities of the family and depending on the assessment of the expert team for the manner and the approach of work on the particular case. The services given by the counselling office are in line of reducing the conflicts and the problems in the family, improving the family relations and the parental functions, in line with strengthening the family and providing wellbeing and optimal development of the child. The program for the work of the counselling offices is drafted by the Institute of Social Affairs and is based on the understanding of the child in the context of its family and community, which includes the external influences on the family system, the internal conflicts and the complex dynamics between the members of the family.

Besides this, the counselling offices are giving services of premarital counselling, on request of the users of the services as well as in the procedures for concluding a marriage with a minor. Namely, the Law on Family determines that a minor can conclude a marriage provided that the person has is over 16 years of age, has achieved the physical and mental stability necessary for performing of the rights and the obligations that arise from the marriage, and which requires previous consideration of a health institution, and specialized assistance by the centre for social work.

The basic goals of the counselling offices for marriage and family within the centres for social work are:

- to meet and prepare the future spouses for the meaning of the marriage and the consequences of its conclusion.
- to help the spouses in overcoming their disagreements;
- to familiarize the parents with the parental rights and obligations that arise from the Law on families in deteriorated family relations;
- To help the parents in the realizing and exercising of the parental right in the procedures of divorce and after the divorce.

- to help the children in overcoming the problems in case of divorce of their parents;
- to familiarize and prepare the minors who want to conclude a marriage, with the meaning of marriage and its conclusion.

As of 2013, the following counselling offices are open:

- Skopje, for the needs of Skopje;
- Veles, for the needs of Veles;
- Kumanovo, for the needs of Kumanovo and Kriva Palanka;
- Gostivar, for the needs of Gostivar and Tetovo;
- Kichevo, for the needs of Kichevo, Makedonski Brod and Debar;
- Ohrid, for the needs of Ohrid and Struga;
- Bitola, for the needs of Bitola, Resen and Demir Hisar;
- Prilep, for the needs of Prilep and Krushevo;
- Kavadarci, for the needs of Kavadarci and Negotino;
- Strumica, for the needs of Strumica, Berovo, Delchevo, Valandovo, Gevgelija and Radovish;
- Sv. Nikole, for the needs of Sv. Nikole, Kochani, Vinica, Probishtip, Kratovo and Shtip;

#### *Participation of associations that are representing the families*

The non-governmental organizations in RM are founded as associations, foundations, organizations, in accordance with the Law on associations and foundations (Official Gazette of Republic of Macedonia No. 52/10 and 135/2011). The foundation, registration and termination of the associations are determined by law.

In the system of social protection was created a ground for different entities can appear as providers of certain services for social protection. The Law on Social Protection in a separate chapter governs the work of the non-governmental organizations in this field, registered for realization of goals and objectives in the field of social protection. The Ministry of Labour and Social Policy keeps a registry of associations that provide social services.

The procedure for registration in the registry of associations is led by a Commission for collaboration with associations, formed by the Minister of Labour and Social Policy, and it is consisted of three members. The members of the Commission are affirmed experts with at least three years of working experience in the field of social protection. The Commissions shall review the application of the association for registering in the registry, also shall inspect due to determination of the fulfilment of the prescribed conditions and shall draft an opinion, based on which the Minister shall adopt a decision for registration of the association in the registry. For an NGO to be registered in the Registry, it needs to fulfil the following requirements:



- To have performed an active work in the field of the social protection or social policy, at least three years from the day of the founding;
- To have realized at least three projects from the field of social protection or social policy;
- To have an adequate space for work and staff conditions;
- To have evidence for economic and financial work on the basis of shortened accounting statement from an annual account.

The Ministry participates in the providing of a part of the means of the association for performance of certain works from the field of social protection, through awarding means on the basis of announced public competition and the time frame within the works of social protection shall be executed.

The procedure for delegation of certain social protection services shall be conducted through announcing a public competition and signing a contract between the elected citizens association and the Ministry of Labour and Social Policy. Within the scope of the social protection works referring to domestic violence, the citizens association may be trusted with performing a social service, temporary urgent accommodation of the victims of domestic violence, psycho-social support and giving services through SOS helpline. This procedure shall be determined with a Rulebook for the manner and the procedure for awarding means to a citizens association for performing certain social protection works (Official Gazette of RM No. 24/2005 and 38/2007).

The Ministry of Labour and Social Policy continuously includes relevant associations of the citizens sector on a level of creating, conducting and following of the implementation of the national politics for protection of the family and the socially excluded persons.

The principle of participation of all concerned parties and transparency is especially respected when drafting of the legislation acts and the national strategic documents. These documents are drafted by working groups, consisted of representatives of all of the relevant institutions that have a mandate for acting and the nongovernmental organizations. During the drafting of the documents also shall be organized workshops and debates when needed.

In the National Strategy for Prevention and Protection of Domestic Violence 2012-2015, a special attention is paid to the role of the civilian society, through determining of the fields of action of the civilian society, in line with providing help to the victims, conducting researches and analysis and promotion of intolerance towards the domestic violence.

The national SOS helpline for victims of domestic violence is held by an NGO with a financial support of the state to 2013, transparently elected on a public announcement.

With the second National strategy for Prevention and Protection of Domestic Violence 2012-2015, it is also established a National Coordinative Body for Prevention and Protection of Domestic Violence, which provides

intersectional coordination and collaboration, whereas full time members are included representatives of all of the relevant ministries, the Secretariat for European Affairs at the Government of RM, representatives from the Assembly of RM and nongovernmental organizations.

The implementation of the National strategy for reducing of the poverty and social exclusion 2010-2020 is followed by a National operative group for reducing of the poverty and social exclusion in which is involved the Macedonian Platform against poverty and which represents an alliance of 91 citizens associations and 5 individuals which are associated in order to promote the social equality and justice, the participative democracy and the civilian solidarity. The Macedonian platform against poverty was completely involved in the process of preparation of the National strategy for reducing of poverty and social exclusion 2010-2020, and also in the process of drafting and implementation of annual Operative plans for realization of it.

In the National body for protection of children from abuse and neglecting, as well as in the National coordinative body for providing of the Action plan for sexual abuse and paedophilia, besides the representatives of the relevant institutions, also there were representatives of associations, which are working on protection of children and family which are: The first children embassy in the world “Megjashi” and “For a happy childhood”.

The coordinative body for following of the implementation of the National program for development of the social protection 2011-2021, besides the representatives of the relevant bodies and institutions for social protection and representatives of the Community of the units of the local government in Republic of Macedonia and representatives of NGO “Message” („Порака“) Skopje and the Association of social workers of Republic of Macedonia.

In the National coordinative body for following of the evaluation of the implementation of the National strategy for elderly persons 2010-2020, besides the representatives of the state authorities and institutions, is also consisted of members representatives of the citizens associations such as: Union of Associations of retired Persons, Red Cross of Macedonia and Association for improving of the conditions for care and accommodation of elderly persons “Humanity” („ХУМАНОСТ“) – Skopje.

## **2. Legal protection**

### **Rights and obligations of the spouses**

In accordance with the Law on Family, as a valid marriage shall be considered a marriage concluded with freely expressed will to a proper authority (Article 15). With the legal provisions shall be explicitly emphasized that the marriage shall not be valid if the consent for concluding a marriage is given under duress or deception (Article 19). In the part of the provisions for

annulment of a marriage, the Law on Family provides that the marriage shall be annulled if it is determined that it was concluded under duress.

In the divorce litigations exists an obligation for the court to conduct a hearing for reconciliation. With the Law on Family, shall be determined the procedure for divorce that may be initiated to a court with a complaint for divorce or with a suggestion for contractual divorce. The Law shall provide that a procedure for reconciliation of the spouses is mandatory action, except in the cases when: one of the spouses is incapable of reasoning; one or both of the spouses are living abroad, one of the spouses has an unknown residence longer than six months and after the counterclaim for divorce, regardless of the period when it was submitted, and the attempt for reconciliation after the claim has finished without any success. The procedure for reconciliation in the divorce procedure shall be conducted by CSW or a court, depending on whether the spouses have children, have minor children, or children on which the parental right is expanded.

The Centre for social work shall conduct a reconciliation procedure, when the procedure for divorce is being led by spouses with children. The procedure shall be initiated after obtaining a written notification of the court which within eight days after receiving the claim, with the notification to the Centre for social work, shall submit data if the divorce procedure has been led, the basic reasons claiming the divorce and data for the children. The Centre for social work shall be obliged within three months of receiving of the notification to finish the procedure for reconciliation of the spouses.

The procedure for reconciliation of the spouses at the Centre for social work shall be determined with the Law on social protection (Article 199-201). With this provisions shall be determined that a CSW located on the area of the municipality for which is locally competent the court that leads the divorce procedure for the same case. In the reconciliation procedure of CSW the spouses shall attend in person, which excludes the public and the attendance of an attorney. After the conducted procedure, the centre shall be obliged, to submit a written report to the authorized court for the outcome of the procedure for reconciliation.

In the spouses do not have minor children or children with expanded parental right, the procedure for reconciliation of the spouses shall be conducted by the court which has an authorization to evaluate if the reconciliation would be worthwhile to be departed to the Centre for social work (Article 237 of the Law on Family). The court shall conduct the procedure for reconciliation of the spouses on a separate hearing which cannot be combined with the main hearing on which attends the president of the council, without a presence of a recorder (article 238 and 239). During the reconciliation procedure, the judge shall insist to examine the reasons that led to initiating a divorce procedure, shall try to reconcile the spouses, and if he determines a need, he shall have the authority to recommend the spouses to visit a premarital or marital counselling office or another institution that may give them the necessary advice (Article 242). Also

while conduction of this procedure as well as during the whole divorce procedure, the court shall cooperate with the Centre for social work (Article 244). The judge who shall conduct the reconciliation procedure shall prepare just an official note, for the outcome of the procedure.

In order to provide a special protection of the children in the divorce procedure of their parents, it shall be determined that the court shall call the Centre for social work to participate in the hearing due to protection of the interests of the children and shall submit all of the decisions adopted in that procedure. The Centre for social work in this procedure shall give a suggestion for keeping, support and upbringing of the children, and within this suggestion, may provide new facts and evidence that wasn't provided by the parties, to invest legal aids and to take over other process activities in the interest of the children (Article 249).

#### Rights and obligations in exercising the parental rights

The Law on Family determines that in the divorce procedure, the court decides to which of the parent shall the children be awarded for further keeping and upbringing, and the other parent shall be in charge of financial support of the child. In this case, the court shall call for the Centre for social work to participate in the hearing due to protect the interests of the children and shall submit all of the decisions adopted in that procedure. The Centre for social work in this procedure shall give a suggestion for keeping, support and upbringing of the children, and within this suggestion, may provide new facts and evidence that wasn't provided by the parties, to invest legal aids and to take over other process activities in the interest of the children (Article 249).

The Law on Family in the area or relations between parents and children shall incorporate the principle that the procedures shall be led in the best possible interest of the child.

CSW shall have the authority as a trustee to perform a supervision of the parents in the performance of the parental rights and shall have the authority to undertake measures for protection of the personality, the rights and interests of the child. One of the measures undertaken by CSW from the performed supervision in the performance of the parental rights is initiating of a court procedure for revocation of the parental rights for one or both of the parents. This procedure shall be initiated against the parent who abuses the performance of the parental right or roughly neglects the performance of the parental right by submitting a court claim, in an out of court procedure.

As an abuse or rough neglecting of the parental obligations, the Law on Family determines the following actions of the parent:

- Conducts a physical or emotional violence over the child;
- Sexually abuses the child;
- Forces the child to work that does not suit its age;

- Allows the child to use alcohol, drugs, or other psychotropic substances;
- Leads the child to socially unacceptable actions;
- Abandons the child and does not take care of him for more than three months; and
- If he roughly violates the rights of the child on another way.

In a case when the court revokes the parental rights, CSW shall undertake the care for the child and shall decide for its further protection.

### Mediation services

The Law on Family shall determine that the works related with the special protection and help of the family, the domestic violence, part of the works related with the adoption as well as the works of the fostering, determined with this law, shall be performed by a Centre for social work with the methods of the expert, counselling and advisory interdisciplinary team work (Article 14 Paragraph 1).

The counselling and advising interdisciplinary team work shall especially be applied in determination of the relations between parents and children, the execution of the parental right, entrusting a child to one of the parents in a divorce procedure, and determination of the personal relations of the child with the parent with who the child is not living. In this line, the Law on Family determines that the parental right, the parents shall perform jointly and amicably. In accordance with Article 76 of this provision, only in a case of disagreement of the parents in performing the parental right, the Centre for social work shall make the decision.

### Domestic violence against women

An appropriate legal frame for preventive acting and purposeful treatment of the consequences of domestic violence is determined with the Law on Family and the Law on Social Protection.

#### Law on Family

In accordance with this provision, the domestic violence shall be interpreted as harassment, insulting, endangering of the safety, physical injury, sexual or other psychological or physical violence that causes a feeling of insecurity, threat or fear of:

- The spouse, the parents, the children, or other persons that are living in a marital or extramarital community, or a household;
- Former spouse or persons who have a child, or are in close personal relations, including the relations that arise from adoption or fostering;

- Brothers and sisters, stepbrothers and stepsisters;
- Elderly members of the family or the household;
- Persons – members of the family or the household, whose legal capacity is partially or completely revoked.

In terms of personal relations, in the sense of this Law, shall be considered personal relations between people of a different gender, who are or who have been in partner relations, and are not living in a extramarital community (Article 94-b).

This provision shall determine the mandate of the centres for social work for working with victims of domestic violence, and the action of the court for imposition of temporary measures of protection. Namely, the Centre for social work, whenever it has a knowledge that in the family exists violence of any kind, and that there is a serious danger for the life and the health of a member of the family, shall undertake the following measures of protection:

1. Shall provide the necessary accommodation for the victim of violence, that can last up to 6 months, with the possibility of expanding it to 6 more months;
2. Shall provide an appropriate health protection;
3. Shall provide appropriate psycho-social intervention and treatment;
4. Directs them in an appropriate counselling office;
5. If the family has a child who is attending school, it shall help for continuing of the regular education;
6. Shall notify the police;
7. Shall give any kind of legal help and advocacy;
8. Shall initiate a procedure at the authorized court;
9. If necessary shall submit a request to the court for imposing a temporary measure for protection; and
10. Shall undertake other measures for which may be assessed as necessary for solving the problem.

The Centre mandatorily shall undertake the measures of protection when a victim of domestic violence is a minor or a person with revoked legal capacity.

The knowledge that a domestic violence have been performed, the Centre for social work shall obtain from citizens, official and legal entities and citizens associations which shall be obliged without any delay to submit a notification for the case of domestic violence and to submit official documents on the case.

Court protection: The Centre for social work shall submit a request for initiation of a procedure for imposing a temporary measure for protection of domestic violence to the authorized court, which is mandatory for minors and

persons with revoked legal capacity, only with consent by the victim of domestic violence.

The Centre for social work, along with the request, shall submit a minute and a report for the undertaken activities, in which it can give a suggestion for imposing a temporary measure. The court may impose the following measures to the offender of domestic violence:

1. Prohibition of threats that he/she shall perform domestic violence;
2. A prohibition to harass, upset, make phone calls, contacts or communicates with a family member, directly or indirectly;
3. Restraining order to the place of living, school, workplace or a certain place visited by another family member;
4. Shall determine removing from the home regardless of the ownership, until the final decision of the authorized court;
5. A prohibition of carrying a firearm or any other kind of weapon, and confiscation if such exists.
6. Shall be entrusted to return the objects that are necessary to meet the daily needs of the family;
7. To impose mandatory alimentation to the family;
8. Shall order for the defendant to visit counselling;
9. Shall order mandatory treatment if the person is user of alcohol or other psychotropic substances or has another illness.
10. Shall oblige him/her to compensate for medical and other expenses that are result from the domestic violence; and
11. Shall impose any other measure that the court shall consider as necessary for providing safety and wellbeing of the other members of the family.

A report for domestic violence to the Centre for social work may be submitted by a spouse, the parents, the children, or other persons living in a marital or extramarital community or a household, former spouse or persons that are in close personal relations towards who are undertaken actions of domestic violence, regardless whether has been submitted a claim in a criminal procedure.

In view of the court practice for the sentenced temporary measures for protection of domestic violence, the Centre for social work shall have the following authorizations:

- Follows the performance of the imposed measure and for the course of the conduction of the measure notifies the court on a request;

- May submit a suggestion to the authorized court for revocation of the imposed measure and before the end of the deadline for which the measure has been imposed, if it is assessed that the measure has reached the goal for which it was imposed;
- May submit a suggestion for amending or expansion of the measure, if it is assessed that the imposed measure is inappropriate or that it will achieve the wanted results, but that it requires a longer period of time.

In the conduction of the protection measures, the Centre for social work shall collaborate with citizens, legal entities and organizations.

The Law on family shall determine the procedure for imposing the temporary measures for protection of domestic violence, the composition of the court, the course of the hearing and the legal means against the decision of the court.

Penalty provisions for the entities which are obliged to mandatory report domestic violence to the authorized centre for social work shall be provided. In this line, the Law shall provide that with a fine in amount of 500 to 1000 EUR in denar counter-value shall be imposed for an offence of a natural person who shall not notify the Centre for social work for the knowledge of domestic violence. A fine in amount of 3.000 to 5.000 EUR in denar counter-value, shall be imposed for an offence of a legal entity that during his work has undertaken certain actions of domestic violence and who shall not report it immediately, no later than 72 hours after the undertaking of the actions, to submit the official documentation and the notification for the undertaken actions and the other documentation (a minute, witness statement, medical examinations etc.) to the authorized Centre for social work. For this situation shall be provided a fine in the amount of 500 to 1000 EUR in denar counter-value and for the responsible person in the legal entity.

In 2006 have been adopted drafts and amendments of the Law on Family (Official Gazette of RM No. 33/06) which determined the concrete authority for several institutions (The Ministry of Interior, the Ministry of Health and the court) for performing imposed temporary measures of protection.

In 2007 was adopted a Rulebook for the manner of conduction and following of the imposed measures for protection of the family and the victims of domestic violence obtained from CCR and for the manner of following of the temporary measures imposed by the court (Official Gazette of RM No. 103/07), Due to unification of the procedures of all Centres for social work.

In 2008 were adopted drafts and amendments of the Law on Family which perform compliance of the definition of domestic violence with the Criminal Code, an opportunity is given to the citizens association to provide some of the measures for protection of the human trafficking victims. The



obligation for notifying the institutions and bodies that are undertaking actions for protection of domestic violence to the authorized Centre for social work, is determined to 72 hours from undertaking of the activity. Also, with the amendments shall be given an additional opportunity of the victim except immediately through the Centre for social work, to individually submit a suggestion for imposing a temporary measure of protection.

The First National Strategy for Protection of Domestic Violence 2008-2011 established multi-sectorial and integrated approach for providing of the main strategic goal for reducing the need of domestic violence and improvement of the quality of the protection with system measures in the fields of prevention, intervention, education, following and inter-sectorial coordination, due to effective and efficient action for handling the domestic violence and providing a unique attitude and approach. The following eight goals of the Strategy were determined:

- Establishing and development of multi-sectorial coordinated approach in the protection of the victims of domestic violence;
- Prevention of the occurrence of domestic violence through the educational process;
- Education of professional structures;
- Improvement of the system of protection of the victims of domestic violence;
- Promotion of the civilian legal system of protection;
- Promotion of the penalty legal system of protection;
- Establishment of a system of records and notifying for the cases of domestic violence, by all of the relevant institutions; and
- Established mechanisms for conducting of the strategy.

For following and implementation of the measures provided with this strategy, the Government of RM has formed a National coordinative body, consisted of representatives of all of the relevant Ministries and representatives of citizens associations. This body had an obligation to submit six months reports to the Government for the degree of realization of the measures and the operative plans on each of the ministries and the nongovernmental sector.

As a logical continuation of the progress and the achieved goals of the previous strategy, in July 2012, the Government of Republic of Macedonia has adopted the National strategy for prevention and protection of domestic violence 2012-2015. This strategy shall be implemented through the five strategic fields which are:

- Prevention;
- Protection, help and support of victims;

- Prosecution of offenders;
- Multi-sectorial collaboration and raising of institutional capacities and specialized services;
- Implementation, following and evaluation

In order to achieve a higher level of efficiency and common activities on the field of prevention and protection of domestic violence in Republic of Macedonia, the Government has formed the National coordinative body for prevention and protection of domestic violence comprised of representatives of the ministries, Secretariat for European Affairs, representatives of the ruling and the opposing party in the Assembly of RM and representatives of the National network against the violence against women and domestic violence which consists of nongovernmental organizations working on this field. As temporary members shall be included representatives of all of the relevant institutions, bodies, the Institution for Social Activities, centres for social work, the Agency for Employment of RM, the Academy for Judges and Public Prosecutors, basic courts, basic public prosecution offices, the Sector for interior affairs, the sectors for elementary, secondary and university education at the Ministry of Education and Science, the Bureau for development of education, health institutions, academic institutions, representatives of the units of the local government, the civilian organizations and the international organizations.

Besides the established National coordinative body, the Government has assigned a National reporter responsible for the following:

- Monitoring of all activities for prevention and protection of domestic violence
- Collection and analysis of data from the relevant partners;
- Monitoring and evaluation of the implemented activities from the NAP;
- Adopting conclusions and giving recommendations for improving of the activities for implementation of the politics for better institutional response;
- Giving recommendations for revision of the strategic goals;
- Drafting an annual report;
- Establishing communication with the relevant national institution, as well as communication with international institutions from the country and abroad.

The Government of Republic of Macedonia has adopted a Joint Protocol for acting in the cases of domestic violence, whose purpose is to determine the procedures for acting of the authorized institutions and organizations for

promotion of the protection and the help of the victims of domestic violence. The Joint Protocol for Acting in Cases of Domestic violence, for each authorized institution, including the civilian organizations, is giving directions for conducting the procedures and prevention of additional victimization of the victim of domestic violence. This joint protocol is based on the sectorial protocols, according to which the adequate professional workers shall act upon, but also their networking and collaboration.

For the centres for social work, the act upon a report in case of a domestic violence is developed in detail. In this line is specified the initiation of a procedure, the acting in emergency cases, the making of the assessment for the needs of the victim and the intervention in a concrete case, the full informing for the victim's rights and the services in function of its protection. Directions were given for securing information from the MIA, the health institutions, NGO, educational institutions, units of the local government and other persons and institutions in order to undertake the necessary measures of protection by CCR. The procedures shall be led on the basis of the principle of confidentiality, freely expressed consent of the victim for undertaking protection measures, when it is requested for the conversation to be obtained in a separate room.

In the part of acting of the police officers shall be given directions for acting upon an obtained report for domestic violence, saving of the report, intervention on the spot. For these activities shall be drafted directions for acting upon the intervention with the victim and with the offender, in order to prevent the further violence. The police officers shall proceed specifically in cases when there are children in the home, and when an urgent protection is necessary, especially for the children, the social services (CSW) shall be activated.

The goal of the health institutions according to this Protocol shall be to provide the victims with full medical protection in order to save the physical and the mental health of the victim, as well as healing of the injuries and psycho trauma. In case of a doubt of whether the injury or the health condition is a consequence of domestic violence, the health worker shall be obliged to perform an interview with the person, to encourage and convince it to trust him for the possible existence of domestic violence and to find out as much as it is possible about the circumstances in which the injury occurred.

In the case of knowledge of a domestic violence, the health workers shall be obliged to act as it follows:

1. In accordance with the legal legislation, to report the domestic violence to the police;
2. To determine the reasons and the manner of occurrence of the injury and to perform a complete health examination;
3. To talk to the victim for the opportunities for solving of the problem, to give advice, to point out the rights of the victim;

4. On a request of the authorities, to submit the total documentation important for solving of the case and punishing the offender.

The medical worker with consent of the victim, shall forward the documentation referring to the condition of the victim of domestic violence, to the relevant institutions included in the integrated and coordinated system of interventions for help of victims of domestic violence, in accordance with the legal provisions, and they shall be obliged to treat the obtained data as confidential, and in accordance with the Law on Patients Protection and the Law on Protection of Personal Data.

The medical workers shall be obliged to respect the right to selection of the victim in all of the cases, except in the case where the medical worker shall assess that the life of the victim is in danger due to risk of possible violence and/or committed violence, or in cases of danger of permanent disability.

On request of the court authorities, the medical workers/expert workers, within the court procedures shall provide an assessment of the violence/injury, the manner of occurrence and the conditions in which the injury has occurred, etc.

In the educational system, the Protocol for acting with children in cases of domestic violence shall direct to the decisions which the Law on Elementary Education, the Law on Secondary Education and the Law on Educational Inspection as well as the bylaws, shall be given for protection of the children's rights. In this line shall be undertaken measures for prevention for creating a safe living environment for life and education of the students and measures of intervention in situations when violence shall occur, harassment and neglecting in educational institutions.

**The civil sector** shall work on identification, prevention, resocialization and reintegration of the victims of domestic violence. The civil organizations working on this field shall have the legal opportunity for building the necessary coordinative approach in the protection of the victims of domestic violence. With the last drafts and amendments in the legislation (Law on Family and Criminal Code) the civil organizations shall have an opportunity to provide measures for protection of the victims of domestic violence, and also an obligation for notifying of everyone who undertakes actions for protection of domestic violence. The civil organizations in accordance with the Law on free legal aid shall also have the opportunity to provide free legal representation to the victim. The civil organizations as a significant factor in the prevention and handling with the domestic violence in R. Macedonia, shall work on raising the public awareness and sensibility for the problem of domestic violence, shall work on discovering and reporting of the cases, shall collaborate with all of the authorized institutions that work on the field of protection of victims of human trafficking.

As **specialized services** for protection of the victims of domestic violence, shall be established:

1. A national SOS helpline (published on the webpage of MLSP) and one local SOS helpline;
2. A centre for victims of domestic violence (shelter) established by the country - 4 Regional centres for victims of domestic violence, but also 3 by NGO;
3. The first counselling office for parents and children victims of domestic violence where the accent in the working is the children that belong in the category of children exposed to a social risk shall be opened. Still, a special attention shall be paid to the specific needs of the children that are facing with domestic violence;
4. A counselling office for working with persons that have committed domestic violence shall be opened.

Also, the “economic emancipation of the women victims of domestic violence” shall be included in the active measures for employment or through the Operative plan for employment of the Government of Republic of Macedonia. The program for economic strengthening of the women victims of domestic violence shall be realized from 2010 through the three subprograms which are:

- Self-employment;
- Subsidized employment;
- Qualification/additional training.

In 2010 it the program was implemented in five Pilot municipalities on the territory of RM (Skopje, Tetovo, Kumanovo, Bitola and Kavadarci).

In the following period (2011-2013) shall continue with the Implementation of the Program for economic strengthening of women victims of domestic violence on the territory of Republic of Macedonia. In the Operative plan for employment, until now were successfully involved approximately 60 women.

Within the economic program, shall be included the victims of domestic violence with psycho-social trainings, 235 victims promoted their professional skills through trainings for strengthening of a carrier, and 237 of the representatives of the private sector has sensitized for the social responsibility of the companies towards the vulnerable groups.

In order for involvement of the victims of domestic violence in the employment programs, were trained 70 professional structures from 30 Centres for social work and 30 Centres for employment for victims of domestic violence.

At the end of 2013 was made an analysis of the condition of domestic violence, on which base was formed the working group for drafting a special system Law on Prevention and protection from domestic violence and as such it shall be adopted in September 2014, which shall significantly improve the national legislation in this field.

### **Law on Social Protection**

With the amendments and supplements in the Law on Social Protection in 2004 (Official Gazette of RM No. 65/04) new forms of non-institutional protection, among others foreseen is the Centre for persons – victims of domestic violence which can be based as an institution for social protection or as organizational part of a suitable institution. The Centre for persons-victims of domestic violence provides temporary shelter and care for these persons, which can last mostly six months with a possibility for continuing for another six months, giving counselling services, food services, daily shelter, maintaining hygiene and cultural activities.

For the conduct of the lawful competences offices are formed also in the Centres for Social Work for the work with victims of domestic violence. A network of Shelters for victims of domestic violence is formed as special organizational units of the Centres for Social Work.

The conduct of the competencies of the Centres for Social Work in the domain of domestic violence is arranged in more details with the *Rulebook on the manner of conduct and following the imposed measures for protection of the family and the persons - victims of domestic violence undertaken by the Centre for Social Work and the manner of following the temporary measures imposed by the Court*. This Rulebook has the aim of efficient conduct of the phases of discovering, assessing, planning, treatment and protection, as well as evaluation and taking measures.

The Rulebook foresees that these measures are undertaken in order to prevent further violence, help the victim overcome the consequences of the violence and create conditions for his/her integration in the social environment after the finished treatment. After receiving information for committed violence the Centre for Social Work conducts a professional treatment with the person – victim of domestic violence, by need, makes contact with his/her relatives and other persons, in order to determine the best form of protection and undertake suitable protective measures. The protective measures are determined after the committed assessment of the identified needs for protection of the family and the person - victim of domestic violence, according to the kind, intensity, context of happening of the violence, the health and family status of the person - victim of domestic violence, age, as well as other circumstances, based on which finding and opinion of a professional persons and professional team are formed. The professional worker in the Centre for Social Work, after the made assessment, prepares an individual plan for work with the

person- victim of family violence according to the received information and his/her needs for protection from family violence, as well as for undertaking other needed measures according to the Law on Family. The individual plan contains a sequence of undertaking the protective measures, their duration, manner of following and assessment of the protective measures by the responsible professional worker from the Centre for Social Work, no matter whether the protective measures are conducted in the Centre for Social Work or other suitable institution, counselling service and citizens' association or other measures in accordance with the Law on Family are undertaken. This Rulebook elaborates the manner of acting of the professional workers in the Centre for Social Work and is a mandatory act for the professional workers.

The Rulebook arranges the procedure for placing in a Centre for persons – victims of domestic violence (shelter Centre). The placing in a Centre for persons - victims of domestic violence is undertaken as a protective measure in cases when:

- it is determined that there is a serious danger and life and health threat for the person – victim of domestic violence;
- In absence of resources in the family environment for accepting the victim and his/her children;
- Before placing the victim the same undergoes a compulsory medical check.

In case of placing in a shelter the professional team prepares separate findings of the professional workers and finding and opinion by a professional team and a decision for placement is prepared. The commander of the police station in which area the victim is placed is informed in written and also the police station in the area of living of the victim is informed in written that the same is protected by the CSW.

After placing the person – victim of domestic violence in a Centre for persons – victims of domestic violence, the professional from CSW and the professionals from the Centre for persons – victims of domestic violence continue the procedure for undertaking further protective measures, depending on the needs for protection and help for the victim.

In order to provide interdisciplinary work in the CSW for providing fast, efficient and effective help, support and protection for the victims of domestic violence the Institute for Social Affairs prepared standard procedures that contain steps for acting for the professional workers for work with persons subject to domestic violence.

The social protection system created a basis for different subjects to apply as service providers for social protection. For the first time an opportunity was given to citizens' associations in the area of social protection to register in the Register led by the Ministry of Labour and Social Policy in order for certain social services to be delegated with partial financing by the Ministry. The

procedure of is conducted through publishing a public call and signing an agreement between the elected citizens' association and the Ministry of Labour and Social Policy. From the scope of activities in social protection related to domestic violence the citizens' association can be awarded doing a social service in daily and temporary acceptance and placement of users of social protection in a daily Centre for victims of domestic violence, as well as conducting certain protective measures for the victims of domestic violence, according to the Law on Family.

The Ministry of Labour and Social Policy in collaboration with the Organization of Women of the city of Skopje formed a National SOS line for help for the women victims of domestic violence, which is a 24-hour service for informing and helping victims of domestic violence, with the financial help of MLSP.

One of the temporary protective measures for domestic violence imposed by the court relates to compulsory sending of the violator to a counselling service, in order to be included in the programme for psychosocial treatment. For the realization of this measure the first Counselling Centre for perpetrators of Domestic Violence was opened in Skopje. Persons are sent to this Counselling Centre for Perpetrators of Domestic Violence with a court decision, but there are also initial requests by the perpetrators for inclusion in the programme.

Having in mind that these counselling Centres can be founded by the state, a private initiative and by the non-governmental sector the following documents were brought:

- Rulebook on the norms and standards for space, equipment, professional staff and assets needed for the foundation and starting the work of the institution for social protection – counselling Centre for perpetrators of domestic violence (Official Gazette of Republic of Macedonia No. 69/2012P);
- Programme for work psychosocial treatment for perpetrators of domestic violence;
- Manual for psychosocial treatment of perpetrators.

For the conduct of this programme 14 professionals were trained for work with perpetrators of domestic violence and their psychosocial treatment.

### **National strategy on domestic violence**

In function of establishing a comprehensive and effective system for the protection and prevention of domestic violence in the Republic of Macedonia on a Session of the Government of RM on 15.04.2008 the first National Strategy on Protection from Family Violence 2008 – 2011 was brought.

The main strategic goal of this Strategy is decreasing the occurrence of domestic violence and improvement of the quality of protection with system



measures in the areas/domains of prevention, intervention, education, following and cross-sectorial coordination, because of effective acting for handling domestic violence with providing unique attitude and approach.

The basic goals of the strategy are:

- Establishing and developing multi-sectorial coordinated access in protecting the victims of domestic violence;
- Preventing the occurrence of domestic violence through the educational system;
- Education for the professional structures;
- Improvement of the system for protection of victims of domestic violence;
- Promotion of the civil protection system;
- Improving the penalty - justice system of protection;
- Establishing a system for recording and reporting on the cases of domestic violence, by all relevant institutions;
- Establishing mechanisms for conducting the strategy.

For the conduct of efficient help, support and protection from domestic violence in the domain of improving the capacities of professional staff the following trainings were conducted:

- 9 counsellors were trained from the Bureau for Development of the Education and 20 facilitators of the Algorithm Centre for conduct and following trainings for the creation of a comprehensive programme for prevention of violence in primary schools in R. Macedonia;
- School leaders in 20 primary schools were trained. 4 school leaders are chosen from every school, in order to create a school policy which will promote and encourage non-violent behaviour in the school environment;
- 559 professionals from the Centres for Social Work, health institutions, education institutions, local self-government and civil organizations from 31 municipalities were trained for multi-agency work for the fight against domestic violence;
- 280 professionals were trained for the use of the prepared Common Protocol for the acting of relevant institutions in case of domestic violence for professionals from the CSW, police officers, health, courts and civil associations, in collaboration with the NGO sector;
- 17 professionals from CSW Skopje, MLSP and EARM were trained to be trainers for psycho-social support for victims of domestic violence;

- 76 professionals in 25 Centres for Social Work were trained with a view to enhancing the professional work for providing psycho-social support for the victims of domestic violence;
- 30 professionals from CSW were trained for the standards of the Centres for Social Work in acting with victims of domestic violence and providing legal help;
- 15 professionals from CSW, OSA and OMH are trained for work in a counselling Centre for children and mothers – victims of domestic violence;
- In the health sector 1980 health workers (general practitioners, psychiatrists, paediatricians, gynaecologists and doctors from ambulance) are sensibilized for early detection and prevention of domestic violence;
- 70 university staff from 9 faculties: Social Work and Policy, Pedagogy, Psychology and the Faculty of Medicine, the Faculty of Law, the Institute for Sociological, Political and Legal Research and the Faculty of Gender Studies, the Faculty of Higher Education for Nurses, Faculty for Safety were trained on the modules of the World Health Organization for prevention of violence;
- 14 professionals were trained for work with perpetrators of domestic violence and their psychosocial treatment;
- the enforcement of the capacities was started in 5 municipalities with the aim of developing an effective working model for the Local preventive Centres: Strumica, Valandovo, Shtip, Kriva Palanka, Kratovo, Delchevo, Berovol;
- With the aim of greater inclusion of the victims of domestic violence in the employment programmes 70 professional structures from CSW and EARM were trained for work with victims of domestic violence;
- 160 police officers, judges, prosecutors and experts from the Centres for Social Work were trained for practical use of the attitude in case of domestic violence and coordinated using of legal measures between the CSW and the police officers through the conduct of 8 one-day trainings by the Academy of Judges and Public Prosecutors, the Ministry of Labour and Social Policy and the Ministry of Internal Affairs;
- 29 judges, 16 prosecutors, together with the experts from the Centres for Social Work are trained for establishing a coordinated mechanism between the Centres for Social Work and the courts on the key elements of supervision of the parental rights for protection of children from domestic violence.

Currently the National Strategy for Prevention of Domestic Violence 2012 – 2015 is being implemented and it is a document that represents the continuity of the advance and the achieved goals of the previous National Strategy 2008 – 2011. The basic strategic goals of the Strategy for Prevention and Protection from Domestic Violence 2012 – 2015 is: Enhancing the preventive measures, wide recognition and improved protection for the victims of domestic violence through coordinated multi-sectorial approach on a national and local level. The basic strategic goal is implemented through five strategic areas and suitable activities: prevention, protection, help and support for the victims, prosecuting the offenders; multi-sectorial collaboration and raising the institutional capacities and specialized services; and implementation, monitoring and evaluation.

Key acting areas for the implementation of the strategic measures and activities of the Strategy 2012 – 2015 are in the direction of:

- Bringing new legal and institutional frame for handling all kinds of domestic violence and categories of victims with a special accent on the vulnerable victim categories, especially the multiplied vulnerability as a result of age (and elderly people), gender, disability and any other attribute that creates multiplied vulnerability in Macedonian context;
- Improving the existing mechanisms for preventing and protecting from domestic violence and their continuous development and supplementing in accordance with the newest international and regional standards;
- Establishing a constant national coordinated system for monitoring and evaluation of the implementation of the strategic policies (Constant national coordinative body);
- Improving the collaboration and coordination between the central level and the local actors in preventing and repressing domestic violence;
- Developing standardized individual packages of measures for prevention and help for the victims that address their individual needs;
- Improving the reintegration of the victims in all social areas;
- Improving the investigations and the criminal pursuit with consistent recognition of the rights of the victims and their treatment in the penalty – legal system;
- Standardization and extending the availability of the helping measures and support for the victims, as well as measures for treating perpetrators;

- Increased coordination of the criminal justice system as a whole and the system for social – medical protection of the victim, but also their mutual coordination and complementing.

In the period 2010 – 2014 the condition with victims of domestic violence on the territory of RM is the following:

	2010	2011	2012	2013
New cases	651	733	854	801
Gender structure				
Women	525	576	657	598
Men	85	93	116	104
Children	41	64	81	99
Condition/Status				
Employed	294	269	246	226
Unemployed	318	362	464	455
Retired	39	102	144	120
Nationality				
Macedonian	458	577	668	643
Albanian	90	69	74	65
Roma	60	51	67	54
Other	43	36	45	39
Kind of violence				
Physical	339	512	610	539
Psychological	395	509	535	660
Economic	2	6	9	15
Sexual	3	2	3	5
Cases filed to court	158	251	310	212
Imposed measures	137	183	223	189
Placement in shelter	25	27	42	33

Source: Ministry of Labour and Social Policy of RM

### **Criminal Code**

The Law on Amending and Supplementing the Criminal Code (Official Gazette of RM, No. 19/2004) gave access towards embedding provisions on domestic violence in the existing Criminal Code. According to the Criminal Code (CC) (Official Gazette of the Republic of Macedonia No. 37/1996; 80/1999; 4/2002; 43/2003; 19/2004; 81/2005; 60/2006; 73/2006; 7/2008; 139/2008; 114/2009; 51/2011; 135/2011; 185/2011; 142/2012 and 166/2012), domestic violence

encompasses maltreating, rough insulting, endangering security, body injury, sexual or other psychological or physical violence that causes a feeling of insecurity, threat or fear towards a spouse, parents or children or other persons living in marital or extramarital community, as well as against a former spouse or persons who have common child or are in close personal relations (Article 122, p.21)."

The definition in the Criminal Code determines the kinds of domestic violence, the activities of performance, caused consequence, the attribute of the perpetrator and the object of protection.

The Criminal Code makes difference between 9 criminal acts which explicitly incriminate as a deteriorating circumstance the act of performing the basic act when performed in performing domestic violence:

- Murder, Article 123, paragraph 2, p.2;
- Murder in a heat of passion, Article 125;
- Body injury, Article 130, paragraph 2;
- Severe body injury, Article 131, paragraphs 2 and 6;
- Coercion, Article 139, paragraph 2;
- Illegal deprivation of liberty Article 140, paragraph 2;
- Endangering safety, Article 144, paragraph 2;
- Sexual assault against a minor under 14 years of age, Article 188, paragraph 2;
- Mediation in prostitution, Article 191, paragraph 4,

as qualified forms of basic criminal acts.

### **3. Economic protection**

The economic protection for the materially unsecured families and socially excluded persons is provided through the system for social protection.

The Law on Social Protection defines the social protection as a system of measures, activities and policies is directed towards prevention and overcoming the basic social risks on which the citizen is exposed during his life, decreasing poverty and social exclusion and empowering its capacities for own protection.

With respect to this Law social risks are:

- health risks (sickness, injury and disability);
- risks of oldness and aging;
- risks of single-parent families;

- risks of unemployment, losing the income for survival based on work and similar;
- poverty risks; and
- risks of other kinds of social exclusion.

The services and measures in the system for social protection are fulfilled as the right to welfare from the social protection, non-institutional and institutional protection. The system for social protection is continuously reformed in order to enhance the protection in accordance with the most vulnerable categories of citizens.

According to the basic text of the Law on Social Protection (Official Gazette of Republic of Macedonia No. 79/09) the citizens in social risk can fulfil the following rights to welfare from social protection:

- social welfare,
- constant welfare,
- welfare for a person who until the age of 18 had the status of a child without parents and parental care,
- welfare for a mother who gave birth to a fourth child,
- compensation for assistance and care by another person,
- single financial assistance and assistance in goods,
- salary compensation for part-time care for a child with physical or mental disabilities,
- welfare for social housing and
- right to health protection.

With this provision and for the purpose of preventing and decreasing the social risk for the citizens a legal basis was created for the Government of the Republic of Macedonia to be able to adopt programmes for subsidising programmes for the spent electricity and other utilities, conditional cash benefits and other measures for the conduct of programmes adopted in accordance with this law which determine the users, measures, holders and sources of funds in more details.

The Law on Amending the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 36/11) introduces a new right as financial blindness and mobility allowance. This right provides the blind persons greater satisfaction of their needs connected with the blindness and special mobility allowance for the persons with moderate, hard and deep disabilities in the mental development who cannot satisfy the basic life needs without a wheelchair and for the persons with 100% body disability for their better mobility in order to provide easier social inclusion of these persons.

The Law on Amending the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 51/11 from 13.04.2011) enabled the persons who use the right to mobility or blindness allowance to have the right to a companion if they are hospitalized in a public health institution, in which the funds for placement and food for the companion in the institution are from the Ministry of Labour and Social Policy.

The Law on Amending the Law on Social Protection (Official Gazette of Republic of Macedonia No. 166/12) created the bases for the Government of RM to adopt a special programme for employment of persons who until the age of 18 had the status of a child without parents and parental care. This regulation increases the amount of the right to social welfare by 5%. Hence, the base is taken to be the amount of the basis for payment of this right in 2009, aligned with the growth of the life expenses published by the State Statistical Office in January 2012. Also predicament and right alignment with the growth of the life expenses and the right to social welfare was made.

The Law on Amending the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 15/13) increased the amount of the right to university education from 9.000 to 12.000 den. for persons who use a rented social apartment, that is from 18.000 to 24.000 for persons who do not use this kind of apartment in order to give greater stimulus to the persons who had the status of a child without parents and parental care to continue their education.

The Law on Amending the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/13) expands the kinds of foster families as general, specialized, intervening and temporary foster family. It determines the activities done by every kind of foster family, as well as the manner for choosing the form and kind of fostering and arranges the agreed relations between the Centre for Social Work and the foster family and arranges the amount and manner of compensating the expenses for the foster child, in which it also supplements the right to welfare with the new right to welfare for a foster parent. This provision arranges the possibility for a user of agricultural land in state ownership, if after two years of use of agricultural land he terminates the contract for the using agricultural state land owned by the usufruct because of unprofitable and uneconomical operation, to file a request for the realization of the right to social welfare. Because of the increase of the possibility for working engagement of the users of social welfare for public works the period of engagement of these users was also increased to up to 90 days in one calendar year. It also provides safety of the engaged workers, through their compulsory insurance by the organizer of the work based on disability and physical damage, injury at work or professional illness. The organizer of the work signs an employment agreement with the user of social welfare, and for the period of engagement the right of social welfare rests.

The Law on Amending the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 187/13) improved the social protection for the totally deaf persons with completely extinguished hearing perception by

introducing a **new right to deafness allowance**, in nominal monthly amount of 4.000 denars, aligned with the growth of the life expenses for the previous year published by the State Statistical Office in January in the current year, and the funds for its realization are provided from the Budget of the Republic of Macedonia. The right to mobility allowance is also provided for persons with quadriplegia over 26 years of age, whose kind and degree of disability is determined by finding, evaluation and opinion of a competent professional body. The right to mobility and blindness is also provided to be used by the persons in an institution for social protection, by a Decision of the Centre for Social Work.

A **new right to welfare** is introduced to be realized by a single parent taking care for his/her child who has developmental disability for 15 years, without being placed in an institution for social protection, who is unemployed and does not use the right to pension, after 62 years of age (woman), that is 64 years of age (man) and the amount of the welfare will amount to 8.000 denars, aligned with the growth of the life expenses for the previous year.

The trend of increasing the amount of the social welfare and the constant welfare continued with the adoption of this regulation so the amount of this right was increased by 5% calculated from March 1, 2014.

## **1. Social protection welfare**

### **1.1. Social welfare**

The right to social welfare is fulfilled in accordance with the provisions from Article 45 to Article 56 of the Law on Social Protection and the Rulebook on the manner of determining the incomes, property and property rights of the household, determining the holder of the right and the needed documents for fulfilling and using the right to social welfare (Official Gazette of RM, No. 54/13).

The right to social welfare has the person capable to work and hold a household, materially unsecured who according to other regulations cannot provide existence funds. A household is a community of the family members and other relatives between whom there is no legal obligation for mutual support, who mutually contribute, trade and spend. The amount of the social welfare for the holder of the right is 2.334 denars. For every family member the basis is increased for a coefficient of 0.37, mostly up to 5 members.

The amount of the social welfare is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

In case the growth of the life expenses for the previous year is negative there is no alignment with the basis. The right to social welfare is paid as a difference between the determined amount of the social welfare and the total income on all grounds for every member of the household.



## **1.2 Constant welfare**

The right to constant welfare is fulfilled in accordance with the provisions of Article 57 to Article 67 of the Law on Social Protection and the Rulebook on the manner of determining the incomes, property and property rights and the needed documents for fulfilling the right to constant welfare, the composition and the manner of work of the Experts' Commission and the Commission of Second Instance, identification of the experts, the manner of keeping records of issued findings and the form and content of the sample for findings, assessment and opinion about the incapability for work (Official Gazette of RM, No. 58/2013).

Right to constant welfare has a person incapable to work and materially unsecured, who cannot provide funds for his/her daily living, based on other regulations. Incapable for work with regard to this Law is a person:

- with moderate, hard and deep disorders in the mental development and a person with combined and other developmental disorders, who because of the disability cannot acquire education, as well as a person with body disability because of which he/she is incapable to work;
- mentally ill person and a person with permanent changes in health status, because of which he/she is incapable to work;
- single mother during pregnancy one month before giving birth and single parents according to the Law on Family until the child is three years old;
- child without parents or parental care who are not protected on the basis of the right to housing, who has no income on the basis of property and property rights and do not receive funds on the basis of other regulations, but up to 18 years of age; and
- a person older than 65.

A materially unsecured person is a person who has no income or whose income on all bases per family member are lower than 5.000 denars, aligned with the growth of the life expenses form the previous year, published by the State Statistical Office, in January for the current year and does not property and property rights from which he can support himself.

## **1.3. Welfare for a person who until the age of 18 had the status of a child without parents and parental care**

According to Articles 68 and 69 of the Law on Social Protection for the most successful resocialization of the children without parents and parental care after their leaving the institutions and foster families determines that

these children fulfil the right to welfare in the amount of 4.000 denars, i.e. 5.600 denars if they are in regular education.

According to Article 69-a of the Law on Social Protection persons who under the age of 18 had the status of a child without parents and parental care, if they are enrolled as regular or part-time students in public higher education institutions (first and second cycle of studies and doctoral studies) exercise the right to welfare for studying. The amount of the welfare is 12.000 denars, i.e. 24.000 denars, depending whether the person uses a rented social apartment. This right was introduced in order to encourage this category of persons to finish their education, in order to ease their inclusion in the social environment and easier employment.

#### **1.4. Welfare for a mother who gave birth to a fourth child**

From January 1, 2009 a mother who gave birth to a fourth live born child has the right to welfare. The right is exercised by a mother who took care of children until they are 18, who is unemployed and does not use the right to pension after being 62 years old. The right cannot be exercised if the mother was denied custody of one of the children. The amount of the social welfare is 8.000 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

#### **1.5. Welfare for a foster parent**

The right to welfare for a foster parent has the foster parent who fostered a person in his family for at least five years, after being 62 years old, who is unemployed and does not use the right to pension on any grounds. The right cannot be exercised if the Centre broke unilaterally the Agreement for placing users with the foster parent. The amount of the social welfare is 8.000 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

#### **1.6. Monetary compensation for assistance and care by another person,**

The right to monetary compensation for assistance and care by another person is exercised in accordance with Articles 72 to 78 of the Law on Social Protection and the Rulebook on the manner of exercising the right to monetary compensation for the assistance and care by another person. The right to monetary compensation for assistance and care by another person has the person over 26 years old with moderate, hard and deep disorders in the mental development, a person with harder and hardest body disability, totally blind person, as well as person with permanent in the health condition who needs assistance and care by another person because he/she cannot satisfy his/her basic life needs.

The amount of the monetary compensation by another person is determined depending on the scope of the need for assistance and care by another person. The need for assistance and care by another person in greater scope has a person with harder and deep disorders in the mental development, a person with harder and hardest body disability, totally blind person, as well as person with constant changes in the medical condition because of which he/she cannot satisfy his/her basic life needs, cannot even with orthopaedic aids independently move in the apartment or out of the apartment, independently feed, cloth, maintain personal hygiene, nor to perform basic physiological needs.

The need of assistance and care by another person in smaller scope has a person with moderate disorders in the mental development and person who because of constant changes in the medical condition cannot without the assistance of another person fully satisfy the basic life needs.

The need of assistance and care by another person has a person who because of temporary changes in the medical condition cannot without orthopaedic aids satisfy his basic life needs.

The amount of the monetary compensation for assistance and care by another person in greater scope is 4.185 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

The amount of the monetary compensation for assistance and care by another person in smaller scope is 3.702 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

### **1.7. Single financial assistance and assistance in goods**

The single financial assistance and assistance in goods is exercised in accordance with Articles 79, 80 and 81 of the Law on Social Protection and the Rulebook on the manner of realizing the right to single financial assistance and the needed documents for exercising this right. The single financial assistance and assistance in goods is assigned to a person or family who found themselves in a position of social risk, as well as to a person and family because of suffered natural disaster or epidemics and longer treatment in health institution.

The amount of the single financial assistance can amount up to 30.000 denars:

- for satisfying the needs of a person or family who found themselves in a position of social risk which can have long-term consequences because of suffered natural disaster (earthquake, flood, fire), epidemics and death of a family member;
- a family whose member is a user of agricultural land in state ownership, in the moment of concluding the agreement on usufructuary according to the regulations;

- a person who needs operation or longer treatment in a health institution abroad; and
- Residentially insecure person-user welfare, assistance in providing the necessary accommodation.

The amount of the single financial assistance amounts up to 15.000 denars for the needs of the family member who is a person with disorders in the mental development or a person with constant body disability who according to the Law on Social Protection could realize the right to accommodation in an institution for social protection, as well as for the needs of a person – victim of domestic violence for providing urgent protection and fostering.

The amount of the single financial assistance amounts to 12.000 denars for satisfying the needs of a person or family who found themselves in the position of social risk in case of longer treatment in a health institution.

The amount of the single financial assistance can amount up to 4.500 denars for satisfying the needs of a person or family who found themselves in the position of social risk which does not leave permanent consequences and is necessary for social and material securing the person.

The amount of the single financial assistance amounts to 180.000 denars for a child or a young person without parents and without parental care, who after becoming 18 years old leaves the institution or the foster family, because of his adaptation in the social environment.

The single financial assistance is exercised in the competent Centre for Social Work, and in urgent cases the Minister may decide to grant single financial assistance.

### **1.8. Salary compensation for part-time work because of the care for a child with physical or mental disabilities**

The right to salary compensation for a part-time work because of the care for a child with physical or mental disabilities and the most severe forms of chronic illnesses is determined with the Law on Labour Relations is exercised in the Centre for Social Work.

The amount of the salary compensation is 4.800 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

Contributions and other obligations are calculated and charged in accordance with the Law on Pension and Disability Insurance. The social contributions are calculated and charged in accordance with the Law on Contributions for Mandatory Social Insurance.

### **1.9. Blindness and mobility allowance**

The right to blindness allowance is provided for a totally blind person over 26 years old, and the right to assistance for mobility is provided for a person over 26 years old with 100% physical disability who independently uses a wheelchair or a person with quadriplegia or mild, hard and deep disabilities in the mental development who uses a wheelchair with a companion, because of creating conditions for equalizing their opportunities for inclusion in the everyday life in the community of these persons. The monthly amount of the allowance is 7.000 denars, aligned with the growth of the life expenses for the previous year, published by the State Statistical Office in January for the current year and the same is provided from the Budget of the Republic of Macedonia.

The blindness and mobility allowance cannot be exercised if the persons are using the right to civil or military disability compensation according to the Law.

The right to blindness and mobility allowance is exercised based on a conciliar opinion and findings of at least three medical specialists for the suitable specialties from tertiary health institution (University clinics in Skopje). In the procedure of appeal against the decision of the Centre decide three medical specialists in the suitable specialties from tertiary health institution (University clinics in Skopje) who did not bring the conciliar opinion in first instance.

If the persons using this allowance are being treated in a public health institution they have the right to companion, in which the funds for accommodation and food for the companion are met by the Ministry.

The right to blindness and mobility allowance can be exercised by a person whose annual net income on all grounds amounts at least to the total annual amount of the average net monthly payments for every month in the previous year.

### **1.10 Deafness allowance**

The right to deafness allowance is provided for a totally deaf person over 26 years old who has totally extinguished hearing perception and cannot satisfy his life needs with a sign language interpreter. The right to deafness allowance is exercised based on a conciliar opinion and findings of at least three specialists for the suitable specialties from tertiary health institution (University clinics in Skopje).

In the procedure of appeal against the decision of the Centre decide three specialists in the suitable specialties from tertiary health institution (University clinics in Skopje) who did not bring the conciliar opinion in first instance.

The right to deafness allowance can be exercised by a person whose annual net income on all grounds amounts at least to the total annual amount of the average net monthly payments for every month in the previous year. The monthly amount of the deafness allowance is 4.000 denars, aligned with the

growth of the life expenses for the previous year, published by the State Statistical Office in January for the current year and the same is provided from the Budget of the Republic of Macedonia.

#### **1.11. Right to welfare for a single parent who has a child with developmental disorder**

The right to welfare is exercised by a single parent who took care about the child until the same is 26 years old, in continuity for the following 15 years, without being placed in an institution for social protection, who is unemployed and does not use the right to pension after becoming 62 years old for women, that is 64 for men. The right cannot be exercised if the single parent has been denied custody of the child.

The amount of the welfare for a single parent who has a child with developmental disorder is 8.000 denars aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

#### **1.12. Social housing**

According to Article 83 of the Law on Social Protection the children without parents and parental care have the right to welfare for social housing, provided for a person who until the age of 18 had the status of a child without parents and parental care, i.e. even after stopping the custody, at least until the age of 26. The right to welfare for social housing is exercised in a manner of providing rent for a individual apartment or part of it, in the amount of 4000 to 8000 denars supplemented by 1.500 denars to 2.500 denars depending on the number of family members; the welfare for sanitation, adaptation and reconstruction of own property; and welfare ad compensation for placement in a student dormitory.

#### **1.13. Health protection**

The right to health protection have the users of:

- constant welfare,
- persons placed in a foster family,
- persons placed in an institution for social protection (for institutional and extra-institutional protection),
- users of financial compensation for assistance and care by another person,
- person who until the age of 18 had the status of a child without parents and parental care, mostly up to the age of 26, using social welfare,

- person - victim of domestic violence under a protective measure according to the Law on Family and a person - victim of human trafficking,
- person encompassed in the organized living with support.

The users exercise the right to health protection if they cannot be insured on any other basis.

#### Users of the right to social protection welfare

	Total number of users	Total number of users	Total number of users	Total number of users
Year	Social welfare	Care by another person	Constant welfare	Single financial assistance
2005	68,621	22,550	5,269	
2006	66,243	20,500	4,981	
2007	66,623	18,410	5,010	
from 01/08 until 12/08 2008	57,555	19,640	5,222	
from 01/09 until 12/09 2009	52,684	19,994	5,494	1,844
from 01/10 until 12/10 2010	50,611	22,368	5,687	469
from 01/11 until 12/11 2011	45,017	22,380	5,700	738
from 01/2012/ until 05/2012/	37,312	25,444	5,723	892

Source: Ministry of Labour and Social Policy

In the area of social protection during the reported periods measures were taken to decrease poverty of the socially most endangered households, measures for enhancing the protection of the especially vulnerable groups of citizens, further advancement of the extra-institutional protection and enhancing the capacities for providing social services for citizens. In this direction and based on following the fulfilment of the social protection according to the needs of the citizens several amendments and supplements to the Law on Social Protection were prepared and adopted.

The amount of the social welfare and the constant welfare continuously increased once a year by 5%, calculated from 2013. Besides that measures were taken for improving the protection for persons in risk of social exclusion by adopting new monetary rights from social protection:

- right to deafness allowance for persons with lost hearing, as well as introducing a category of people with quadriplegia in realizing the existing right to assistance for mobility, in order to improve the conditions for social inclusion of these persons:
- monetary assistance for a single parent who will take care for his child with developmental disorder in continuity of 15 years without being placed in an institution for social protection, in order to provide social security for the parent if he is unemployed and does not use the right to pension.

In this period concrete measures were taken in order to enable greater inclusion of the users of social welfare on the labour market:

- A Programme for subsidising the employment of unemployed persons users of social welfare (Official Gazette of the Republic of Macedonia No. 55/13) was prepared and started being implemented for the subsidised employment of 125 unemployed persons – users of social welfare in which for every employed person the employer receives a subsidy for the gross salary of 14.000 denars monthly, for a period of 6 months, as well as 3.000MKD monthly for covering the costs for training and materials. An obligation of the employer is to retain the person employed at least for another 6 months after using the subsidy, i.e. total of 12 months;
- With the amendments in the Law on Social Protection (Official Gazette of RM No. 38/2014) and the amendments in the Law on Employment and Insurance in Case of Unemployment (Official Gazette of RM No.39/2014) a measure was implemented for subsidising the employers in the private sector who employ unemployed persons - holders of social welfare. Subsidy for an employer for an employed person in the amount of 80% from the social welfare paid to the person/household, being paid for a period of 24 months, with an obligation of the employer to pay the employee at least the minimal salary determined by law.

The Programme for Continued Compensation for Secondary Education for the School Year 2012/2013 was successfully exercised by encompassing 7.200 users, students from households – holders of social welfare. This measure continued the implementation of the Programme for Continued Compensation for Secondary Education for the School Year 2013/2014.

The Programme for Subsidising the Consumption of Electricity for the users of social welfare and constant monetary assistance was exercised during 2013. In this period 7.331 households received subsidies and they were paid total



of 48.139 monthly subsidies in the amount of 700 denars after delivered paid receipts for spent electricity. In January 2014 the Programme for Subsidising the Consumption of Energy for 2014 was adopted (published in the Official Gazette of the Republic of Macedonia No. 8/2014). The Programme determines the conditions and the manner of subsidising the consumption of energy (electric energy, heating wood, coal, extra light oil / petroleum for households and central heating) during 2014. Users of the Programme are the households – users of the right to social welfare and constant welfare.

The Programme D-10 for the employment of persons who until the age of 18 had the status children without parents and parental care is also being exercised and in 2013 83 persons were employed.

In the last period concrete measures were taken to enable greater availability to social work and social protection for all citizens, especially the ones living in rural environments and places that are out of the headquarters of the Centre for Social Work. For this purpose an analysis of the needs of citizens provided space and available staff was made, an Action Plan for opening new dispersed departments in the Centres for Social Work was exercised in which as of December 2013, 14 such departments were opened in municipalities out of the headquarters of the Centre. With the previously opened 18 regional departments for direct social work until 2012 total of 32 regional departments were opened in the system for social protection, as special organizational units in the frames of the Centres for Social Work.

Besides that, in the period September – November 2013 the project “Open Days for Social Protection in Rural Environments” was exercised, which enabled bringing the social protection and social work closer to the residents of rural environments, it provided prevention and early detection of the exposure to social risk, as well as timely intervention by the Centres for Social Work. In the frames of this project 662 rural environments were encompassed in 75 municipalities on the territory of the Republic, with the participation of around 3.850 citizens from these environments, in which on the organized meetings the residents were directly informed about the rights and services of social protection and were given expert advices and instructions for exercising certain right from social protection.

Based on the made evaluation on the effects reached from the conducted Project during 2013, the organization of these "Open Days for Social Protection in Rural Environments" continued during 2014 (February, May and September – December).

In more details the continuous activities for enhancing the capacities of experts in the system for social protection continued. The Commission on Licensing after the made checks of the application of expert knowledge in practice issued 771 licenses for the work of experts in institutions for social protection by the end of 2013. The Programme for continuous professional development of the experts in the system for social protection was successfully

exercised in the frames of which trainings for total of 432 persons employed in the institutions for social protection were conducted and also standards and procedures for acting of the experts in the Centres for Social Work when giving services from social protection were prepared.

In the first quarter of 2014 the Programme for continuous professional development of the experts in the system for social protection was exercised by organizing trainings for work with family, with children, including work with children on the streets for total of 118 employed in the institutions for social protection.

In the part of realization of the Operative Plan for implementation of the National Programme for development of the social protection 2011-2021, among others activities were conducted directed towards enhancing the capacities of the local self-government for development of social services on a local level in which there were trainings for the person employed in the municipality administration, Centres for Social Work and the non-governmental sector for mapping the categories of citizens exposed to social risks, determining their needs and the available resources in the local community in several municipalities, establishing coordinated collaboration between all relevant subjects and forming coordinative bodies for social protection etc.

By establishing the electronic recording of the users of financial rights and services from social protection in the Centres for Social Work, the Institute for Social Activities and the Ministry of Labour and Social Policy the administrative procedures were simplified, especially through an established system for the official exchange of information with the institutions who run databases needed in the procedures for realization of financial rights from social protection. Namely, the needed data on the users are officially provided by the Centres for Social Work also through the exchange of information with the Employment Agency of the Republic of Macedonia, the Pension and Disability Insurance Fund of the Republic of Macedonia, the Public Revenue Office of the Republic of Macedonia, the Agency for Financial Support of the Agriculture and Rural Development, Agency for Cadastre of the Republic Macedonia and the Ministry of Internal Affairs.

The basic text of the Law on Protection of Children adopted in 2010 determines the material related to protection of children. This Law includes several amendments and supplements: in 2003, in 2004, in 2005 and in 2008 amendments and supplements made for the function of providing implementation of the Strategy for Demographic Development of the Republic of Macedonia 2008 --2015 (which established a new right of a parental allowance for second/third and fourth child., and the right to assistance and equipment for a new-born was transformed into a right to single monetary assistance for a new-born in which realization the material condition of the family does not have an influence). In 2009 the amendments and supplements of this law are in the direction of modernization, i.e. adjustment toward the modern courses of society. Because of the need, protection of children in general, but in separate

cases in life, to raise the awareness on a higher level a greater part of the provisions of the Convention on the Rights of Children of the United Nations was embedded, and other suitable Conventions, Protocols and other documents. The Law arranges the system and organization of the protection of children as an activity of public interest.

The protection of children is an organized activity based on the rights of children, as well as on the rights and obligations of parents of planning the family and of the state and the units of local self-government to lead a humane population policy. The protection of children is exercised by providing conditions and level of living standard that corresponds to the physical, mental, emotional, moral and social development of children. The state, as well as the units of local self-government take care about giving suitable material help to the parents for supporting , raising, carrying and protecting children and organizing and providing development of institutions and services for children protection (Article 2 of the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 23/13)).

The Law also gives a definition of the term child in which a child with regard to this law is every person until he/she is 18 years old, as well as persons with disorders in the physical and mental development until the age of 26. By exclusion for the realization of the child allowance a child is also considered the person until the age of 18 and if the person at school age is in regular education (Article 11).

According to the Law the child protection is exercised through providing certain rights, funds and forms of child protection.

The rights of child protection, according to Article 6 of the Law on Child Protection are:

- 1) child allowance;
- 2) special allowance;
- 3) single financial assistance for a new-born;
- 4) parental allowance for a child and
- 5) participation.

These rights under conditions determined by this Law are provided by the state. The Law gives an opportunity for a greater scope of rights to be provided by the municipality, the municipality in the city of Skopje and the city of Skopje, if there are funds provided for that and from own sources, and the Council of the municipality, the municipality of the city of Skopje and Council of the city of Skopje determine the manner and closer criteria for realization of the rights from child protection.

### Child allowance:

Child allowance is a right of the child and is provided as a money allowance for covering part of the costs of upbringing and the development of a child (Article 21).

Article 22 of the Law determines that “The right to child allowance is provided for a child, citizen of the Republic of Macedonia who is regular education in the Republic of Macedonia”. The right to child allowance can be exercised by one of the parents of the child, a guardian or a person who with a decision of the competent Centre for Social Work was entrusted a child and lives in a family with it (hereinafter: the User) under conditions determined by this Law. The user has to be a citizen of the Republic of Macedonia with constant residence in the Republic of Macedonia in the last three years before filing the request. The User can exercise the right to child allowance only on one grounds. This provision is with delayed application and it will be applied after the admission of the Republic of Macedonia in EU. Until the admission of the Republic of Macedonia in EU Article 16 of the Law on Child Protection (Official Gazette of RM No. 98/00,17/03, 65/04,113/05,98/08 and 107/08) will be applied which determines that the right to child allowance is exercised by one of the parents of the child, a citizen of the Republic of Macedonia with constant residence in the Republic of Macedonia, for a child citizen of the Republic of Macedonia and in regular education in the Republic if the parent is: employed in a trade company, public enterprise, public institution, institution and other legal entity that performs economic activity and other legal entity that preforms activity for public services, state body and body of the unit of local self-government and other domestic or foreign natural person and legal entity that employs workers with at least half of the full working hours, that is its equivalent; user of the right to pension and disability insurance, according to the Law on Pension and Disability Insurance; unemployed person who receives monetary compensation; user of a constant welfare; disabled veteran and user of family disability compensation; farmer - payer of income tax who performs agricultural activity as the only and main occupation and craftsman who performs traditional crafts and craftsman carrying out activities that are deficient.

By exclusion if the parent or a member of his family is an owner of a business premises, founder of a trade company or institution cannot exercise the right to child allowance for a child.

Foreign citizen with residence on the territory of the Republic of Macedonia can exercise child allowance for a child according to the Law on Child Protection and international agreements ratifies according to the Constitution of the Republic of Macedonia (Article 23).

The child allowance is exercised depending on the age of the child and the material condition of the family (Article 24).

The right to child allowance is provided to a child until it turns 18 and if the child at school age is in regular education: a child who is a regular student in primary education until finishing the education for the duration of the regular education, ending on the August 31 in the current year; and to a child who is regular student in secondary education, for every school year ending on the August 31 in the current year mostly until the child turns 18.

The child whose regular student status has ceased is not entitled to child allowance and the right ceases on the first day of the following month after termination of the status.

A child who completely and permanently or for more than one year becomes incapable for work before the age of 15 or during regular education, is entitled to child allowance for the duration of the inability of the child, but not after it turns 18. As fully and permanently incapable for work is considered a child who is recognized right to vocational training to its successful completion, but not longer than the age of 18.

By exclusion the right to child allowance has the child who because of illness or injury is prevented to regularly attend classes and because of that hindrance continues extraordinary education in accordance with the law.

Child allowance is awarded to children being supported by a parent, for children born in marriage or extramarital children, adopted children, as well as grandchildren, brothers, sisters and other children being supported.

Children being supported are entitled to child allowance even when they have parents, if: their parents are completely or permanently incapable for work; are serving a prison sentence; are denied custody and parents attending regular education.

For children being supported the child allowance is entitled in case when both children and parents do not have property or income from which the children can be supported.

Child allowance is entitled to a child who is without parental care and is placed in a foster family.

Child allowance is not entitled: the child who for the purpose of upbringing, education or training is placed in an institution or facility that is completely free of care while he is in the institution; and child citizen of the Republic of Macedonia for which the parent has obtained the right to child allowance under the legislation of another state.

The material condition of the family is determined based on the incomes of the family and the number of family members.

Incomes based on which the material condition of the family is determined are considered the incomes exercised on all grounds by all family members as family income:

1. salary and salary compensations (less contributions stipulated by law);
2. Pension income in accordance with the law;
3. monetary compensation for unemployed persons;
4. constant welfare;
5. social welfare;
6. incomes on the grounds of: property and property rights; on the grounds of self-employment, on the grounds of doing craft and other income subject to tax (copyrights, industrial property rights, deed contract, expertise, occasional income);
7. income on the grounds of performing agricultural activity which is the cadastral income that served as the basis for determining the tax on the income tax from agriculture;
8. Income on the grounds of temporary work abroad;
9. income, exercised abroad by workers detached abroad;
10. alimony and scholarships; and
11. civil disability compensation.

An income is not considered: special allowance, allowances for physical damages, monetary allowance for assistance and care of another person, single financial assistance, single financial assistance for a new-born child, the parental allowance for a child, the income of the foster family, monetary compensation for the costs of care for a person in a foster family, assistance in case of natural disasters, subsidies on the basis of agricultural activity as a single occupation and alimony that a parent gives for child support from divorced marriage.

When determining the child allowance, total revenue collected in the previous year of the points 1, 2, 3, 4, 5, 8, 9, 10 and 11 and total revenues from the year before that from points 6 and 7 for all family members individually are collected and divided with 12 or as many months as exercised. The average monthly incomes of a family are divided by the number of family members.

The family with regard to this Law (Article 28) is comprised of the marital, that is extra-marital spouses, the children born in marriage, extramarital children, adopted children, step-children, nephews without parents taken for support and minor brothers and sisters (if they do not have parents and extension funds), which comprise the living, trading and spending community.

A member of the family is not considered: persons to whom the state has provided them completely free of charge support, staying at least six months abroad or serving a prison sentence.

The right to child allowance has the child in a family whose income on all grounds per family member amount to 2.490 denars, and child single parent amounts to 4.980 denars. The amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

The amount of the child allowance is:

- for a child of pre-school age and a child primary school student 716 denars;
- for a child secondary school student until it turns 18 1.136 denars.

For children completely and permanently incapable for work, the amount of child support is determined as follows

- for child completely and permanently incapable for work until the age of 15 716 denars;
- for a child completely and permanently incapable for work until the age of 15 until turning 18 1.136 denars;

The total monthly amount of the child allowance children for who the parent earned the right is 1.800 denars.

The amount of allowances and the total monthly amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

### Special allowance

Article 32 paragraph (1) of the Law determines that special allowance in the form of monetary compensation is awarded to a child with specific needs with disorders in the physical or mental development or combined disorders in the development up to 26 years of age.

A child with developmental disorders and specific needs with regard to this Law (Article 33) is a child with: hard, harder and hardest disorders in the physical development; moderate, hard or deep mental disability; hardest forms of chronic illnesses; hardest level of sight, hearing or speech impairment (blind person and practically blind person practically deaf person and totally deaf person; a person with total absence of speech, a person with hardly damaged speech because of child paralysis, a person with autism, a person with damaged or lost earlier acquired speech) and more kinds of disabilities (combined) in the development.

The right to special allowance has one of the parents of the child, a guardian or a person who with a decision by the competent Centre for Social Work is entrusted a child and lives in a family with him, with constant residence in the Republic of Macedonia, if the child is a citizen of the Republic of Macedonia with constant residence in the Republic of Macedonia until he/she is

26, if the same is not in an institution on burden of the state (Article 34 paragraph 1).

A novelty in this part of the Law is enabling the use of the right to special allowance to persons with the status of recognized refugee an person under subsidiary protection, who has a child with developmental disorder and with specific needs (34 paragraph 2), this provision is with delayed effect after the admission of the Republic of Macedonia in the European Union (Article 241 of this Law).

The amount of the special allowance is 4.202 denars.

The amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

#### Single financial assistance for a new-born

Article 36 of the Law provides the right to single financial assistance for a new-born, provided to a family for a first new-born child. A first new-born child is considered the first live born child for the mother. As first new-born children are also considered when at the first giving birth the mother gives birth to several children (twins, triplets and more).

The right to use the single financial assistance for a new-born has one of the parents, citizen of the Republic of Macedonia with constant residence in the Republic of Macedonia for a child born on the territory of the Republic of Macedonia.

The amount of the single financial assistance for a new-born is 4.829 denars.

The amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

#### Parental allowance for a child

The right to parental allowance is exercised by a mother who directly takes care about the child for whom she filed a request, whose previous children are not placed in an institution for social protection, foster family or are not given to adoption and who is not denied the right to custody over the previous children.

The right cannot be exercised if the mother during pregnancy did not make medical checks and controls at a doctor – specialist in gynaecology and obstetrics.

The right cannot be exercised, that is the already exercised right can be lost if: mandatory vaccinations of the child in accordance with the law are not



made and the child is not enrolled and regularly attends classes in primary schools, in accordance with law.

By exclusion the right to parental allowance is exercised also for the child:

- who because of illness or injury is prevented to regularly attend education and because of that illness or injury continues in part-time education according to the law and who because of the degree of the hindrance cannot be educated in accordance with the law;
- if the mother in the moment of filing the request lives and works abroad.

In case the mother is not alive, has left the child, or is prevented from justified reasons to take care about the child, the right instead by the mother can be exercised by the father or guardian if they fulfil the abovementioned conditions.

Justified reasons are: longer continuous hospital treatment; seriously impaired health condition of the mother study stay, training and specialization of the mother; and revoked working capacity of the mother.

The parental allowance for a third child is paid monthly, for a period of ten years in the amount 8.048 denars. The amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

The sequence of giving birth for the right to parental allowance is determined according to the number of live born children of the mother determined related to the day of filing the request for exercising the right to parental allowance for a child, according to the date and hour of giving births recorded in the birth register, which sequence is determined in the same manner in the cases when the mother gives birth to several children at once.

According to the interim provisions of the Law on the day of entering into force of this Law the acquired right to parental allowance for a child (for third and fourth child) continues to be exercised. The users who acquired the right to parental child allowance (for third and fourth child) according to the provisions in Article 30-a and 30-b of the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 98/00, 17/03, 65/04, 113/05, 98/08, 107/08), the provision of Articles 98 and 99 of the Law on Amending and Supplementing the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 83/09) and the regulations which were effective on the day of entering into force of this Law in the amount determined in Article 9 of the Law on Amending and Supplementing the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 156/09) continue with the realization of the right to parental allowance for a child (for third and fourth child).

The interim provisions of the Law (Article 239) determines that in case the growth of the life expenses for the previous year is lower than the last year of alignment, or with a negative sign, an alignment with the amount of the rights, as well as the amount of the average monthly incomes per family member for the realization of the right to parental allowance (boundary amount) is not done, that is the same are provided with the last aligned year as convenient for the user.

On January 17, 2014 the Law on Amending and Supplementing the Law on Child Protection (Official Gazette of the Republic of Macedonia No. 12/14) was brought. The amendments and supplements of this Law are in the direction of improvement of the financial condition of single parents – users of the right to special allowance for a child with special needs who has disorders in the physical and mental development or combined disorders up to the age of 26. The amount of the right to special allowance for the users single parents who have a child with special needs who has disorders in the physical or mental development or combined disorders in the development up to the age of 26 is increased by 50% the Law determines a nominal amount of 6.303 denars and it is also determined who is the single parent of a child for whom the right to special allowance in increased amount is awarded, being applied from January 1, 2014. The amount is aligned with the growth of the life expenses in the previous year, published by the State Statistical Office, in January for the current year.

For the conduct of the Law on Child Protection in the part of rights for child protection in 2013 the following by-laws were adopted:

- Rulebook on the closer conditions, criteria and manner of exercising the rights to child protection (Official Gazette of RM No.62/2013);
- Rulebook on the form and content of the samples of the requests and the needed document for exercising the right to child protection (Official Gazette of RM No.70/2013);
- Rulebook on the form and content of the request for bringing a decision by the director of the Centre for Social Work (Official Gazette of RM No.61/2013);
- Rulebook on the manner of keeping records and documents, content and form of records on the rights to child protection (Official Gazette of RM No.62/2013).

In 2014 suitable amendments and supplements were adopted to the Rulebook on the closer conditions, criteria and manner of exercising the rights to child protection (Official Gazette of RM No. 51/2014) and to the Rulebook on the form and content of the samples of the requests and the needed document for exercising the right to child protection (Official Gazette of RM No.51/2014);

<b>Allowances for children</b>					
	2009	2010	2011	2012	2013
<b>Users of the rights</b>					
Allowance for children					
Number of children	34 423	26 588	22 626	19 306	17 463
Number of families	18 748	13 866	11 450	9 423	8 811
Users of special allowance					
Number of children	5 903	6 350	6 504	6 762	6 916
Number of families	5 708	6 117	6 286	6 521	6 666
Single financial assistance for a new-born	8 950	8 986	8 778	8 898	8 521
<b>Expenditures, in thousands of denars</b>					
Allowance for children	260 724	214 423	178 350	154 347	142 794
Special allowance	280 503	300 854	295 146	334 308	339 743
Single financial assistance for a new-born	42 825	43 303	43 356	44 860	42 305

Source: State Statistical Office

**Rights to social protection for minor users, 2012**

	Total	Children without parents and parental care	Problems in marriage and family	Children with educational - social problems	Minors offenders	Persons with impaired sight	Persons with impaired hearing	Persons with disorders in the verbal communication	Persons with physical disability	Persons with disorders in the mental development	Autism	Persons with combined disorders in the development	Other
<b>Services in social protection</b>	<b>15 546</b>	<b>4 267</b>	<b>378</b>	<b>448</b>	<b>442</b>	<b>114</b>	<b>119</b>	<b>126</b>	<b>299</b>	<b>731</b>	<b>11</b>	<b>711</b>	<b>7 900</b>
Custody	1 305	1 244	10	16	10	-	-	1	-	11	-	12	1
Adoption	100	99	-	-	-	-	-	-	-	-	-	-	1
out of which international adoptions	2	2	-	-	-	-	-	-	-	-	-	-	-
Placement	1 362	756	27	49	14	2	9	7	29	281	7	179	2
Placement in a foster family	355	314	6	-	6	-	2	1	1	12	-	12	1
Placement in an institution for social protection	453	286	1	39	8	2	7	6	13	26	-	64	1
Placement in a small group home	76	76	-	-	-	-	-	-	-	-	-	-	-
Organized living with support.	25	-	-	-	-	-	-	-	-	12	.	13	-

	Placement in a Centre for victims of domestic violence	20	-	20	-	-	-	-	-	-	-	-	-	-
	Right to daily placement in a daily Centre	433	80	-	10	-	-	-	-	15	231	7	90	-
	Centre for providing assistance in the homes	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rights to social welfare	1 127	825	9	10	2	8	4	-	20	50	-	124	75
	Constant welfare	152	112	1	-	-	-	-	-	-	-	-	-	39
	Single financial assistance	264	250	8	-	-	-	-	-	-	1	-	5	-
	Right to health protection	711	463	-	10	2	8	4	-	20	49	-	119	36
	Other assistance	4 771	28	9	7	.	10	10	31	57	82	.	98	4 439
	Assistance in goods	1	1	-	-	-	-	-	-	-	-	-	-	-
	Assistance for schooling	1 848	5	-	-	-	-	-	-	-	-	-	-	1 843
	Care and other services in apartment	150	-	-	-	-	10	10	-	20	80	-	30	-
	Other allowances	2 772	22	9	7	-	-	-	31	37	2	-	68	2 596

	Other services in social protection	6 881	1 315	323	366	416	94	96	87	193	307	4	298	3 382
<b>Measures of Social Protection</b>		<b>3 111</b>	<b>128</b>	<b>338</b>	<b>354</b>	<b>1 212</b>	<b>63</b>	<b>62</b>	<b>11</b>	<b>79</b>	<b>150</b>	<b>-</b>	<b>117</b>	<b>597</b>
	Assistance for placement of persons in child institutions – kindergartens, extended stay in school	19	5	-	-	-	-	-	-	1	11	-	2	-
	Referral to education and training	50	-	13	-	-	4	14	-	-	16	-	3	-
	Measures for protection of the victims of domestic violence	139	-	134	-	-	-	-	-	-	-	-	-	5
	Measures toward minors:	1 326	9	40	176	1 082	-	-	-	-	-	-	-	19
	Reproach (warning)	390	1	-	27	348	-	-	-	-	-	-	-	14
	Increased supervision by parents or guardians	415	1	-	58	353	-	-	-	-	-	-	-	3
	Increased supervision in the foster family	44	-	2	31	11	-	-	-	-	-	-	-	-

	Increased supervision in another family	37	1	36	-	-	-	-	-	-	-	-	-	-
	Increased supervision by a custody body	315	3	2	45	263	-	-	-	-	-	-	-	2
	Referral to an educational institution	43	2	-	10	31	-	-	-	-	-	-	-	-
	Referral to education – corrective institution	58	1	-	5	52	-	-	-	-	-	-	-	-
	Referral to juvenile prison	24	-	-	-	24	-	-	-	-	-	-	-	-
	Other measures for social protection	1 577	114	151	178	130	59	48	11	78	123	.	112	573
	<b>Services for social work</b>	13 722	596	4 694	560	887	171	228	164	670	974	31	673	4 074
	Assistance in arranging the marriage and extramarital relations	<b>3 031</b>	<b>2</b>	<b>2 939</b>	<b>11</b>	<b>7</b>	<b>1</b>	-	-	<b>1</b>	-	-	-	<b>70</b>
	Implementing procedures for conciliation of spouses	510	-	510	-	-	-	-	-	-	-	-	-	-

	Placement of the children of the marriage / extramarital community	1 337	1	1 313	-	-	-	-	-	-	-	-	-	23
	Arranging the manner of maintaining personal relations and direct contacts of the child with a parent (when there are no proceedings for divorce and after divorce)	926	1	882	1	1	1	-	-	1	-	-	-	39
	Assistance in arranging the family relations	258	-	234	10	6	-	-	-	-	-	-	-	8
	Categorization(classification)	1 146	-	-	-	-	34	62	32	205	272	9	244	288
	Other services for social work	9 545	594	1 755	549	880	136	166	132	464	702	22	429	3 716

Source: State Statistical Office



**Rights to social protection for minor users, 2013**

	Total	Children without parents and parental care	Problems in marriage and family	Children with educationally - social problems	Minors offenders	Persons with impaired sight	Persons with impaired hearing	Persons with disorders in the verbal communication	Persons with physical disability	Persons with disorders in the mental development	Autism	Persons with combined disorders in the development	Other
<b>Services for social protection</b>	<b>9 137</b>	<b>4 180</b>	<b>584</b>	<b>370</b>	<b>628</b>	<b>104</b>	<b>105</b>	<b>117</b>	<b>297</b>	<b>573</b>	<b>67</b>	<b>521</b>	<b>1 591</b>
Custody	1 247	1 198	6	11	4	-	-	-	4	14	-	10	-
Adoption	91	81	-	-	-	-	-	-	1	-	-	-	9
out of which international adoptions	7	7	-	-	-	-	-	-	-	-	-	-	-
Placement	1 339	589	39	50	14	8	13	11	96	247	9	216	47
Placement in a foster family	341	285	12	-	-	-	-	-	8	21	-	14	1
Placement in an institution for social protection	491	251	10	34	14	6	11	6	32	26	.	95	6
Placement in a small group home	55	10	-	5	-	-	-	-	-	-	-	-	40
Organized living with support.	28	-	-	-	-	-	-	-	-	13	-	15	-
Placement in a Centre for	17	-	17	-	-	-	-	-	-	-	-	-	-

	victims of domestic violence													
	Right to daily placement in a daily Centre	407	43	-	11	-	2	2	5	56	187	9	92	-
	Centre for providing assistance in the homes	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rights to social welfare	881	716	2	12	-	-	8	1	9	34	1	14	84
	Constant welfare	169	132	-	-	-	-	-	-	-	9	-	3	25
	Single financial assistance	229	196	-	2	-	-	-	-	3	3	1	2	22
	Right to health protection	483	388	2	10	-	-	8	1	6	22	.	9	37
	Other assistance	481	78	2	-	-	-	-	-	3	1	1	9	387
	Assistance in goods	118	65	-	-	-	-	-	-	3	1	1	1	47
	Assistance for schooling	316	13	2	-	-	-	-	-	-	-	-	-	301
	Care and other services in apartment	-	-	-	-	-	-	-	-	-	-	-	-	-
	Other allowances	47	-	-	-	-	-	-	-	-	-	-	8	39
	Other services in social protection	5 098	1 518	535	297	610	96	84	105	184	277	56	272	1 064

<b>Measures for Social Protection</b>		<b>1 639</b>	<b>8</b>	<b>93</b>	<b>593</b>	<b>868</b>	<b>3</b>	<b>12</b>	.	.	<b>14</b>	.	<b>3</b>	<b>45</b>
	Assistance for placement of persons in child institutions – kindergartens, extended stay in school	1	-	-	-	-	-	-	-	-	1	-	-	-
	Referral to education and training	36	-	5	-	-	3	12	-	-	13	-	3	-
	Measures for protection of the victims of domestic violence	25	-	25	-	-	-	-	-	-	-	-	-	-
	Measures toward minors:	1 209	3	21	433	730	-	-	-	-	-	-	-	22
	Reproach (warning)	531	1	4	247	266	-	-	-	-	-	-	-	13
	Increased supervision by parents or guardians	325	.	.	72	247	-	-	-	-	-	-	-	6
	Increased supervision in the foster family	35	.	1	34	.	-	-	-	-	-	-	-	-
	Increased supervision in	1	1	.	.	.	-	-	-	-	-	-	-	-

	another family													
	Increased supervision by a custody body	236	1	15	57	160	-	-	-	-	-	-	-	3
	Referral to an educational institution	37	.	1	15	21	-	-	-	-	-	-	-	-
	Referral to education – corrective institution	34	.	.	8	26	-	-	-	-	-	-	-	-
	Referral to juvenile prison	10	.	.	.	10	-	-	-	-	-	-	-	-
	Other measures for social protection	368	5	42	160	138	-	-	-	-	-	-	-	23
	<b>Services for social work</b>	<b>11 036</b>	<b>504</b>	<b>5 332</b>	<b>421</b>	<b>549</b>	<b>209</b>	<b>158</b>	<b>111</b>	<b>462</b>	<b>595</b>	<b>36</b>	<b>594</b>	<b>2 065</b>
	Assistance in arranging the marriage and extramarital relations	4 476	1	4 142	-	-	1	-	-	1	-	-	-	331
	Implementing procedures for conciliation of spouses	921	-	858	-	-	1	.	-	-	-	-	-	62

	Placement of the children of the marriage / extramarital community	1 309	-	1 299	-	-	-	-	-	-	-	-	-	10
	Arranging the manner of maintaining personal relations and direct contacts of the child with a parent (when there are no proceedings for divorce and after divorce)	1 544	1	1 542	-	-	-	-	-	1	-	-	-	-
	Assistance in arranging the family relations	702	-	443	-	-	-	-	-	-	-	-	-	259
	Categorization	1 010	-	.	-	-	21	29	17	176	181	12	232	342
	Other services for social work	5 550	503	1 190	421	549	187	129	94	285	414	24	362	1 392

Source: State Statistical Office

### Rights to social protection for adult users, 2012

	Total	Socially excluded	Persons with impaired sight	Persons with impaired hearing	Persons with disorders with physical disability	Persons with disorders in the mental development	Persons with combined disorders in the development	Materially unsecured	Elderly persons	Other users
<b>Services in social protection</b>	<b>87 964</b>	<b>933</b>	<b>3 289</b>	<b>769</b>	<b>10 128</b>	<b>8 695</b>	<b>17 705</b>	<b>20 043</b>	<b>8 926</b>	<b>17 476</b>
Custody	1 011	-	1	3	6	480	203	3	47	268
Placement	991	244	2	2	39	309	60	3	293	39
Placement in a foster family	44	-	1	-	-	25	4	-	14	-
Placement in an institution for social protection	617	154	-	1	23	153	43	2	239	2
Organized living with support.	36	-	-	1	-	32	3	-	-	-
Placement in a Centre for victims of domestic violence	30	28	-	-	-	-	-	1	-	1
Right to daily placement in a daily Centre	264	62	1	-	16	99	10	.	40	36
Centre for providing assistance in the homes	-	-	-	-	-	-	-	-	-	-

	Rights to social welfare	51 864	236	2 361	327	7 051	5 243	15 684	7 151	7 604	6 207
	Constant welfare	6 048	39	66	17	454	972	1 600	506	1 519	875
	Single financial assistance	7 971	159	46	10	265	389	152	6 178	250	522
	Welfare for a person who until the age of 18 had the status of a child without parents and parental care	127	6	-	-	-	3	-	53	-	65
	Welfare for university education	32	1	.	.	.	.	.	6	.	25
	Welfare for a mother who gave birth to a fourth child	-	-	-	-	-	-	-	-	-	-
	Monetary compensation for assistance and care by another person	30 678	2	1 308	252	5 248	3 062	12 432	58	4 777	3 539
	Salary compensation for part-time work because of the care for a child with physical or mental	49	-	-	-	-	3	5	-	-	41

	disorders in the development											
	Welfare for social housing	60	-	-	-	-	2	-	3	-	55	
	Allowance for blindness and mobility	1 495	-	889	22	526	2	10	-	28	18	
	Right to health protection	5 404	29	52	26	558	810	1 485	347	1 030	1 067	
	Other assistance	6 314	8	3	1	23	27	80	3 127	24	3 021	
	Assistance in goods	433	3	-	1	5	2	2	253	20	147	
	Assistance for schooling	30	-	-	-	-	-	-	30	-	-	
	Care and other services in apartment	-	-	-	-	-	-	-	-	-	-	
	Other allowances	5 851	5	3	-	18	25	78	2 844	4	2 874	
	Other services for social protection	27 784	445	922	436	3 009	2 636	1 678	9 759	958	7 941	
	<b>Measures for Social Protection</b>	2 744	536	89	85	93	173	199	363	150	1 056	
	Referral to education and training	23	-	-	-	1	17	1	-	-	4	
	Measures for protection of the	317	125	-	-	-	1	3	5	32	151	



	victims of domestic violence										
	Proposed interim measures for protection against perpetrators of domestic violence	342	254	-	-	-	2	-	2	6	78
	Assistance in employment and in protective trade companies	93	34	6	6	1	32	2	-	-	12
	Other measures for social protection	1 969	123	83	79	91	121	193	356	112	811
	<b>Services for social work</b>	13 234	387	233	83	256	724	375	1 772	414	8 990
	Assistance in arranging the marriage and extramarital relations	4 524	42	1	-	-	4	-	32	16	4 429
	Implementing procedures for conciliation of spouses	2 067	1	1	-	-	2	-	15	5	2 043
	Placement of the children of the marriage / extramarital community	307	-	-	-	-	-	-	2	-	305

	Arranging the manner of maintaining personal relations and direct contacts of the child with a parent (when there are no proceedings for divorce and after divorce)	211	-	-	-	-	-	-	3	-	208
	Assistance in arranging the family relations	1 939	41	-	-	-	2	-	12	11	1 873
	Other services for social work	8 710	345	232	83	256	720	375	1 740	398	4 561

### Rights to social protection for adult users, 2013

	Total	Socially excluded	Persons with impaired sight	Persons with impaired hearing	Persons with disorders with physical disability	Persons with disorders in the mental development	Persons with combined disorders in the development	Materially unsecured	Elderly persons	Other users
<b>Services for social protection</b>	<b>88 419</b>	<b>2 409</b>	<b>5 044</b>	<b>1 034</b>	<b>10 576</b>	<b>7 977</b>	<b>16 973</b>	<b>21 479</b>	<b>7 952</b>	<b>14 975</b>
Custody	964	5	1	2	111	342	118	3	88	294
Placement:	834	154	2	2	41	214	88	7	304	22
Placement in a foster family	63	10	-	-	6	19	7	-	21	-
Placement in an institution for social protection	418	77	-	1	32	84	47	6	165	6
Organized living with support	40	-	-	1	1	30	8	.	-	-
Placement in a Centre for victims of domestic violence	24	21	-	-	-	-	-	1	-	2
Right to daily placement in a daily Centre	289	46	2	-	2	81	26	-	118	14
Centre for providing assistance in the homes	-	-	-	-	-	-	-	-	-	-
<b>Rights to social</b>	<b>58 186</b>	<b>333</b>	<b>3 892</b>	<b>399</b>	<b>7 629</b>	<b>5 137</b>	<b>14 795</b>	<b>9 038</b>	<b>6 499</b>	<b>10 464</b>

	welfare										
	Constant welfare	5 950	6	74	28	461	1 070	1 728	455	1 717	411
	Single financial assistance	10 145	195	35	14	331	396	199	7 995	288	692
	Welfare for a person who until the age of 18 had the status of a child without parents and parental care	127	7	-	-	-	-	1	57	-	62
	Welfare for university education	138	-	-	-	-	-	2	15	-	121
	Welfare for a mother who gave birth to a fourth child	-	-	-	-	-	-	-	-	-	-
	Monetary compensation for assistance and care by another person	32 679	3	1 784	337	4 950	3 013	11 033	272	3 199	8 088
	Salary compensation for part-time work because of the care for a child with physical or mental disorders in the development	56	-	-	-	3	10	3	-	-	40

	Welfare for social housing	7	-	-	-	-	-	-	4	-	3
	Allowance for blindness and mobility	3 781	118	1 972	3	1 472	21	76	.	15	104
	Right to health protection	5 303	4	27	17	412	627	1 753	240	1 280	943
	Other assistance	5 803	1 387	2	2	12	25	15	4 021	141	198
	Assistance in goods	2 409	51	2	2	6	16	3	2 137	66	126
	Assistance for schooling	1 405	1 294	-	-	-	-	-	111	-	-
	Care and other services in apartment	-	-	-	-	-	-	-	-	-	-
	Other allowances	1 989	42	-	-	6	9	12	1 773	75	72
	Other services for social protection	22 632	530	1 147	629	2 783	2 259	1 957	8 410	920	3 997
	<b>Measures for Social Protection</b>	<b>3 045</b>	<b>707</b>	<b>113</b>	<b>88</b>	<b>76</b>	<b>182</b>	<b>199</b>	<b>398</b>	<b>218</b>	<b>1 064</b>
	Referral to education and training	19	-	-	-	1	17	1	-	-	-
	Measures for protection of the victims of domestic violence	429	138	-	-	-	-	-	29	55	207
	Proposed interim measures for protection against perpetrators of	402	276	-	-	-	3	-	11	5	107

	domestic violence										
	Assistance in employment and in protective trade companies	7	-	1	1	1	4	-	-	-	-
	Other measures for social protection	2 188	293	112	87	74	158	198	358	158	750
	<b>Services for social work</b>	<b>12 821</b>	<b>303</b>	<b>230</b>	<b>107</b>	<b>227</b>	<b>368</b>	<b>244</b>	<b>1 685</b>	<b>438</b>	<b>9 219</b>
	Assistance in arranging the marriage and extramarital relations	5 391	12	3	-	-	-	-	80	17	5 279
	Implementing procedures for conciliation of spouses	2 476	-	1	-	-	-	-	32	.	2 443
	Placement of the children of the marriage / extramarital community	630	-	-	-	-	-	-	4	.	626
	Arranging the manner of maintaining personal relations and direct contacts of the child with a	376	-	1	-	-	-	-	13	.	362

	parent (when there are no proceedings for divorce and after divorce)										
	Assistance in arranging the family relations	1 909	12	1	-	-	-	-	31	17	1 848
	Other services for social work	7 430	291	227	107	227	368	244	1 605	421	3 940

Source: State Statistical Office

<b>Institutions for Social Protection</b>					
	2009	2010	2011	2012	2013
<b>Homes for infants and toddlers</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Users	98	115	108	79	77
Employees	65	65	65	59	59
<b>Child homes</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Users	75	59	60	62	47
Employees	44	44	44	46	43
<b>Institutions for placing children and young persons without parents and parental care</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Users	84	84	87	97	92
Employees	44	40	42	41	41
<b>Institutions for placement of persons with special needs</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
Users	432	390	378	383	373
Employees	319	301	301	296	297
<b>Inter-municipality Centres for Social Work</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>
Employees	1 025	1 040	1 034	1 026	1 057
<b>Trade companies for employment of disabled persons(private ownership)</b>	<b>338</b>	<b>268</b>	<b>251</b>	<b>235</b>	<b>232</b>
Users	2 353	2 394	2 292	2 151	2 274
Employees <sup>1)</sup>	5 342	5 551	5 302	4 951	5 234
<b>Institutions – homes for elderly persons</b>	<b>5</b>	<b>5</b>	<b>15<sup>2)</sup></b>	<b>16</b>	<b>18</b>
Users	542	555	854	913	917
Employees	122	132	250	270	305
<b>Institutions for the care and education of children and young persons</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Users	22	23	25	20	20
Employees	40	40	40	38	33
<b>Institutions for placement of children and young persons with educationally - social problems</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Users	59	55	48	53	34
Employees	37	33	32	49	50

Source: State Statistical Office



**ARTICLE 17 – Right of mothers and children to social and economic protection (ESC from 1961)**

**Article 17**

With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

**Note: In the following we report on the obligations arise from the 1961 European Social Charter (ESC). Reference period - 1/1/2010-29/2/2012.**

**Young offenders**

By the amendments of the Law on Juvenile Justice from October 2010 (Official Gazette of Republic of Macedonia No. 145/2010) are introduced amendments in Article 141, where the right to compensation of a minor who is victim or damaged by crime of violence and other acts of individual or group violence, instead of the previous compensation fund, shall be exercised in accordance with Programme.

Based on this Article:

“For compensation of minor who is victim or damaged by crime of violence and other acts of individual or group violence, shall be allocated assets within the budget of the Ministry of Justice.

For realization of the Programme (Official Gazette of Republic of Macedonia No. 105/13) from the Budget of Republic of Macedonia, that is, the Ministry of Justice were approved MKD 500,000.00.

Within the reference period of this Report there were number of activities in the field of juvenile justice realized.

The realization of the IPA Project: Child Justice started in October 2010. The project’s realization period was 2010-2012.

Within this project were realized the following activities:

- Promotion of the legal framework, standards and protocols for application of the Law on Juvenile Justice;
- Strengthening of the institutional and human capacities;
- Development of plans and instruments for preventing juvenile delinquency.

In order to promote the legal framework, standards and protocols for application of the Law on Juvenile Justice;

- An Analysis of gaps and deficiencies in the juvenile justice system was prepared, which was shared on 4 workshops with participation of all professionals in the juvenile justice system. Work group in the Ministry

of Justice reviewed this analysis and the recommendations and observations integrated in the Law on Child Justice adopted in October, 2013.

- The Referral protocol of children in conflict with the law was prepared;
- There were two workshops held for preparing one-minute videos for children who currently are placed in two child institutions. The goal of the workshops was to provide the children with opportunity to express themselves; to develop basic communication and audio-visual skills; to socialize and cooperate with their peers; to promote the team work, strengthen their self-confidence and motivate their creativity;
- It has been adopted a Rulebook on standards for establishing pleasant rooms for interviewing and work with children in the centres for social work, and
- There were adopted and applied 21 indicators for monitoring of the application of the Law on Juvenile Justice. Based on these indicators were prepared the Annual Work Reports of the State Council for Prevention of Juvenile Delinquency for 2011 and 2012.

In order to strengthen the institutional and human capacities;

- There were 4 trainings implemented and 20 mediators trained for work with children; a Manual for training of mediators was prepared;
- In the Centre for Social Work in Skopje is implementing the Programme for mentoring children in conflict with the law including creation of tools for individual mentoring measures and plans, mentoring of children that serve as alternative measures and implementation of analysis for application of the alternative measures;
- On 17.02.2011 was launched a Centre for juveniles in the Public institution for children with educational and social problems in Skopje;
- There were Guidelines and Manual on child justice prepared, based on which were trained 385 professionals: judges, prosecutors, lawyers, social workers, mediators, which provided an incensement of their knowledge for child justice, alternatives to imprisonment and restorative justice.

Within the third component: Development of plans and instruments for preventing juvenile delinquency:

- The State Council for Prevention of Juvenile Delinquency was supported in adopting the Strategy on prevention of juvenile delinquency in 2010, the same was distributed to competent institutions;
- It was supported the establishment of 10 local councils for prevention of juvenile delinquency.
- It was adopted guidelines which will help the local councils to adopt prevention action plans.

In order to raise the public awareness, during 2011, there were public debates held in the Assembly of Republic of Macedonia, television and radio shows, there were brochures made for professionals who work with children in conflict with the law and for the children rights.

Regarding the Committee's question for what is the longest possible period of juvenile detention before trial, including all possible extensions and what is the longest imprisonment that may be imposed to an offence committed by minor<sup>31</sup>, we inform you that pursuant to Article 118 of the Law on Child Justice:

“(1) The detention shall be determined by decision of the judge for children and may last 30 days maximum.

(2) After reasoned proposal of the judge for children, and after previously obtained opinion by the Public Prosecutor and by the Centre, Council for Children of the Basic Court the detention may be extended for another 60 days if there are justified reasons.

Pursuant to Article 51 of this Law:

“(3) Imprisonment for children cannot be shorter than one nor longer than ten years, and it is imposed for whole or half years.

(4) When assessing the punishment the Court cannot impose prison punishment for children in duration longer than the punishment prescribed for that offence, but the Court is not related to the smallest prescribed measure of that punishment. ”

The Committee notices from another source that the United Nation's Committee for the Rights of the Child express concern about the fact that children younger than 14 can be subject to corrective measures decided and applied by the Centres for Social Work and that according to the same source, in several cases children were supposedly treated as adult offenders and children are not separated from adult prisoners. Also, the Committee demands to explain in the following report which is the corrective measures (measures for assistance and protection) and whether young offenders are always separated from the adult, during detention before trial and in prisons<sup>32</sup>. In this view we inform that according to Article 40 of the Law on Execution of Sanctions: (4). The punishment juvenile imprisonment minors until turning 23 is executed separately from the majors sentenced to imprisonment.

Article 120 of the Children's Justice Act:

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<sup>31</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 18.

<sup>32</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 18.

(1) A child is placed in prison separately from the adults.

(2) A child in prison is provided the right to working and other activity which is useful for his its education and removing the negative consequences of the deprivation from liberty on its personality.

(3) During imprisonment the child shall be guaranteed and provided with the right to contact with the family at least once a week, the right to private and confidential contact by need, the right to medical help and protection and the right t follow information through the means of public information. "

With regard to the question of the Committee whether young offenders who serve their sentence have the legal right to education<sup>33</sup>, we inform that in Articles 258-273 of the Law on the Execution of Sanctions consists special provisions for serving the sentence imprisonment of minors. So according to Article 266 and 267: "Minors are determined the kind of their work and elementary education according to the treatment programme".

Elementary education and other kinds of vocational qualification of minors can be organized in the institution depending on the conditions and the possibilities of the institution.

The choice of the work, the kind of education and vocational qualification is done according to the possibilities of the minor institution, taking into consideration the physical capabilities, personal characteristics and affiliations of the young person for a certain kind of occupation.

If there are no conditions for organizing education in the institution for minors, the minors can visit education in the school in the seat of the institution for minors.

Also Article 276 of this Law which arranges the execution of educational measure determines that minors are provided conditions for elementary and secondary education and vocational qualification.

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<sup>33</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 18.

<b>Data on the number and age of minors Who are in detention or in prison or placed in a sanction institution</b>							
	Number of minor in detention	Prison			Board measure: Assignment to juvenile prison		
		Number of convicted persons	Age		Number of convicted persons	Age	
31.12.2010	No data	28	No data		41	No data	
TOTAL						69	
31.12.2011	No data	21	No data		42	14 - 16	4 persons
						16-18	16 persons
						21-23	22 persons
TOTAL						63	
31.12.2012	0	28	16-18	3	40	16 - 16	8 persons
			19-23	18		16-18	19 persons
						21-23	13 persons
TOTAL						60	
31.12.2013	2	9	16-18	1	36	14-16	4 persons
			19-23	8		16-18	15 persons
						21-23	17 persons
TOTAL						47	

Source: Ministry of Justice

**ARTICLE 17 - The right of children and young persons to social, legal and economic protection (RESC from 1996)**

**Article 17§1**

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- A) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- B) to protect children and young persons against negligence, violence or exploitation;
- C) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.

Taking into consideration that the Law on Child Protection (Official Gazette of RM No. 98/2000) was subject to several amendments and supplements (total of nine: Official Gazette of the Republic of Macedonia No. 17/03, 65/04, 113/05, 98/08, 107/08, 83/09, 156/09, 51/11 и 157/11), appeared the need of adopting a new Law on Child Protection in which the new concept for enhancing the child protection system is précised, especially the part on organization and manner of providing conditions for child protection, as an activity of public interest in modern conditions and by recognising the plural relations in performing the activity. There is consistent following of the rights of children, obligations of parents and the local and state authorities regarding family and child protection. Protection of children as organized activity based on the rights of children shall be fulfilled through the care and protection of children, their early development and getting familiar with modern concepts of raising the level and quality of the development and the possibilities and conditions provided to children. Enhancing the control mechanisms in the state and municipality for preventing all kinds of violations against children and institutional enhancing of the inspections, professional monitoring and control.

Creating market possibilities and encouraging more participants to apply for providing services for children.

The Assembly of the Republic of Macedonia adopted the Law on Child Protection on February 12, 2013, which was published on January 14 in the Official Gazette in the Republic of Macedonia No. 23/2013 and entered into force on February 22, 2013.

The Law established a system for placement and education of children at pre-school age in function of the early development of the child which supportive to: the complete development and wellbeing of the child at preschool age, through providing conditions and encouraging development of its capacities, enlarging its experiences and building knowledge about itself, other people and the world; the education function of the family; further education and inclusion in the social community; developing the child's potential as a condition for further development of the society and its advance, leaving the circle of poverty through investment in human capital, integrating in the system for placement and education of children and Centres for Early Child Development.

The law enables domestic legal entity or natural person to found an agency for providing services and care for children at preschool age and gives the opportunity to natural persons to perform certain activities in the area of placement and education of children at preschool age as an occupation, in their parents' home or in their own home.

Introducing licencing will directly contribute to raising the quality of the services offered by the professional staff in the child institutions. The connection of the child protection in the information system which would produce daily reports on the number and needs of the children, informing parents on the activities conducted in kindergartens and Centres for early child development as well as other data which would contribute to realizing the goals in this area in the institutions and other forms of child protection.

The Law arranges the system and organization of the child protection, as an activity of public interest.

Child protection is realized through providing certain rights and forms of child protection.

Because of the need to raise child protection in general, but in certain cases also in line with a higher life than the present, the Law incorporates greater part of the provisions from the Convention on the Rights of the Child, other appropriate conventions, protocols and other documents.

This Law foresees inclusion of parents, family, guardians and foster families, educational, social, health and cultural institutions and individuals, institutions from the state and local authorities and public legal entities and other natural persons and legal entities whose activities are connected with giving support and care to children.

The basic purpose of the Law is its sophistication and alignment of the lawful solutions to the legislation of the countries from the European Union as well as provisions connected with the Convention on the Rights of the Child and other documents directed toward children protection.

This Law arranges the system and organization for child protection. Child protection is organized activity based on the rights of the child, as well as on the rights and obligations of parents on planning family and the state and the units of local self-government to have a humane population policy. Child protection is realized by providing conditions and level of life standard corresponding to the physical, mental, emotional, moral and social development of children. The states as well as the units of local self-government worry about giving suitable material assistance to the parents for supporting, care, and protection of children and organizing and providing development of institutions and services for child protection (Article 2).

Child protection is fulfilled through providing certain rights and forms of child protection.

Forms of child protection according to the Law are:

- placement and education of children at preschool age;
- rest and recreation for children; and
- other forms of protection.

According to the Law on Child Protection placement and education of children at preschool age is organized and realized in public and private institutions for children – children kindergarten.

The institutions for placement and education of children are kindergartens and Centres for early child development and they can be public (state, municipal and of the municipality of the city of Skopje) and private.

Placement and education of children can also be organized and realized in other institutions and space conditions, under conditions determined with this Law.

Placement and education of children at preschool age in the form of child protection is organized for placement, stay, care, food, education, sport – recreational, cultural – amusing activities, measures and activities for improving and keeping the health and encouraging intellectual, emotional, physical, mental and social development of children up to 6 years of age, that is until inclusion in the elementary education. Legal entities are institutions organized as public institutions and private institutions. Natural persons are natural persons who perform certain activities for placement and care for children at preschool age.

Certain things from the activity of placement and education of children at preschool age, that is until starting elementary school can also be done by the Agency for providing services for placement and care for children at



preschool age, as well as natural persons who independently perform certain things from the activity. Kindergartens provide placement and education of children at preschool age. Public kindergarten can provide stay and food for children over the age of six, i.e. after starting elementary school up to the age of ten.

For children who are not part of the placement and education in a kindergarten other reduced non-institutional forms of placement and education can be organized in accordance with the Law on Child Protection.

Public kindergarten is founded by the Municipality Council, The Council of the Municipality in the City of Skopje and the Government of the Republic of Macedonia under conditions determined with the Law. A kindergarten in private ownership is founded by a domestic or foreign natural person or legal entity under conditions determined by the Law.

Foreign legal entities or natural persons with seat, i.e. residence in the European Union and OECD member-states can found kindergartens in private ownership as well as domestic legal entities and natural persons.

The assets for founding and work of the institution are provided by the founder.

Public kindergarten is founded by the Municipality Council, the Council of the Municipality of the City of Skopje and the Government, with a Decision for founding a public kindergarten after a previous opinion by the ministry that is after a proposal of the Ministry for founding a public kindergarten founded by the Government.

The kindergarten enrolls and accepts children based on applications through the whole year. If there is greater number of children applying for a place than the number of free places, the admission is decided by a Commission on admission of children named by the director. The composition and manner of work of the Commission as well as closer criteria for admission of children in the kindergarten are determined by the Managing Board of the kindergarten in accordance with the Council of the Municipality and the Council of the Municipality of the City of Skopje, and the Ministry for a public kindergarten founded by the Government. When enrolling the child in a kindergarten the parents are obliged to submit a certificate from the family doctor for the health condition of the child, i.e. a finding and opinion from the suitable professional institution for children with disorders in the mental development or body disability.

The rights and obligations of the kindergarten and the service users are arranged with an agreement, which especially arranges the mutual relation of the provider and the user of the services, the quality of the service, the manner of payment, the election of the programme, the length of the stay of the child in the institution and other questions related to the protection of children and the activity of the kindergarten.

The activity of the kindergarten is realized according to programmes for performing the activity according to the Law. The kindergarten is obliged to present to the parents the programmes it performs, their purposes, content and methodology of work. Parents have the right for their children in kindergartens to choose programmes for placement and care and education of children. The kindergarten according to duration realizes programmes for:

- day care (in the duration of 9 to 11 hours);
- semi-day-care (in the duration of 4 to 6 hours and can be performed in the morning, in the afternoon or interchangeably);

The day care programmes and the semi-day-care programmes are dedicated to children at the age before starting elementary school and encompass placement and education of children;

- reduced programmes (in duration of 260 to 600 hours) are dedicated to children at the age of three to six, that is until starting elementary school and encompass placement and education of children with or without food. The reduced programmes are dedicated to children on a longer hospital treatment;
- Pilot programmes are programmes with special educational principles which are performed in the public kindergartens after received approval from the Minister after an opinion by the Bureau for Development of Education; and
- non-institutional forms of activities with children, which are short programmes in the duration of three hours a day and can encompass: plans, playing activities, creative workshops, children workshops in the area of culture and art, sport activities dedicated to children at the age of three before starting elementary school and are organized and realized by the public kindergartens after a received approval from the Minister after an opinion by the Board for the Development of Education.

The work in a kindergarten is organized depending on the age of children in homogenic groups:

1. up to 12 months – 6 to 8 children;
2. over 12 months up to 18 months – 8 to 10 children;
3. over 18 months up to 2 years – 10 to 12 children;
4. over 2 years to 3 years -12 to 15 children;
5. over 3 years up to 4 years – 15 to 18 children;
6. over 4 years up to 5 years – 18 to 20 children;
7. over 5 years up to 6 years – 20 to 25 children.

By exception depending on the age of children it can be organized:

1. Heterogenic group -
  - up to two years – 10 to 12 children
  - 2 years up to starting elementary school - 18 to 20 children
2. Combined group – from 12 months up to starting elementary school – 15 to 20 children
3. Group of children with developmental disorders – 5 to 8 children.
4. Group of children who six years old, that is from starting elementary school up to ten years - 20 to 30 children

In the groups can be included one child with light disorders in the mental development or body disability in which case the number of children in the groups is reduced by two.

By exception, depending on the working conditions, the need of children or parent or programmes for realizing the activity, the public kindergarten can have greater number of children in the groups, that is lower number than the determined number, for which a consent is needed by the founder of the kindergarten. By exception, depending on the working conditions, the need of children and parents the private kindergarten can have a lower number of children in the groups than the number of the abovementioned children, for which a consent is needed by the founder of the kindergarten.

In the kindergarten the activities are realized in Macedonian language and Cyrillic alphabet. For the children belonging to the other communities the educational activities in the kindergartens are realized in the language of the suitable community, for a group of children, according to the provisions of this Law. If there is interest for realizing the activities in other languages, the educational activities in kindergartens can be realized for a group of children in accordance with the provisions from this Law.

The kindergarten organizes placement and education for children with disorders in the mental development or body disorder, according to the kind and level of the disability. Children with disorder in the mental development or body disability are considered: blind and children with damaged sight, deaf children, children with speech disorders, children with physical disabilities and children with difficulties in behaviour and personality Placement and education of children with light disabilities in mental development and physical disabilities who require customized performance of the programs for preschool children with additional professional assistance or customized programs are organized in regular groups. Placement and education of children with mild disabilities in mental development and physical disabilities is organizes in special groups according to special programmes.

A public kindergarten can organize separate services from its activity may organize them in other premises (elementary school, hospital, house of culture, local community and other institutions and facilities), as well as providing certain services

activities of kindergarten for children and families, according the Law on Child Protection.

When there is no kindergarten in the place of living and parents are interested in involvement in kindergarten of a certain number of children, according to which in accordance with the norms and standards for the activity one group can be formed, the kindergarten of nearest municipality can organize separate services of its activity in other premises after prior approval of the Ministry. The procedure for opening a group in other premises is initiated by the kindergarten on request of the founder and the municipality in which there is no kindergarten. When there are no free places in the public kindergarten, and parents are interested in involvement in kindergarten of a certain number of children, according to which in accordance with the norms and standards for performing the activity one group can be formed, a kindergarten can organize separate services from its activity in other premises upon prior approval of the Ministry. In case when in a given municipality there is no public kindergarten or public Centre for early child development established by the municipality or there are legal entities without sufficient capacity, and parents have expressed interest and there is a necessary number of children for the establishment of new institutions for care and education of preschool children, the municipality or municipality of the city of Skopje may, within 30 days of documenting the need start a procedure for granting a concession or contract for establishing a public-private partnership with legal entities in private ownership that perform activities within the system of placement and education of pre-school children, according to a law.

#### Centre for early child development

The activity performed in frames of placement and education of children at preschool age can also be realized in a Centre for early child development. Public Centre for early child development of the municipality and the municipality of the city of Skopje is founded by the Municipality Council and the Council of the municipality in the city of Skopje, i.e. the Government, after a previous opinion by the Ministry, i.e. upon a proposal by the Ministry. A Centre for early child development in private ownership can be founded by a domestic legal entity or natural person or by a foreign legal entity or natural person with seat, i.e. residence in the European Union or OECD member-states. The Government gives an approval for foundation of a Centre for early child development after a previous opinion of the Ministry, if the conditions foreseen by law are fulfilled. The assets for the foundation and the work of the Centre for early child development are provided by the founder.

A Centre for early child development conducts a Programme for early education and development of children at preschool age at the age from three to six, i.e. before starting elementary school. According to the duration the Centre conducts shortened programmes in the duration of three hours a day with flexible working hours according to the needs of the parents and the community. When in the place of living there is no Centre for early child development, and the parents

have shown interest for inclusion in the Centre for early child development of certain number of children, in accordance with the norms and standards for conducting the activity one group can be formed, the public Centre for early child development from the nearest municipality can organize separate services of its activity in other premises after a previously received approval from the Ministry. The Centre for early child development initiates the procedure for opening a group in other premises on demand of the founder and the municipality that does not have a Centre for early child development.

When a public Centre for early child development does not have free places, and the parents have shown interest for inclusion in the Centre for early child development of certain number of children, in accordance with the norms and standards for conducting the activity one group can be formed, the public Centre for early child development can organize separate services of its activity in other premises after a previously received approval from the Ministry.

The work of the Centre for early child development is organized in heterogenic groups with 10 – 20 children in a group. If the group encompasses children at the age of 3 to 4 the maximum number of children in the group is 15, and if the group encompasses children with special needs, but not more than two in the group, the maximum number of children in the group is 12. By exception, depending on the working conditions, the needs of children and parents or programmes for realizing the activity, a private Centre for early child development can have a lower number of children than the number determined above, which is approved by the founder of the institution. The activities in a Centre for early child development are conducted in Macedonian language and Cyrillic alphabet. The activities in the Centre for early child development for the members of other communities are conducted in the language of the community, for a group of children in accordance with the provisions from this law. If there is interest for realizing the activities in other languages, the educational activities in the Centres for early child development can be realized for a group of children in accordance with the provisions of this Law.

The founder of the Centre for early child development cannot expand or change the activity without a previous approval from the Government.

The preschool education as an integral part of the system for placement and education of children at preschool age is realized through an annual programme for the work of institutions for children who conduct activities related to placement and education of children at preschool age.

The Annual Programme for work especially encompasses: organization and working hours of the kindergarten, that is the Centre for early child development, the programmes of the kindergarten, that is the Centre for early child development, allocation of children in groups, the activities of the director, the professional and other employees, collaboration with parents, scientific and other institutions, foundations, associations, activities for the inclusion of children in kindergartens,

that is Centre for early child development, permanent vocational qualification of employees, the activities of the professional bodies and other activities for realizing the activity.

The Annual Programme for work is adopted until September 30 in the current year for the following year, the latest.

The Annual Programme for work is prepared by professional bodies of the legal entities who conduct activities in the frames of the system for placement and education of children at preschool age, based on an opinion of the Parents' Council.

The educational activities in a kindergarten, that is Centre for early child development is conducted according to a programme for early education and development based on Standards for early education and development, prepared by the Bureau for Development of Education, and adopted by the Minister.

The programme for early education and development shall be in accordance with the development capacities of children at preschool age, shall be based on the needs and interests for early education and development of children and shall be directed towards complete realization of the developmental potentials in every child, including the children with special needs for early education according to the Standards for early education and development.

The Programme is amended according to the results from the monitoring and assessing the developmental achievements among children based on the Standards for early education and development.

A kindergarten or a Centre for early child development organizes other institutional activities for satisfying the specific interests and needs of the child in the direction of empowering the personality of the child for the development of its corporal, intellectual, cultural and other capacities, realized in accordance with special programmes adopted by the director of the kindergarten after a proposal of a professional team and approved by the Management Board of the kindergarten, that is the Centre for early child development.

The institutional activities are specialized programmes and are realized in accordance with the possibilities of the institutions for children who conduct activities in the frames of the system for placement and education of children at preschool age and in accordance with the needs and interests of children and parents, as well as the units of local self-government.

According to the Law on Child Protection bylaws were adopted in the direction of implementation of the provisions of the Law, related to the implementation of the same: on keeping records in the institutions for children, on the institutions for children, on the formation of counselling, on the licencing, on the inspection monitoring, on the pedagogic keeping records and documentation, on the indicators for assessing the developmental plan, on keeping Registers, closer conditions for conducting certain activities in the work of the natural persons and Agencies, on the manner of providing services by the public kindergartens in other premises, the standards and norms for performing the activity of the institutions for children:

- Rulebook on the manner of keeping records and documentation, content and form of the records on the rights for child protection (Official Gazette of RM No. 62/2013);
- Rulebook on the closer conditions and the manner of performing the activities of the Agency, on providing services for care of children at preschool age, that is until starting elementary school and children up ten years of age (Official Gazette of RM No. 61/2013);
- Rulebook on the form, content and manner of keeping records for the users of the services and the provided services of the Agency for providing services of care for children at preschool age (Official Gazette of RM No. 61/2013);
- Rulebook on the form and content of the official records for persons engaged by the Agency for providing services of care for children at preschool age (Official Gazette of RM No. 61/2013);
- Rulebook on the closer conditions, criteria and manner of performing certain activities for care and education of children at preschool age as a professional activity of natural persons (Official Gazette of RM No. 62/2013);
- Rulebook on the form, content and manner of keeping records of the users, the services provided by a natural person who independently performs activities for care and education of children as a professional activity (Official Gazette of RM No. 62/2013);
- Rulebook on the form and content of the sample, the manner of issuing, use and revocation of an official legitimation, records on the issued and revoked official legitimations of the monitoring inspectors (Official Gazette of RM No. 61/2013);
- Rulebook on the form and content of the sample for the official legitimation of an authorized person, the manner of its issuing, use, revocation and keeping records on the issued and revoked legitimations of authorized persons of the municipalities, the municipalities in the city of Skopje, that is the city of Skopje for conducting inspection monitoring (Official Gazette of RM No. 62/2013);
- Rulebook on the manner of work and conditions for realizing the pedagogic-methodological practice of students from appropriate studies for preschool education and other appropriate faculties in the public institutions for children (Official Gazette of RM No. 61/2013);
- Rulebook on the closer criteria for the formation and work of the counselling for children and parents in a public kindergarten/public Centre for early child development (Official Gazette of RM No. 62/2013);

- Rulebook on the manner of vocational qualification for the employees in the institutions for children (Official Gazette of RM No. 61/2013);
- Rulebook on the manner of providing services in a public kindergarten in other premises (Official Gazette of RM No. 61/2013);
- Rulebook on the form and content of the Invitation for education, the manner of conducting the education and the manner of keeping records for the conducted education (Official Gazette of RM No. 62/2013);
- Rulebook on the manner of issuing, extending, renewing and revoking a licence for work of the directors of institutions for children, professional workers, pedagogues and nurses in the system for placement and education for children at preschool age, the manner of conducting trainings, as well as the form and content of the sample for the licence for work (Official Gazette of RM No. 62/2013);
- Rulebook on amending and supplementing the Rulebook on the manner of issuing, extending, renewing and revoking a licence for work of the directors of institutions for children, professional workers, pedagogues and nurses in the system for placement and education for children at preschool age, the manner of conducting trainings, as well as the form and content of the sample for the licence for work (Official Gazette of RM No. 154/2013);
- Rulebook on the form, content and manner of keeping the Central Register of institutions for children, Register of public institutions for children of a municipality and the municipality of the city of Skopje, Register of Agencies for providing services for care of children at preschool age, Register of natural persons who independently perform the activity of placement and education of children as professional activity (Official Gazette of RM No. 61/2013);
- Rulebook on the form, content and manner of keeping register of issued, renewed, extended and revoked licences for work (Official Gazette of RM No. 64/2013);
- Rulebook on the form, content and manner of keeping pedagogic documentation and records in a kindergarten and Centre for early child development (Official Gazette of RM No. 87/2013);
- Rulebook on amending the Rulebook on the form, content and manner of keeping pedagogic documentation and records in a kindergarten and Centre for early child development (Official Gazette of RM No. 154/2013);
- Rulebook on the indicators for assessing the success of planning the activities from the development plan of the institutions for placement and education of children at preschool age (Official Gazette of RM No. 87/2013);



- Rulebook on the manner of keeping records, as well as the content and form of records in an institution for children (Official Gazette of RM No. 88/2013);
- Rulebook on the closer conditions, criteria and manner of realization of the right to participation in the expenses for placement, education, rest and recreation of children in public institutions for children (Official Gazette of the Republic of Macedonia No. 19/2014);
- Rulebook on the standards and norms for conducting the activities of the institutions for children (Official Gazette of RM No. 28/2014).

The “Integrating diversity and multiculturalism in the early child development” Project in collaboration with UNICEF and with the financial aid by the British Government in total sum of 530.000\$ USD. The purpose of the project is development of a basis for respect of the diversities (regarding ethnic, cultural, religious belonging, regarding gender and possibilities) and multiculturalism among children at the age of 0-6 through integration of these aspects in the national system for early child development. The period of implementation of the project is October 2013 – June 2015.

The project “Free service for vacation and recreation for 3000 children from families with social risk and children- users of special allowance - winter vacation” foresees a services for free vacation and recreation of children that encompasses 6 full boards (bed and three meals a day) and providing educative and entertaining activities.

The vacation and recreation for children is a form of protection of children which as an activity is organized for the stay, active vacation, socialization of children, education, cultural-entertaining, sport-recreational and other activities with children for the development of the psychomotor development of children the capacity of arranging, respecting diversity and collaboration in groups, capacity to accept oneself and others and orientation in space.

In 2012 the project encompassed children born between 1997 and 2001 (from fifth to eighth grade) from families at social risk users of social welfare or permanent welfare, as well as users of a special allowance.

In 2012 total of 2000 children were sent on a free summer vacation in the child resort “Pelister” Bitola and “Majski Cvet” Struga.

In 2013 total of 1000 children were sent on a free winter vacation.

For the time of their stay – 7 days (6 full boards with 3 meals a day) the programme was realized by pedagogues in groups and other professional staff (pedagogical shift leader, doctor, nurse, instructors, etc.) engaged by the child resorts and volunteers from the Red Cross of the Republic of Macedonia.

The service was used by 2000 children during the summer break in 2013 and 1000 children during the winter break in 2014. The children users of special allowance have the right to a companion during the vacation and recreation.

### **Equipping the kindergartens with logical plans**

In 2012 300 groups in public municipal kindergartens were equipped with logical plays, which demanded a sum of 330.000,00 denars. This project continued in 2013. 283 groups were equipped with logical plays which demanded a sum in the amount of 283.000,00 denars.

### **“Let’s protect children in traffic”**

Support for the project “Let’s protect children in traffic” of the Republic Council on Road Traffic Security, state campaign coordinated by RCRTS with complete support and inclusion of the Ministry of Interior, the Ministry of Education and Science and the Ministry of Labour and Social Policy.

### **“Integration of ecologic education in Macedonian educational system”**

In 2012 a Memorandum on collaboration was signed with the Citizens Association OHO, by which public municipal institutions – kindergartens in the Republic of Macedonia are included in the realization of the Programme “Integration of ecologic education in Macedonian educational system”.

### **“Skopje through the eyes of a child”**

It is an non-institutional activity of the municipal public institutions for children – kindergartens in the area of the municipalities in the city of Skopje ” Skopje through the eyes of a child”. The purpose of the project is an organized visit of the children over 5 years of age of the monuments in September and May, and in the winter period of the museums in the city of Skopje. During the visits the children were explained the monuments/the museum, and then a drawing followed from the impressions. Afterwards exhibitions of the drawings were organized.

The Ministry of Labour and Social Policy in the previous periods paid special attention on enlarging the capacities for placement and education of children at preschool age through: Building new facilities for PMIKG, facilities in frames of PMIKG or adaptation of the facilities for opening new groups in other premises, that is kindergartens in rural environments.

### 2012

- Started the works on the new facility Pampurche in m. Novoselski pat, as part of MPIKG Rosica – Gjorche Petrov with capacity for 210 children at preschool age, and
- Opened group in other premises in PMIKG Aco Karamanov – m. Rdo Vish in v. Kalugjerica with capacity of 20 children.

## 2013

- Started the works on the new facility in m. Shuto Orizari - PMIKG - 8 April with capacity for 120 children at preschool age, and
- Started the works on the new facility in m. Cheshinovo - Obleshevo - PMIKG - Zvezdichki with capacity for 50 children at preschool age.

### Opened facilities as part of a Public municipal kindergarten:

- o Facility Sonce as part of PMIKG Buba Mara – Aerodrom, with capacity for 180 children at preschool age;
- o Facility Zunica v. Drachevo as part of PMIKG 8 Mart – m. Kisela Voda, with capacity for 75 children;
- o Facility Morkovche in v. Jurumleri, as part of PMIKG 25. Maj – m. Gazi Baba, with capacity for 6 children.

### Opened groups in other premises in:

- PMIKG Femo Kulakov – m. Negotino in villages: Tremnik, with capacity for 18 children, Pepelishte with capacity for 20 children and Krivolak, with capacity for 18 children;
- PMIKG Pavlina Veljanova – m. Kochani in v. Beli, with capacity for 20 children;
- PMJKG 11 Septemvri – Resen in v. Jankovec, with capacity for 15 children;
- PMIKG Nasha Idnina – m. Prilep – in v. Topolchani, with capacity for 20 children;
- PMIKG Goce Delchev – m. Vinica in v. Trsino, with capacity for 30 children;
- PMIKG Jasna Risteska – m. Ohrid, v. Velgoshti, with capacity for 18 children and in v. Leskoec, with capacity for 25 children;
- PMIKG Detelinka – Kriva Palanka in v. Rankovce, with capacity for 25 children;
- Finished procedure for formation of groups in other premises of PMIKG Dimche Mirchev m. Veles, with capacity for 30 children.

The scope of children in public kindergartens, private institutions for children and Centres for early child development is 31.517 children at the age between 0-6. In percentages among the children at the age between 0-6 there were 11.6% in 2006, 18.3% in 2011, 22.3% in 2013, 3-6 years of age 22% in 2011 and 34% in 2013.

The scope of children at preschool age increased by 12.8% compared to 2012 in 2013.

### **Status of a child**

With regard to the request of the Committee to be informed on the legal frame with a view that according to Article 17 of the Charter procedures must exist for determining the origin of an adopted child and it must have to right to know its origin<sup>34</sup>, we inform that according to the Law on Family special protection is provided for children without parents and parental care through their adoption with the purpose for the same to live and grow in a natural family environment. The adoption according to the law is secret. This provision with a view to adoption is adopted taking into consideration the traditional way of living and attitudes on family. Taking into consideration that conditions are not created for including a provision in the Law which could enable for the adoption to be public. However, that does not mean that in view with the relations between parents and children any discrimination is made with a view to realizing the rights and obligations of parents and children. With adoption, according to the Law, relations are created as the ones from birth, i.e. the adopted children have the same rights and obligations as the children born in marriage.

### **Protection from maltreatment and abuse**

The amendments in the Law on Family (Official Gazette of RM No. 38/14) arranged further the part related to what is considered maltreatment or severe neglect of the parental duties, that is it was determined that indicating the child to beg or using the child for begging shall be considered as maltreatment and severe neglect of the parental duties and précised the actions of the Centre for Social Work. Namely, in cases when the Centre for Social Work determines that the parent is indicating the child to beg or is using the child for begging shall inform the parent on the deficiencies and omissions in the exercise of parental right, shall bring a decision on permanent supervision over the exercise of parental right and shall conduct professional counselling with the parents and the child.

If the parent does not act according the advises of the Centre for Social Work and continues to indicate the child to beg or uses the child for begging, than the Centre for Social Work immediately takes the child temporarily away from the parent, starts a procedure for revocation of parental right before a competent court and submits criminal charges against the parent who abuses and neglects the parental right, provide adequate care for the child and takes

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<sup>34</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), (“Republic of Macedonia”, Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 16.

measures to protect the rights and interests of the child, until a final decision of the court for revocation of parental rights is brought.

If by indicating the child to beg or by using the child for begging the parent brought into danger the child's life, than the Centre for Social Work is obliged immediately to take the child temporarily away from the parent, to provide adequate care for the children, to take measures for protecting the rights and interests of the child until a final decision of the court for revocation of parental rights is brought and to start a procedure for revocation of the parental right without inform the parent on the deficiencies and omissions in the exercise of parental right, without bringing a decision for constant supervision over the exercise of the parental right and conducting professional counselling and mandatorily files criminal charges against the parent who abuses and neglects the parental right.

If the Centre for Social Work does not act in this manner penalties are foreseen.

With a view to the conclusion of the Committee that the situation is not in accordance with the Charter, because physical punishment is not clearly forbidden in the home and in the institutions<sup>35</sup>, we inform that the Law on Child Protection foresees protection of children against any form of discrimination, ban on sexual exploitation and sexual abuse of children, forcible abduction, sale or children trafficking, physical or psychological violence or inhuman treatment, exploitation and commercial exploitation, that is sanctioning anything violating human rights of children.

The Law on Family regulates the protection of children from neglect, abuse and violence by establishing measures of protection and supervision over the parental right as well as by the introduction of provisions that treat domestic violence.

In 2013 amendments were made in the Law in Family in the part of protecting children from abuse and neglect related to revocation of the parental right and starting a criminal procedure against parents who abuse or neglect their children.

### **Children in public care**

Minor children without parents and parental care, up to the age of 18 are under custody of the Centres for Social Work and are provided adequate protection and placement in institutions for social protection or foster families.

For the purpose of more successful resocialization of children after their age of majority and after leaving institutions and foster families the Law on Social Protection established a series of rights that can be used by persons who until the age of 18 had the status of children without parents and parental care.

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<sup>35</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 16.

After the age of majority and after leaving institutions or foster families every child receives funds in the amount of 180.000 denars. In 2013 the right to single financial assistance was realized by 11 persons.

These persons also realize the right to welfare in the amount of 4.000 denars, i.e. 5.600 denars if they are in regular education. In 2013 this right was realized by 116 persons.

Also they have the right to welfare for social housing, provided to a person who until the age of 18 had the status of a child without parents and parental care, i.e. after stopping the custody, at least until the age of 26. The right to welfare for social housing is realized in a manner of providing rent for a individual apartment or part of it, in the amount of 4000 to 8000 denars supplemented by 1.500 denars to 2.500 denars for utilities, depending on the number of family members; welfare for sanitation, adaptation and reconstruction of own property; and welfare ad compensation for placement in a student dormitory. In 2013 this right was realized by 12 persons.

Persons who until the age of 18 had the status of a child without parents and parental care, if they are enrolled as regular or part-time students in public higher education institutions (first and second cycle of studies and doctoral studies) realize the right to welfare for studying. The amount of the welfare is 12.000 denars, i.e. 24.000 denars, depending whether the person uses a rented social apartment. According the last data received by the Centres for Social Work this right was realized by 123 persons. This right was introduced in order to encourage this category of persons to finish their education, in order to ease their inclusion in the social environment and easier employment.

For the purpose of easier integration in the social life, the Government of RM brought Programme D-10 which regulates the employment measures for persons who until the age of 18 had the status of children without parents or parental care. According to the Programme in 2013 83 persons who until the age of 18 had the status of children without parents or parental care were employed.

With a view to the question of the Committee which are the criteria for limitation of custody or parental rights and to which extent are these limitations, which are the procedural protective measures that confirm that children are revoked from their families only under exceptional circumstances and whether national laws determine a possibility for filing a complaint against a decision for limitation of parental rights, on revocation of a child and putting it under state care or on limitation of the right to access of the child to its family<sup>36</sup>, we inform that: According to Article 87, paragraphs 1 and 2 of the Law on Family the Centre for Social Work can bring a decision by which the parent who longer than three months did not support the child is limited in his right to maintain personal relation and direct contact with the child, until he fulfils its obligations

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<sup>36</sup> European Committee of Social Rights, Conclusions XIX-4 (2011), ("Republic of Macedonia", Articles 7, 8 and 17 of the Charter, (Council of Europe, January 2012), p. 17.

toward the child. This provision is not mandatory, but is given as a possibility of CSW to use it in a case when after a conducted professional methodological work by a professional team it is assessed that it is interest of the minor child because of satisfying its needs.

According to the provisions of the Law on Family the Centre for Social Work conducts supervision over the exercise of the parental right. The Centre for Social Work is obliged to undertake the necessary measures for protection of the personality, rights and interests of the child. If that is demanded by the child's interests, the Centre for Social Work warns the parents about the shortcomings in the education and the development of the child and helps to properly develop and educate the child, or can advise them alone or together with the child to visit counselling or other health, social or educational institution which can give them the adequate advice.

If that is demanded by the interests of the child the Centre for Social Work can bring a decision for constant supervision of the parental right regarding all children or any of them.

The Centre for Social Work can by a decision revoke the child from one and award it for care and education to the other parent, other person or adequate institution, when the parents, that is the parent with whom the child lives neglects the child regarding its care and education or when there is a serious danger for its regular development and raising.

According to the provisions from the Law on Family the parent who abuses the exercise the parental right or severely neglects the conduct of the parental duties after a received opinion from the Centre for Social Work is revoked the exercise of the parental right by a court decision, in a non-processing procedure.

Abuse or severe neglect of the parental duties with regard to paragraph 1 of this Article shall be considered if the parent:

- physically or emotionally abuses the child;
- sexually exploits the child;
- forces the child to work that does not fit his age;
- allows the use of alcohol, drugs or other psychotropic substances;
- induces the child to socially unacceptable behaviour;
- left child and more than three months does not care for the child; and
- severely violates the right of the child in any other way.

A parent can be revoked the exercise of the parental care regarding all children or any of them.

The procedure for revocation of parental rights may be initiated by the other parent, the Centre for Social Work or the public prosecutor.

The Centre for Social Work is obliged to initiate a procedure for revocation of the parental right when it discovers in any way that there are reasons determined in this Law. When the Centre for Social Work discovers that there is danger from abuse of the parental right or danger from severe neglect of the parental duties it is obliged to undertake measures for protection of the personality, rights and interests of the child.

The parental right can, by a court decision, be returned to the parent when the reason for which this decision is brought stops. A proposal for returning the parental right can be filed by a parent or the Centre for Social Work. These procedures foresee two instances in the deciding, that is against the adopted decisions of first instance a complaint can be filed in a period of 15 days after receiving the decision.

### **Children in foster families**

	2010	2011	2012	2013
Users placed in foster families	214	226	237	280
Number of foster families	148	152	155	188

Source: Ministry of Labour and Social Policy

### **Young offenders**

The new Law on Juvenile Justice was adopted in October 2013, which made further improvement of the legal framework for juvenile justice.

This Law regulates the treatment of children at risk and children who have committed acts that, by law, are determined as crimes or misdemeanours, determines the terms for application of measures of assistance, care and protection, of educational and alternative measures and punishing children and young adults, the position, role and competence of the bodies that participate in the treatment of the children and execution of the educational and alternative measures and punishments. This Law also regulates the measures for protection of children victims and children witnesses of acts which, by law, are determined as crimes, and the prevention measures for child delinquency.

The goals of the Law and its application shall be achieving priority interest and protection of the children from crime, violence and any other form of endangering their freedoms and rights and their proper development, pursuant to the Constitution of Republic of Macedonia, by the Convention on the Rights of the Child and by other international agreements for the position of the children, ratified in accordance with the Constitution of Republic of



Macedonia.

Most significant novelties in the **Law on Juvenile Justice** are as follows:

- Harmonization of the definition of “minor” with the definition of “child”, pursuant to the Convention on the Rights of the Child;
- The following principles, which establish a relationship between the Convention on the Rights of Children and the Law, shall be integrated: non-discrimination, right to freedom of expression and freedom to request, receive and provide information, right to prohibit torture, and the detention, arrest and imprisonment of the children to be used as last measure, presumption of innocence and providing the best interest of the child;
- The definition of child – victim is embedded;
- The terms of participation of a lawyer in the procedure before the centres for social work shall be regulated;
- The terms when the court may impose an alternative measures;
- Activities which by law are determined as crimes which cannot be referred to mediation shall be embedded (against the sexual morality and sexual freedom and gender-based forms of violence against females, and pursuant to internationally ratified agreements);
- The provisions relating to summons, arrest and detention of a child in police office shall be further specified.
- The right to monitoring information through public information media, in duration of the detention;
- Provisions for protection of children-victims of crimes and children-witnesses in criminal procedure shall be embedded.

Pursuant to the new Law on Juvenile Justice, for a crime for which is determined an imprisonment of at least five years or when there is a treat to the child’s personality, rights and interests, a lawyer who will protect the rights and interests of the child on the conversation must be present. The presence of a lawyer shall also be compulsory in the cases when the public prosecutor proposes measures for child at risk over 14 years of age for an act which, by law, is determined as a crime for which there is an imprisonment of three years, if according to an assessment of the centre there is treat to the child’s personality, rights and interests and if in the professional team does not participate a lawyer.

A novelty in the Law on Juvenile Justice regarding the legal assistance of the children is when the parent/s, that is, the guardian/s select a lawyer, and if they do not do that, the centre shall determine the lawyer by official duty of the list composed by the Bar Association of Republic of Macedonia. The costs for the lawyer shall be borne by the parent/s, that is guardian/s, and in cases when they are not able to pay, the costs shall be borne by the Budget of the Republic of Macedonia and shall be paid pursuant to the provisions of the Law on Free Legal Aid.

The Ministry of Justice shall submit information to the Government for the implementation of the Law on Justice, on quarterly basis.

In 2013 the Minister of Justice of Republic of Macedonia adopted a Programme for compensation to a juvenile-victim of a criminal offence of violence and other acts of individual or group violence for 2013 (Official Gazette of Republic of Macedonia No. 105/13). For realization of the Programme from the Budget of Republic of Macedonia, that is, the Ministry of Justice were approved MKD 500,000.00.

This activity is realized based on the provision under Article 11 of the Law on Juvenile Justice:

Based on this Article:

“For compensation of minor who is victim or damaged by crime of violence and other acts of individual or group violence, shall be allocated assets from the budget of the Ministry of Justice. The Minister of Justice, upon previous opinion of the National Council for Prevention of Juvenile Delinquency, shall adopt a Programme by which are planned the assets under paragraph 1 of this Article. The administrative and technical activities for payment of the assets under paragraph 1 of this Article shall be performed by the Ministry of Justice. The assets form the fund shall be managed by the National Council for Prevention of Juvenile Delinquency.

Article 142 regulates the procedure for exercising the right to compensation, providing the following:

“The minor may submit a request for compensation of the assets provided in the Compensation Programme when the property and legal claim, due to factual or legal obstacles, cannot be executed by the property of the offender or other act of violence. The previous provision provided exercising of that right, that is, submission of a request for compensation if the property and legal claim cannot be executed by second attempt. The final decision for the payment of compensation shall be delivered to the Ministry of Justice that performs the payment, by the court. For the performed payment, the Ministry of Justice shall notify the court that adopted the decision, one month from the performed payment, at the latest.”

These provisions shall also be embedded in the Law on Juvenile Justice.

The total number of juveniles against who in 2013 was submitted a proposition for application of sanction is 749 or 48% of the total number of juveniles for who there is a criminal charge pressed. Compared to 2012, when that percent was 60%, this indicates that there is no progress regarding the application of extrajudicial procedures.

In 2013 the mediation institute in the courts and public prosecutions was not applied.

Largest number of children and minors-victims of crimes were identified by the Sector for Internal Affairs Bitola – 94.

In 2013, 1,353 children and juveniles at risk were recorded. Most of them were directed to the Centre for Social Work Veles (270). To the Centre for Social

Work Skopje, Kavadarci, Strumica and Ohrid were sent between 100 and 200, while in all other cases under 100.

62% of all children and juveniles to who were applied measures of assistance and protection were from the areas of Centre for Social Work Skopje and Centre for Social Work Veles.

In 2013, the total number of children and juveniles to who was pronounced a measure-rebuke is 482, 30% of which are pronounced in the Centre for Social Work Veles.

During 2013 there are no cases of referral in Centre for Young People.

The enhanced reinforced supervision by parent/guardian is applied in 63% of the cases, while enhanced supervision by Centre for Social Work is applied in 37% of the cases.

Compared to 2012, the number of juveniles to who are pronounced institutional measures is reduced for 43%.

It can be concluded that in most of the cases are applied measures/sanctions which do not include imprisonment, which corresponds to the principles of the Law on Juvenile Justice. Namely, in 42% of the cases are applied measures of assistance and protection, 36% are measures of enhanced supervision, 19% disciplinary measures and 2% institutional measures.

<b>Social protection of children, young people and adults</b>												
	Institutions for care and education of children – kindergartens		Dormitories		Facilities for accommodation of orphans and children without parental care		Facilities for persons with disabilities		Institutions, facilities for care and education of children and young people with educational and social problems		Facilities-homes for adults	
	Number of institutions	Number of children	Number of dormitories	Number of students	Number of facilities	Number of users	Number of facilities	Number of users	Number of facilities	Number of users	Number of facilities	Number of users
2010	54	23 157	39	7 851	3	258	3	390	2	78	5	555
2011	54	25 056	39	7 955	3	255	3	378	2	73	15	854
2012	57	26 885	39	8 209	3	238	3	383	2	73	16	913
2013	59	29 113	38	8 369	3	216	3	373	2	54	18	917

Source: State Statistical Office

## Article 17§2

**With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.**

**Note: In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period - 1/3/2012-31/12/2013.**

The realization of the adopted court provisions for mandatory obligation shall be supported by the Ministry of Education and Science with additional drafts and amendments of the legal regulation, adopting of bylaws and strategic documents, conducting of national and regional researches, projects, and undertaking of direct measures and activities in accordance with the adopted recommendations.

The goal of the activities is increasing the enrolment in the elementary education, achievement of greater results of the students, reducing of the absences of school, minimizing the number of students dropping out of school, successful completion of the elementary education, enrolment and successful completion of the secondary education.

In Republic of Macedonia in accordance with the legislation the elementary and the secondary education are mandatory.

Legislation in regards to the education and training:

- The Law on Elementary Education (Official Gazette of Republic of Macedonia 2010/33, 2010/116, 2010/156, 2011/18, 2011/42, 2011/51, 2012/6, 2012/100, 2013/24);
- The Law on Secondary Education (Official Gazette of Republic of Macedonia No. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 40/03, 42/03, 67/04, 55/05, 113/05, 35/06, 30/07, 49/07, 81/08, 92/08, 33/10, 116/10, 156/10, 18/11, 51/11, 6/12, 100/12, 24/13 и 41/14);
- Law on Vocational Education and Training (Official Gazette of Republic of Macedonia 71/06, 117/08, 148/09, 17/11, 24/13, 137/13, 41/14);
- The Law on Educational Inspection (Official Gazette of Republic of Macedonia No. 52/2005, 81/2008, 148/2009, 57/2010, 51/2011, 24/2013, 137/2013, 164/2013, 14/2014);
- Law on Education for Adults (Official Gazette of Republic of Macedonia 7/2008, 17/2011, 51/2011, 74/2012, 41/2014);

- The Macedonian frame of qualifications was adopted, also was adopted the Law on National Frame of qualification and was initiated the procedure for Referencing of the National Frame of Qualifications.

### **Law on Elementary Education**

In terms of improving of the quality of the educational procedure, the drafts and amendments of the Law on elementary education (Official Gazette of RM No. 33 dated 09.03.2010) shall refer to:

- Self-evaluation of the school;
- Adopting of a Program for development of the school by the school board
- Implementation of external assessment of the students;
- Mandatory training, qualification and development in professions of the teacher and the expert associates.

The drafts and amendments of the Law on elementary education (Official Gazette of RM No. 116 dated 01.09.2010) between others, also refers to the misdemeanour provisions. Thus, the Law shall provide a fine of 2000 EUR of denar counter-value for an offence imposed to a parent or a guardian, if he/she does not provide a school enrolment for the child within the provided schedule, and a fine of 1000 EUR of denar counter-value for an offence imposed to a parent or a guardian if he/she does not provide the obligation for a mandatory elementary education and upbringing of the child.

The drafts and amendments of the Law of 01.09.2010 shall provide an implementation and keeping of an integrated data base for student grades, work absences of the students, data for the teachers, expert associates and educators, absence from work of teachers, expert associates and educators, annual working program, books, school facilities.

The drafts and amendments of the Law on elementary education (Official Gazette of RM No. 18 of 14.02.2011) shall provide:

- Implementation of a mandatory maintenance of additional education;
- Counselling for parents; "Program for counselling of parents in the elementary schools", "Program for counselling of parents in the secondary schools" (Official Gazette of RM No. 4/2012) "Program for counselling of students in the elementary schools", "Program for counselling of students in the secondary schools" (Official Gazette of RM 160/2013).

## Law on Secondary Education

1. The drafts and amendments of the Law on elementary education (Official Gazette of RM No. 33 of 09.03.2010) shall refer to:

- Founding of a private school;
- Internal and external testing;
- Training, qualification and development of the teachers.

2. The drafts and amendments of the Law on Elementary Education (Official Gazette of RM No. 116 of 01.09.2010) shall refer to:

- Keeping an integrated data base;
- Mandatory using of an IT technology in the education;
- Interactive teaching process;
- A fine of 2000 EUR of denar counter-value for an offence by the parent, if the student is not enrolled in a secondary school or does not attend classes regularly.

3. The drafts and amendments of the Law on Drafting and Amending the Law on Elementary Education (Official Gazette of RM No. 24 of 15.02.2013) shall refer to:

- An annual program for working of the secondary school;
- Implementation of counselling of students, whose parents/guardians are referred to counselling.

Due to obtaining additional measures for support of the children of households that are using social financial aid for involvement and regular completion of the secondary education in the Law on Social Protection (Official Gazette of Republic of Macedonia No. 79/09, 36/11, 51/11, 166/12, 15/13, 79/13, 164/13, 187/13, 38/14 and 44/14), shall be provided that Government of Republic of Macedonia shall implement conditions for financial help for these children through a special program. In this line, each year shall be adopted Programs for Conditioned financial allowances for secondary education, counting from the study year 2009/2010. There is an ongoing calculation of the results of the current study year 2013/2014.

With the Program for conditioned financial allowances for secondary education, shall be provided additional financial allowances for the users of social financial aid, who are exposed at social risk of material instability, and which right is conditioned with enrolment and attendance in a institution for secondary education and has the purpose to increase the number of persons enrolled in secondary education of the households that are using the right of social financial aid, as well as realization of the mandatory secondary education in Republic of Macedonia.

The Program for conditioned financial allowance for secondary education has the purpose to improve the approach and the quality of the education of students in secondary education of households that are using the right to social financial aid. The

Program determines the users, the measures, the earners and the sources of the means for conditioned financial allowance for secondary education for each school year.

The annual amount of the conditioned financial allowance for secondary education in the school year 2012/2013 for a user is 12000 denars.

Each program for conditioned financial allowance for secondary education was drafted on the basis of the following of the implementation of the previous program for conditioned financial allowance for secondary education, calculated from the first implemented program. In this line shall be performed an assessment of the effects of conducting of the program for the previous school year, regarding to the effects of connecting the financial transfers with the motivation of the human capital. An assessment shall be performed to the influence of the four different modalities of payment, two of which are connected to the time of payment of the allowance and the motivation referring to attending the classes (equal payments of the allowance in each trimester or lower payments at the beginning of the school year and higher at the end), and two related with different earners of the allowance (parent/guardian or earner of the right of social financial aid).

The measures and activities in line of prevention of employment of children under 15 years old, and for reducing of the early dropping out of school through awarding free school books for each student of elementary and secondary education, free transportation for the students of the elementary and secondary schools and free accommodation and food for students studying in a place different than their place of living and with an immediate financial support, scholarships for the vulnerable groups (232 students with immediate social support for 2012, 239 students for 2013, 30 students with special needs for 2012 and 40 students for 2013 and 3 students - children without parents for 2012 and 22 students for 2013) and financial support for Roma students (for 2010/11 611 students, for 2011/12 - 591 students, for 2012/13 - 593 students, for 2011/14 623 students) and the conditioned financial allowances.

As an additional support of the elementary education for completion of the education of the Roma students and their successful transition in the secondary education, shall be predicted implementation of educational mediators and there shall be an ongoing drafting of a Strategic document with an Action plan for implementation of mediating system for support of Roma students in the elementary education, in collaboration with MES, the Department of communities and the National Roma Centre, and the criteria for election of mentors was drafted.

In the secondary education shall be implemented a system of mentors and there shall be an ongoing implementation of system for tutors, which shall be elected in accordance with determined criteria and shall prepare the students of secondary education for continuing with university education. For the study year 2010/2011 160 mentors were selected, for 2011/2012 132 mentors were selected, for 2012/2013 106 mentors were selected, for 2013/2014 102 mentors were selected on the basis of advertisements.



Through the education projects – reconstruction of the school buildings, were improved the physical and technical conditions in the schools and at the same time were built 29 elementary and 4 secondary schools and 39 school sport halls.

**Students enrolled in elementary education  
at the beginning of the school year**

School years	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Total number of students	218935	212331	222359	216180	210381	204439	198856	195311
Students in 1 <sup>st</sup> grade	25125	23895	41569	23103	23002	22224	21488	21544
Students in 2 <sup>nd</sup> grade	25590	24912	23282	18244	22995	22692	22153	21359
Students in 3 <sup>rd</sup> grade	26375	25460	24542	46287	18248	22727	22456	21955
Students in 4 <sup>th</sup> grade	27302	26209	25215	24412	46045	18316	22407	22282
Students in 5 <sup>th</sup> grade	28545	27463	26048	25123	24509	45682	18245	22244
Students in 6 <sup>th</sup> grade	28231	28068	26631	25501	24524	23765	44660	18055
Students in 7 <sup>th</sup> grade	28527	27970	27645	26325	25139	24223	23558	44672
Students in 8 <sup>th</sup> grade	29240	28354	27427	27185	25919	24810	23889	23200

Source: State Statistical Office of RM

**Elementary students that have completed a grade  
at the end of the school year**

School years	2004/05	2005/06	2006/07	2007/08	2008/09	2010/11	2011/12	2012/13
Total number of students	227254	216100	207661	219289	213349	200696	196899	192908
Students in 1 <sup>st</sup> grade	26348	24762	23334	40807	22965	22124	21325	21471
Students in 2 <sup>nd</sup> grade	26807	25317	24567	23352	18091	22365	21966	21272
Students in 3 <sup>rd</sup> grade	27755	26096	25084	24560	46217	22455	22352	21875
Students in 4 <sup>th</sup> grade	28789	27067	25740	24834	24082	18154	22164	22045
Students in 5 <sup>th</sup> grade	29246	27836	26446	25310	24285	43938	17704	21999
Students in 6 <sup>th</sup> grade	29042	27827	27420	26206	24918	23302	44314	17462

Students in 7th grade	29931	8202	27323	27174	25876	23846	23288	43829
Students in 8th grade	29336	28993	27747	27046	26915	24512	23786	22955

Source: State Statistical Office of RM

**Students enrolled in secondary education  
at the beginning of the school year**

School years	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Total number of students	95867	95366	94545	93843	95343	94155	93064	89884
Students in 1 <sup>st</sup> year	25761	25932	25220	25622	26592	24734	23700	22421
Students in 2 <sup>nd</sup> year	24694	24484	24834	23837	24126	25075	23699	22628
Students in 3 <sup>rd</sup> year	24259	23861	23680	23807	23321	23425	24251	22828
Students in 4 <sup>th</sup> year	21153	21089	20811	20577	21304	20921	21414	22007

Source: State Statistical Office of RM

**Secondary school students who have finished  
at the end of the school year**

School years	2004/05	2005/06	2006/07	2007/08	2008/09	2010/11	2011/12	2012/13
Total number of students	95268	92218	92162	91423	90855	91664	90194	87693
Students in 1st year	25710	24351	24666	24107	24166	23683	22663	21765
Students in 2nd year	24928	23827	23684	24026	23355	24371	22914	21943
Students in 3rd year	24287	23469	23126	22875	23211	22963	23580	22309
Students in 4th year	20343	20571	20686	20415	20123	20647	21037	21676

Source: State Statistical Office of RM

## **ARTICLE 19 – The right of migrant workers and their families to protection and assistance**

### **Article 19§1**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period- 1/3/2012-31/12/2013.

In terms of providing information to the migrants, from the beginning of 2008 until present day, 4 Migration Service Centres have been opened since 2008 within the Employment Service Agency and its subsidiaries. Within this Centres, the parties may be informed for the opportunities for work and studying abroad, as well as for the procedures for obtaining a visa, permits for working and residence, approach to the health system and education abroad and other useful information if they have intent to move abroad. The information shall be provided in the form of Directions for the countries of destination, Forms for recognition of the qualifications and other useful information. Within the migration service Centres, shall also be organized trainings and counselling for certain topics of interest for the parties.

For the persons who are thinking about returning and want to get information for opportunities in this country, within the migration service Centres may obtain information for services such as: Additional trainings, language or computer courses, help in starting small businesses and help in reintegration adapted on individual needs.

In line of strengthening of the capacities of the persons engaged within the migration service Centres, in the past period were realized two regional meetings of the migration service Centres of the region of south-west Balkan.

A precise statistic is not kept for persons using the services of the migration service Centres but it is estimated that on monthly basis, the number of persons using the services of the 4 migration service Centres is around 1200.

In terms of raising the awareness of the population for the problems with false information about the migration within the country by the Ministry of Interior Affairs - Border Police Department shall be realized around 10 meetings with the citizens per month, where shall be discussed on the topics for abuse and prevention of the illegal migration. Within these meetings, persons from the relevant institutions in the country shall give relevant and accurate information to the interested parties.

The measures undertaken by the border police shall be undertaken for providing secure and objective emigration and immigration shall be an integrated part of the activities in the Bureau of public safety at the Ministry of Interior Affairs (MIA) and the Ministry as a whole.

Starting from 16.06.2011 were held a total number of 217 meetings, 100 of which with Counselling groups of citizens, 74 tribunes, 34 educative workshops with Local Communities, eight meetings with non-governmental organizations, after three meetings with the Local council for prevention, with the General and Local communities, for raising the public awareness through education of the citizens for proper use of the visa-free regime. Also, until now were given 7600 flyers on Macedonian, Albanian and Roma language, with detailed information for the visa-free regime, 80 badges, as well as 292 posters for the Migration service Centre, over 28 local televisions, and visits to the Macedonian television and radio and through the electronic media were given advices and appeal for a proper use of the visa-free regime.

The preventive measures in accordance with the last Action plan were given to the Roma information Centres which in collaboration with the MIA shall continue undertaking active measures directed to combating the abuse of the visa liberalization.

## Article 19§5

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period- 1/3/2012-31/12/2013.

In Republic of Macedonia, the general tax right, the procedures for determining, control and payment of the taxes, as well as the rights and obligations of the tax payers which shall be determined in the Law on legal procedures, while in the special tax laws shall be determined all of the questions related to the particular tax, or who may be a tax payer, on what basis and on which rate shall be calculated and paid the tax, and other issues related to the particular tax.

From the special tax laws, with the taxation of the migrant-workers, also shall be related the Law on the Personal Income Tax, given that this law shall determine the taxation of the income realized by natural entities.

In accordance with this Law, as payer of the personal income tax shall be considered each natural entity, resident of Republic of Macedonia, for the income realized in the country and abroad. In addition, a resident in terms of this Law shall be a natural person who on the territory on Republic of Macedonia has a permanent place of living or temporary residence. The Resident shall have a residence if on the territory on Republic of Macedonia is staying in the country for 183 or more days without or without interruptions, in any 12 month period.

A payer of the personal income tax may be a natural entity who is not resident of Republic of Macedonia, for the income realized on the territory of Republic of Macedonia.

The income that shall be a subject of taxation consists of the following incomes earned in the country and abroad: Personal incomes, incomes from self-employment, incomes of property and property rights, incomes from author rights and rights of industrial property, capital incomes, incomes of games of chance and other incomes. The rate on which the personal income shall be calculated, is 10%.

The provisions of the Law on Personal Income Tax shall be in accordance with the provisions of Article 19, Paragraph 5 of the Charter, because the same ones shall apply and shall be equally implemented for the workers that are citizens of Republic of Macedonia as well as for the migrant-workers who are legally residing on the territory of Republic of Macedonia.

In terms of the payment of the incomes, in the Law on incomes in the Law on Incomes of Mandatory Social Security, shall be determined that a taxpayer for paying incomes shall be a worker in a working relation with a legal entity, self-employed person, an institution, other legal person who performs a public service authority, national body and body of the units of the local government and the city of Skopje, and the basis on which the incomes shall be calculated and paid, shall be the salary and the additional incomes of a working relation determined in the Law which determines the working relations, the collective agreement and the employment agreement.

These provisions shall apply to every worker employed in Republic of Macedonia, regardless of whether he/she is citizen of Republic of Macedonia or a migrant.

In terms of paying the taxes, in the Law on Utility Fees and the Law on Administrative Fees shall prescribe the amount of the appropriate fee that the tax payer needs to pay, regardless on his status of a migrant person or a citizen of Republic of Macedonia.

additionally, in terms of the prohibition of discrimination in the process of employment, as well as in defining of the amount of the allowance for the working arrangement as well as in defining of the height of the allowance for the working arrangement of foreigners, the Law on Employment and work of foreigners, in Article 4, Paragraph 7 and 8 shall completely determine this issue.

Namely, when employing or work of a foreigner, the employer may not put the applicant or the job in unequal position due to race, skin colour, gender, age, medical condition or disability, the religious, political or other opinion, membership in trade unions, national or social origin, family status, property status, sexual orientation or other personal circumstances. Prohibition of direct or indirect discrimination in these cases shall refer to discrimination of the candidate for employment and the worker, in accordance with the Law on Working Relations.

The employer shall be obliged to cover the costs related to obtaining a working permit and regulation of the work relation, in accordance with this law and the other regulations which determine the costs. The employer cannot transfer those financial costs to the foreigner. The employer shall have the obligation to provide to the employed foreigner with minimum rights for working hours, breaks and rest periods, night shifts, minimum annual holidays, salaries, occupational safety and health, and special protection of employees determined with the legal provisions and general collective agreement or separate collective agreement, if that is better for the worker.

On the basis of the aforementioned, the tax regulation and the regulation of the field of the taxes and incomes in Republic of Macedonia shall not be tolerated the discrimination towards the migrants, or in line with the payment of the taxes, fees and incomes, the migrant-workers who are legally residing on the territory of Republic of Macedonia have an equal treatment with the workers who are citizens of Republic of Macedonia.

## Article 19§6

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.

**Note: In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period- 1/3/2012-31/12/2013.**

The issue of the reunion of the family of the migrant-worker in Republic of Macedonia shall be regulated with the articles 71, 72 and 73 of the Law on Foreigners. Namely, a foreigner who has a permit for residence in Republic of Macedonia, issued due to employment, work and permit for self-employed persons and which is issued for a period of 1 year, under the conditions in accordance with this Law, shall be granted the right to a family reunion with the members of his immediate family who are foreigners.

For the members of an immediate family shall be considered the foreigners who are spouses, the minor children of the foreigner or to his/hers spouse, as well as minor children of the spouse, including adopted children of the foreigner or the spouse, determined with a verdict or decision of the native country where the adoption or guardianship has been performed, confirmed by an authority of Republic of Macedonia.

The minors need to be younger than 18 years and not to be married. As an exception, for members of an immediate family may be considered relatives of first instance, relatives of the foreigner or the spouse in an ascending line when they are dependent of them and do not have a family support in the country they are living in, children of the foreigner or the spouse who are over 18 years old, and due to their health condition cannot please their own needs, parents of a minor, if that is in the best interest of the child.

The members of the immediate family of the foreigner to whom is issued a permit for temporary residence in Republic of Macedonia have the right to education, professional qualification and self-employment.

To the members of the immediate family of the foreigner who has a permit for temporary residence in Republic of Macedonia, shall be issued a permit for temporary residence for one year, with the opportunity for expanding it for the same time period, as well as with the permit for temporary residence of the foreigner.

In accordance with the statistic data for family reunion of foreigners with a permit for permanent residence or a permit for temporary residence in RM, in 2012, 560 persons got the right on family reunion, while in 2013, 545 foreigners used this right, provided in Article 71 of the Law on Foreigners.

### Article 19§8

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality.

**Note:** In the following we report on the obligations which arise from the 1996 Revised European Social Charter (RESC). Reference period- 1/3/2012-31/12/2013.

In accordance with Article 101 of the Law on Foreigners, a foreigner may be banished from Republic of Macedonia, if:

- He is sentenced with a final verdict to a sentence of at least one year of imprisonment;
- Represents a danger for the public order, the national safety or the international relations of Republic of Macedonia
- Exist serious reasons to be considered that he committed severe criminal acts, especially related with the production and placing into operations of narcotic drugs, or exist tough evidence for his intention of performing such criminal acts;
- If there are reasons for protection of the public health;
- He is illegally staying on the territory of RM or several times performs repeated or severe violence of the provisions of this Law.

When deciding about banishing a foreigner from the territory of Republic of Macedonia, several circumstances shall be taken into consideration, including the consequences that shall arise of the imposed measure for the foreigner or a member of the immediate family who is legally residing on the territory of Republic of Macedonia.

There shall be ongoing changes of the Law on foreigners where the members of the family shall have an independent right to stay on the territory of RM, or they shall be issued with an autonomous permit for residing, not depending on the sponsor.

According to the statistical records of the Sector for Criminal Intelligence at MIA, for foreign citizens who have an approved temporary residence in RM due to employment, work or self-employed persons, it shall be provided with Article 58 of the Law on Foreigners, 632 persons in 2012 and 783 persons – foreign citizens in 2013 have obtained a permit for temporary residence in republic of Macedonia on this basis.

At the same time, in 2012 and 2013 were banished 13 foreign citizens in accordance with Article 86 Paragraph 1 of the Law on Foreigners.



## Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

### Article 27§3

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

**Note:** In the following we report on the obligations which arise from the Revised European Social Charter of 1996 (RESC). Reference period- 1/3/2012-31/12/2013.

In accordance with the Law on Working Relations, Article 6, the discrimination at employment and the persons in a working relation, in-between and on the basis of the status of the family or for other personal circumstances shall be prohibited. Article 7 shall define the direct discrimination where all of the bases stated in Article 6, including the aforementioned, shall be considered as a direct discrimination, and as such it shall be forbidden in terms of:

- Conditions for employment, including the criteria and conditions for selection of candidates for performing of a certain job in any branch or sector, in accordance with the National classification of activities and all levels of professional hierarchy;
- Promotion at work;
- The approach to all types and degrees of expert training, qualification and further qualification;
- The conditions of working and all rights arising of a working relation and connected to the working relation including equality of salaries;
- Cancellation of the employment contract etc.

In the cases of discrimination of Article 6, the employment candidate or the worker shall have the right to request compensation in accordance with the Law on Obligations. The termination of the employment contract, which puts the worker directly or indirectly in a disadvantaged position on any of the grounds of Article 6, shall be voided of the moment of the receiving of the termination.

If the employer terminates the employment contract, he shall be obliged to state the grounds for the termination, determined with law, collective agreement and act of the employer, to prove the grounds for the reason that justifies the termination and to state them in the explanation.

In accordance with Article 25 of the Law on Working Relations, the employer when concluding an employment agreement, may not request for data for the family or the marital status and planning of family, or submitting other documents and evidence which are not referring to the working relation. Such prohibition shall include a prohibition for requesting a pregnancy test or confirmation for such test when concluding an agreement for employment with a worker, regardless of the workplace for which the working relation shall be concluded.

In order to provide equal opportunities and treatment of the workers with family obligations, and those without family obligation, in the Law on Working Relations shall be provided that one of the unfounded reasons for termination shall be the using of approved absence due to illness or injuries, pregnancy, birth and parenthood, nursing a member of the family or unpaid parental absence.

Against the decision for termination of the employment agreement with a termination notice and without a termination notice or the decision for termination with the employer, the worker shall have a right to complaint to the managing authority or the employer. The complaint needs to be submitted within eight days. The decision for the complaint shall be adopted within eight days from the date of the submission of the complaint. When it shall not be adopted a decision for the complaint or when the worker shall not be satisfied with the decision adopted, shall have the right to initiate a dispute to the authorized court within 15 days.

The Article 101 which is named *Prohibition of a termination of the working relation due to pregnancy, birth, and parenting* shall contain the particular cases where the employer cannot terminate the working relation with the worker. Namely, the employer may not terminate the employment contract of the worker during pregnancy, birth and parenting, during accommodating a child to a foster parent, absence due to parenting by a father or guardian of a child, and shortened working hours due to nursing a child with development problems and special educational needs and disability of care of a child under three years of age.

(Paragraph 2) The termination of the employment contract shall be void, if on the date of receiving of the termination, the employer was met with the circumstances of Paragraph (1) of this Article, or if the worker within 15 days of the receiving of the termination shall notify the employer for the existence of the circumstances of the Paragraph (1) of this article with submitting of an appropriate certificate of an authorized doctor or authorized body.

(Paragraph 3) the circumstances of Paragraph (1) of this Article, shall not prevent the termination of the part time employment agreement, within the period for which that contract shall be concluded.

(Paragraph 4) The prohibition for termination of paragraph (1) of this article shall not refer to termination of the employment contract due to severe violations of the contractual obligations, or due to violations of the work order and discipline or the working obligations for which a termination shall be given without termination notice in accordance with the law and a collective agreement.

(Paragraph 5) the employer may terminate the employment agreement on the basis determined in the Paragraph (4) of this article, only after prior consent of the syndicate whose member is the worker who is being protected of termination.

(Paragraph 6) If the union within eight days does not plead for the termination of the contract of Paragraph (5) of this Article with giving or not giving consent, it shall be considered to have agreed with the decision of the employer.

(Paragraph 7) If the union shall not give consent for termination of the employment contract of Paragraph (1) of this Article, the employer may within 15 days of the date of submitting of the statement for not giving consent, to initiate a procedure for re-examination with a court or arbitrage decision.

(Paragraph 8) A procedure for re-examination of the consent of Paragraph (7) of this Article shall be conducted by the authorized court within 30 days of the day of submitting a claim by the employer.

(Paragraph 9) If the employer shall not form a union, or the worker of Paragraph (1) of this Article is not a member of the union, a prior consent for the termination of the employment agreement shall give the authorized labour inspector.

(Paragraph 10) During the procedure for prior consent in which participates the authorized labour inspector, the deadlines and the actions of paragraph (6), (7) and (8) of this Article shall be applied.